

COUNCIL ACTION FORM

SUBJECT: WAIVER OF SUBDIVISION REQUIREMENTS FOR A PROPOSED PROPERTY LINE ADJUSTMENT BETWEEN TWO PROPERTIES ON TIMBER ROAD

BACKGROUND:

The City Council has two Council Actions Forms regarding rural subdivisions on its agenda. Both proposals are property line adjustments, without additional buildable lots being created. The other case file involves two properties on Zumwalt Station Road in which the applicant has requested that the City Council waive your subdivision authority.

In this case, the property owner's representative originally requested a waiver of infrastructure and other urban subdivision requirements. That request was referred to staff on September 18. Although it has been past practice to obtain a Covenant for Assessment of Costs of Improvements and a Covenant Pertaining to Water Service in situations in which the property owners request a waiver of urban infrastructure from City Council, the property owners subsequently indicated that they do not wish to sign the covenants (see attached e-mail dated October 5, 2007).

The subject properties are located east of Timber Road, south of 276th Street, and north of 280th Street (see attached map). The applicant wishes to build a specific house plan on the smaller of the two lots, and wishes to adjust the property line to accommodate the setback requirements of Story County. The applicant is the property owner of both properties. The properties are outside the City's corporate limits in Story County within the two-mile jurisdiction of the City of Ames. The proposed home site is currently 1.03 acres in size, and with the property line adjustment it becomes 1.17 acres in size.

Chapter 354 of the Code of Iowa includes provisions for the division and subdivision of land. Section 354.9 addresses the "Review of subdivision plats within two miles of a city." Subsection two (2) includes the following provision:

Section 354.9(2). "...Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards, or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat."

Chapter 23 of the Municipal Code includes provisions for the subdivision of land in Ames and within two (2) miles of the corporate limits. Section 23.103 addresses "Waiver/Modification." Subsection (1) reads as follows:

Section 23.103 (1). "Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the

Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived."

The properties are located to the south of the City in Story County, outside the current City of Ames corporate limits. The subject properties are not located within the "Priority Transitional Residential" area of the City of Ames. However, the properties are identified on the Ames Urban Fringe Plan as being Rural Residential and Natural Areas. The Urban Fringe Plan identifies nine policies for Rural Residential as follows:

RR Policy 1: This land use designation includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre.

RR Policy 2: Full urban infrastructure standards are not required...

RR Policy 3: Decentralized wastewater treatment facilities and wells shall meet IDNR, county, and city standards...

RR Policy 4: Encourage clustering of residential sites within these land areas to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services...

RR Policy 5: Make provisions to protect environmental resources, environmentally sensitive areas, and adjacent Natural Areas...

RR Policy 6: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge from Rural Residential land uses according to IDNR and county standards...

RR Policy 7: Protect the rural character of the Rural Service and Agricultural Conservation Area through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas.

RR Policy 8: Limit rural residential development on prime agricultural land. Assure that the development on prime agricultural land is farm-related and has adequate access to road systems and potable water. Development should not interfere with agricultural-related activities...

RR Policy 9: Minimize the impact of non-agriculture development in rural areas on existing agricultural operations...

The properties are located in an area that the City of Ames does not anticipate growing into in the foreseeable future and no new buildable lots are being proposed. The properties, as previously stated in this report, are designated Rural Residential in the Urban Fringe Plan and urban standards are not anticipated or required for these properties. Further, the property owners could build on the smaller of the two properties now without approaching the City of Ames. However, their specific house plan cannot fit on the lot and still conform to Story County setbacks.

Although staff anticipated the potential requirement of the Covenant for Assessment of Costs of Improvements and the Covenant Pertaining to Water Service when a waiver from the requirement for public infrastructure and other urban subdivision improvements is granted, the applicants do not wish to sign the covenants for the reasons outlined in the property owner's e-mail and within this Council Action Form.

This case file is similar to the Zumwalt Station Road case file, also on this agenda, in that new buildable lots are not being created and they are both property line adjustments. Considering the similarity between the case files and that the recommendation is to waive subdivision authority in the Zumwalt Station Road case file, staff considers that the same should be done in this situation even though it varies from the property owner's waiver request.

Staff recommends that the following stipulation be placed upon the approval of the waiver of subdivision authority.

- The platting requirements of Story County will need to be met and a copy of the recorded Plat of Survey shall be delivered to the Ames City Clerk for our records.

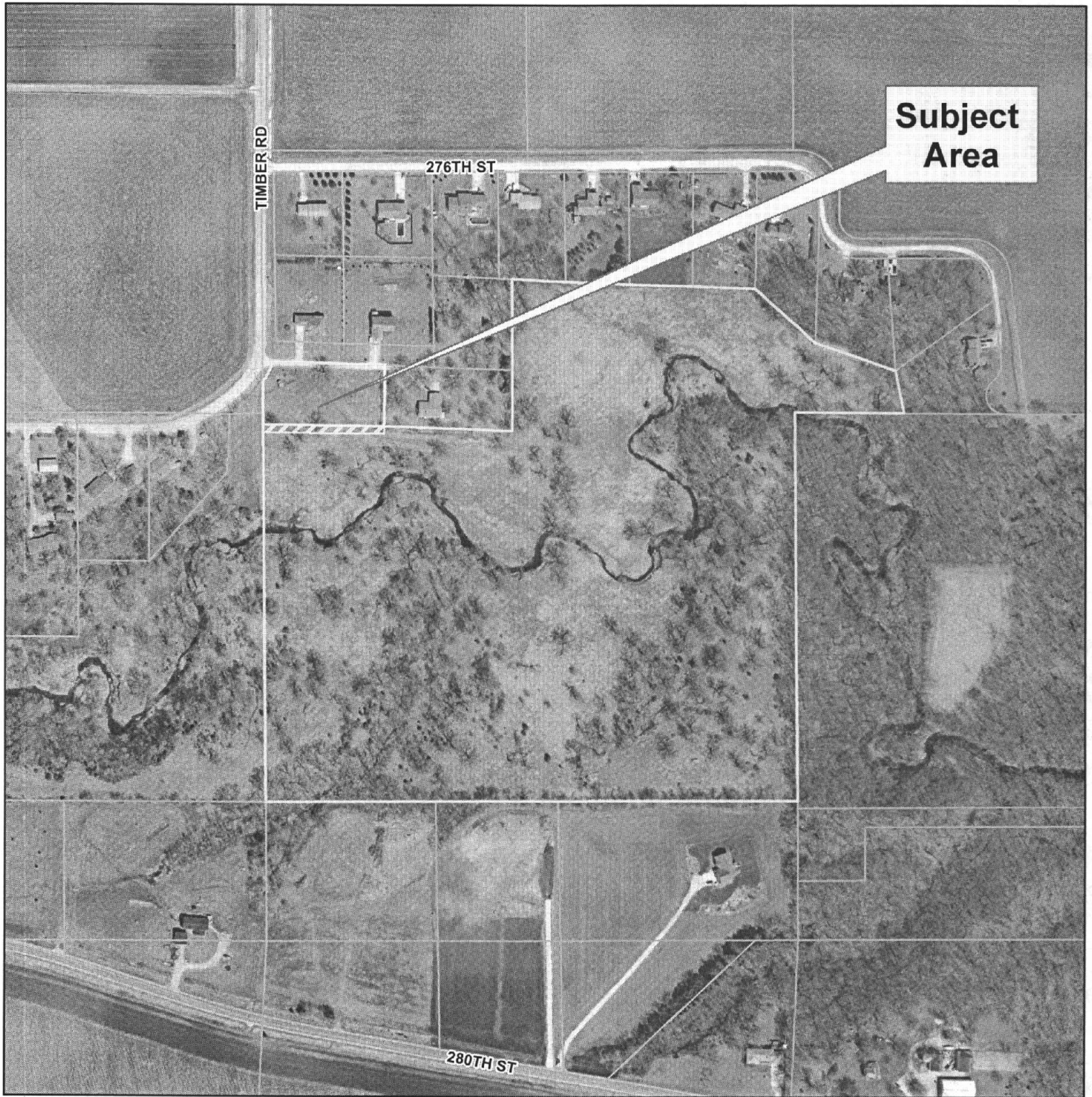
ALTERNATIVES:

1. The City Council can grant a waiver of subdivision authority for the proposed property line adjustment on Timber Road, in Story County with the stipulation described above.
2. The City Council can deny the request of a waiver of subdivision authority for the proposed property line adjustment on Timber Road, in Story County.
3. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The location of this property makes it very unlikely that the land will be annexed in the near future. Additional buildable lots are not being proposed or created. The properties are designated in the Urban Fringe Plan as Rural Residential, which is consistent with this request. Further, the acreage change is minimal at 0.14 acres. Although the staff did anticipate the requirement for the covenants, they do not appear warranted with this minimal property line adjustment. Lastly, this case file is similar to the other case file on Zumwalt Station Road, also on this agenda.

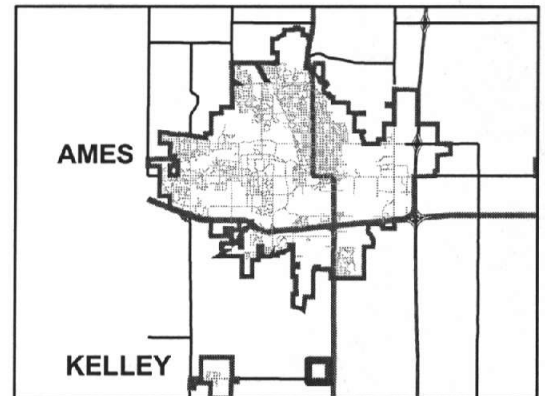
Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, granting a waiver of subdivision authority for the proposed property line adjustment on Timber Road, in Story County, with the stipulation noted above.



Location Map Timber Road Property Line Adjustment



0 195 390 780 Feet





"Carolyn Thomson"
<ckt@mchsi.com>
10/05/2007 07:24 AM

To <sperrins@city.ames.ia.us>
cc
bcc
Subject letter

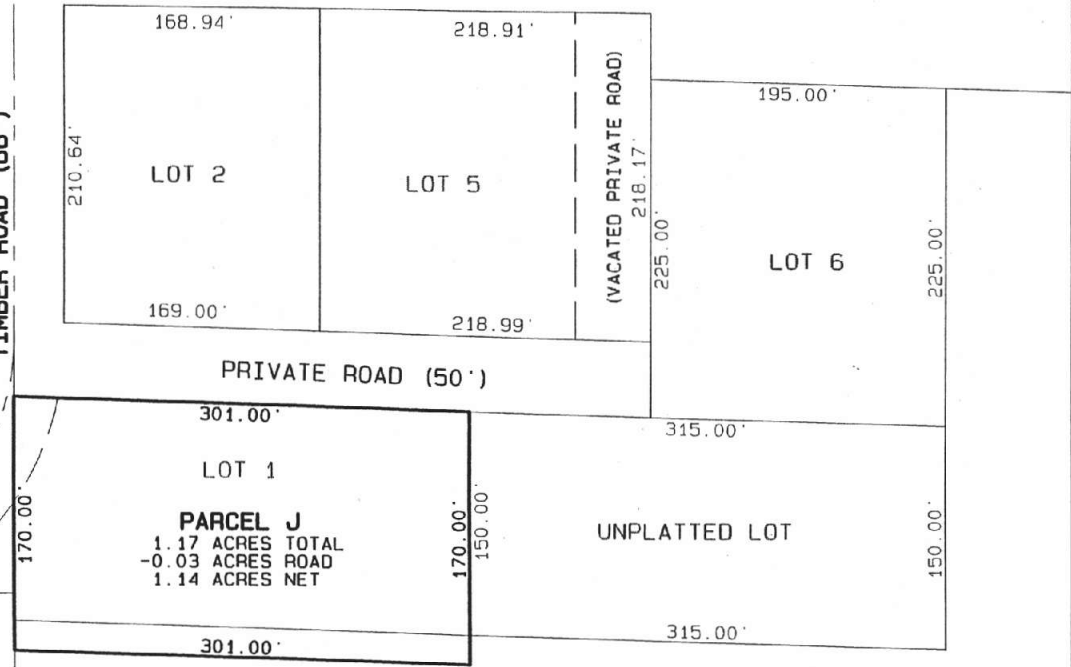
Seana,

We are not interested in signing the covenants.
The reasons are that the location of the property is so far from Ames and that we are only asking for a lot extension taken from the rest of the property we own.

Thank you.

John and Carolyn Thomson

**SKETCH PLAN
 LOT 1, FINCH'S SECOND SUB.
 SW 1/4 SEC. 35-83-24
 STORY COUNTY, IOWA**



PART OF THE SW 1/4
 SEC. 35-83-24

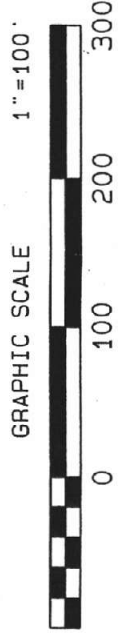
OWNERS:
 JOHN U. & CAROLYN K. THOMSON
 3602 FARNHAM DR.
 AMES, IA 50010
 PH. 515-232-2225

PROPERTY DESCRIPTION:
 LOT 1 IN FINCH'S SECOND SUBDIVISION, AND A NARROW STRIP
 OF LAND ADJACENT TO SAID LOT 1, ALL IN THE SOUTHWEST
 QUARTER OF SECTION 35-83-24, STORY COUNTY, IOWA.
 LEGAL DESCRIPTION AND EXACT ACREAGE OF PARCEL TO
 BE DETERMINED BY SURVEY.

- NOTES:**
1. NO NEW UTILITIES ARE PROPOSED.
 2. NO NEW STREETS ARE PROPOSED.
 3. PROPERTY IS SERVICED BY A PRIVATE SEPTIC SYSTEM AND BY RURAL WATER, TELEPHONE AND ELECTRICAL LINES ALONG TIMBER ROAD.

STUMBO & ASSOCIATES LAND SURVEYING
 510 S. 17TH ST. SUITE 102
 AMES, IA 50010
 PH. 515-233-3689

RECEIVED
 AUG 31 2007
 CITY OF AMES, IOWA
 DEPT. OF PLANNING & HOUSING



9-11-07 Around daws

STUMBO AND ASSOCIATES LAND SURVEYING

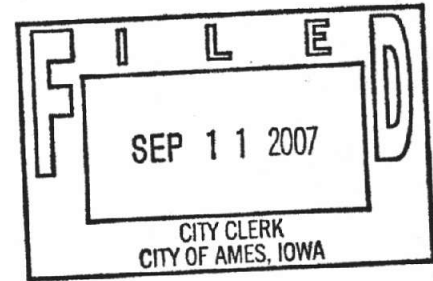
510 S. 17TH ST. / P.O. BOX 1664

AMES, IA 50010

PHONE: (515) 233-3689 FAX: (515) 233-4403

September 10, 2007

Mayor Campbell and City Council Members
515 Clark Ave.
Ames, IA 50010



Dear Mayor and Council Members:

On behalf of property owners John and Kay Thomson I am requesting that the City of Ames grant a waiver of the requirement for public infrastructure and other subdivision improvements for the property that is shown on the Sketch Plan accompanying this letter. The property is located in the Southwest Quarter of Section 35-82-24 in Story County and is within the two-mile jurisdictional limit of the City of Ames. The property will be serviced by a private septic system and by rural water, telephone and electrical lines located along Timber Road. Thank you for your attention to this matter.

Sincerely,

Brad Larson

Brad Larson

Stumbo and Associates Land Surveying