

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS,
250th STREET & X AVENUE WITHIN BOONE COUNTY

BACKGROUND:

In order to accommodate orderly growth of cities, state law allows cities jurisdiction over the division of property within 2 miles of their city limits. Ames exercises that jurisdiction for subdivisions, but does not regulate zoning beyond the city limits. The Ames Urban Fringe Plan guides the city's subdivision decisions in both Story and Boone County. Story County has adopted that Plan and therefore Ames subdivision decisions and Story County zoning decisions are coordinated. Boone County has not adopted the Ames Urban Fringe Plan and signed a 28E agreement with the City as has Story County. Nonetheless, the Ames Urban Fringe Plan is the basis for City policy applied to subdivisions in Boone County. **Division of property in Boone County within two miles of the Ames city limits must be approved by both the City of Ames and Boone County, with the City of Ames taking the first action.**

State law requires that the City of Ames apply the same standards to subdivisions within the Ames Urban Fringe as it applies to subdivisions within the city limits. Therefore, subdivisions in both areas require providing public improvements (streets, sanitary sewers, water, storm water management, etc.) that meet city standards, unless waived by City Council.

In November, 2013 City Council referred to staff a letter from Don Sears of New Century FS representing Donald Uthe seeking a waiver of subdivision infrastructure requirements within the Ames Urban Fringe in rural Boone County (see Attachment 1). The 75-acre property at the northwest corner of 250th Street and X Avenue is to be divided for the development of an anhydrous ammonia facility on five acres. The remaining property will continue to be in agricultural use (see Attachment 2).

This property is located in an area that the Ames Urban Fringe Plan identified as Agriculture and Farm Service (see Attachment 3), which "encompasses large areas of highly valuable farmland, with farming and agricultural production as the primary activity." It is the policy for this area that this primary activity continues.

Recognizing that agricultural land is a natural resource of the Ames Urban Fringe that should be protected, farming and agricultural production is and will continue to be the predominant land use of areas given the Agriculture and Farm Service designation.

Additional policy accommodates the proposed agricultural-related business.

Recognizing that industrial and commercial land uses dependent on proximity to local agricultural land uses are essential to the continued feasibility of farming in Story County and Boone County, support these services within the Agriculture and Farm Service designation.

It is important to note that this property is two miles from the city limits and over one mile from the outside boundary of areas that the Ames Urban Fringe Plan identifies for future urban expansion. The property is not on a major transportation corridor leading to Ames. **Therefore, the proposed agricultural business use is not expected to have impact on the community.**

Since providing public improvements meeting city standards is neither feasible nor necessary for agricultural uses of land separated from the city, the City Council has routinely granted waivers of the subdivision regulations requiring public improvements in those areas of the Urban Fringe where annexation by the City is not anticipated in the foreseeable future. These waivers have been recommended on those occasions when the proposed development is consistent with the land use that the Plan designates.

Should the City Council waive the public improvement requirements, the project would be considered a Minor Subdivision. The applicant could then proceed with the preparation of a final plat for consideration by the City and County.

Another policy of the Ames Urban Fringe Plan for land designated as Agriculture and Farm Service is as follows:

Limit non-agricultural residences in the Agriculture and Farm Service designation to homes existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting. Otherwise, subdivision for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation.

Therefore, city staff will recommend that the final plat show as an undevelopable outlot the 70-acre portion of the property that is not included with the anhydrous ammonia storage facility. The final plat should also identify that 70-acre portion as for agricultural use only.

In accordance with the City's policy regarding action on subdivision plats in the fringe area, the owner has submitted the three standard covenants with original signatures suitable for recording in the Story County Recorder's office. These covenants bind the owners and successors to

(1) agree to annexation at the time the City requests,

- (2) waive objections to assessments that may be imposed in the future if public improvements are brought to the site as an assessment project, and**
- (3) pay any fees associated with the buy-out of rural water.**

ALTERNATIVES:

1. The City Council can accept the covenants and grant a waiver of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision of the property at the northwest corner of 250th Street and X Avenue.

This alternative would allow the owner to prepare final plat documents and if approved by both the City and Boone County, to divide the property so that the five-acre parcel can be developed as an anhydrous ammonia storage facility.

2. The City Council can accept the covenants and grant a different set of waivers of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision of the property at the northwest corner of 250th Street and X Avenue.

3. The City Council can deny the request for a waiver of Division IV Design and Improvement Standards for the subdivision property at the northwest corner of 250th Street and X Avenue.

Since public improvements of the City of Ames are two miles from this property and the city is not expected to expand to the property, in practical terms, this alternative would prevent the subdivision and possibly the development of an anhydrous ammonia storage facility.

3. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed anhydrous ammonia storage facility is consistent with the policies of the Ames Urban Fringe Plan, as is the continued agricultural use of the remainder of the property. Further division of the property or the development of one or more additional homes on the property is not consistent with the Ames Urban Fringe Plan. The waiver of Division IV Design and Improvements Standards will allow the subdivision process to continue and the City Council to consider a final plat to divide the property for the proposed facility and with plat restrictions that prevent future residential development.

Therefore, it is the recommendation of the City Manager at this time that the City Council approve Alternative #1. This alternative will waive Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision of the property at the northwest corner of 250th Street and X Avenue.

ATTACHMENT 1

September 24, 2013

City of Ames
City Council
515 Clark Ave.
Ames, IA 50010

Re: 240th St. and X Ave. Boone County

City Council,



I am currently working with Donald Uthe and Boone County on a land division of 5 +/- acres out of a 75 acre plat on the corner of 250th St. and X Ave. in Boone County, that lies in the 2 mile fringe of the City of Ames.

There was a pre-application conference with the City of Ames and Boone County and the recommendation from that meeting was to request a waiver from the City of Ames for infrastructure since Ames sewer, water, gas and electric are currently not available in this area.

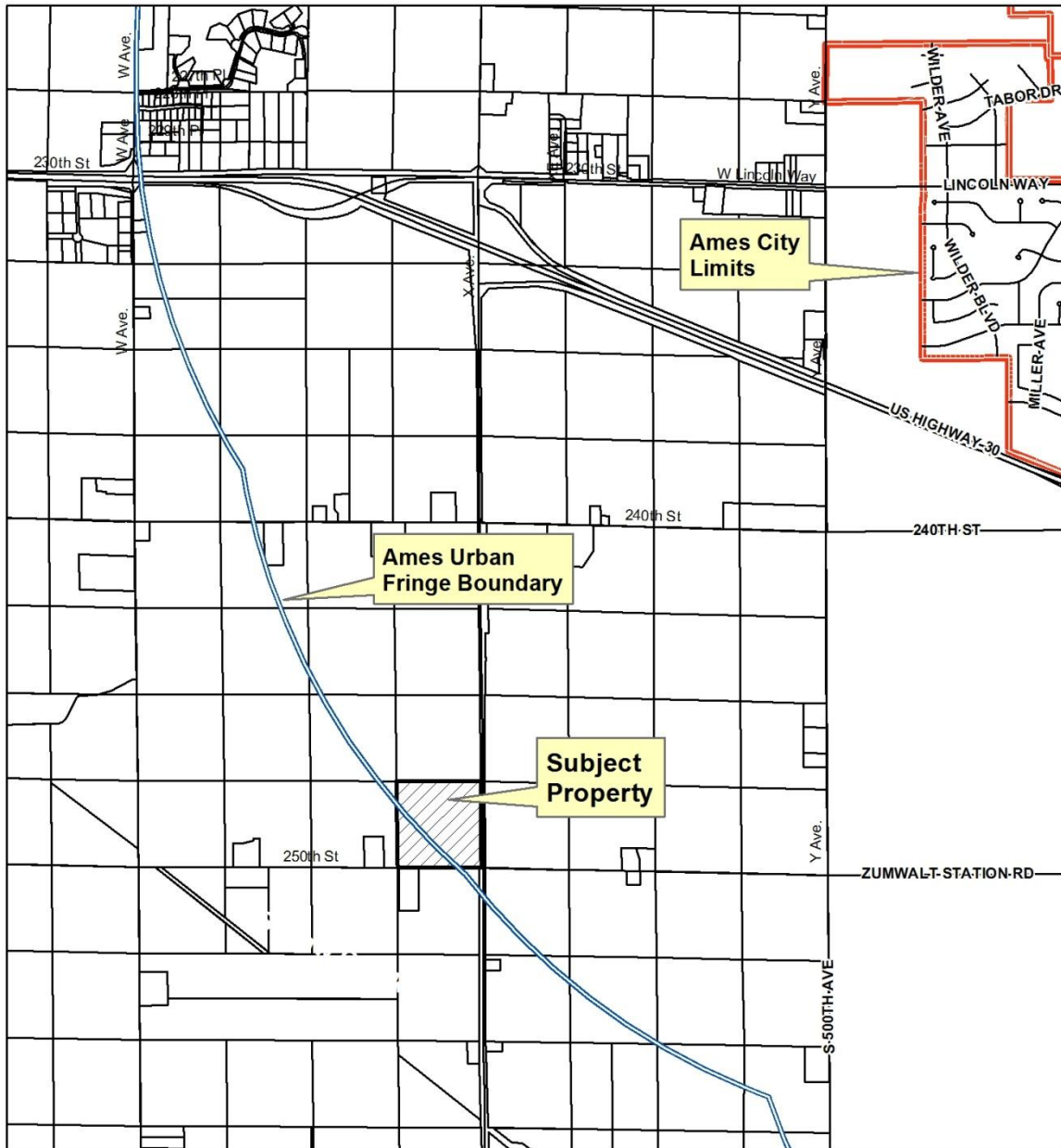
Donald Uthe is willing to sign covenants that he agrees to hook up to these utilities plus agree to voluntary annexation should the City request such action in the future.

Enclosed is a copy of the Sketch Plan Pre-application Conference form and documents from Boone County.

Sincerely,

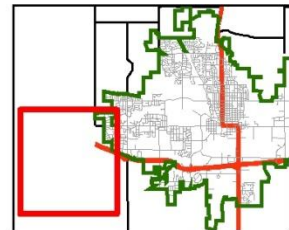
Dan Sears
Operations Manager
New Century FS

ATTACHMENT 2

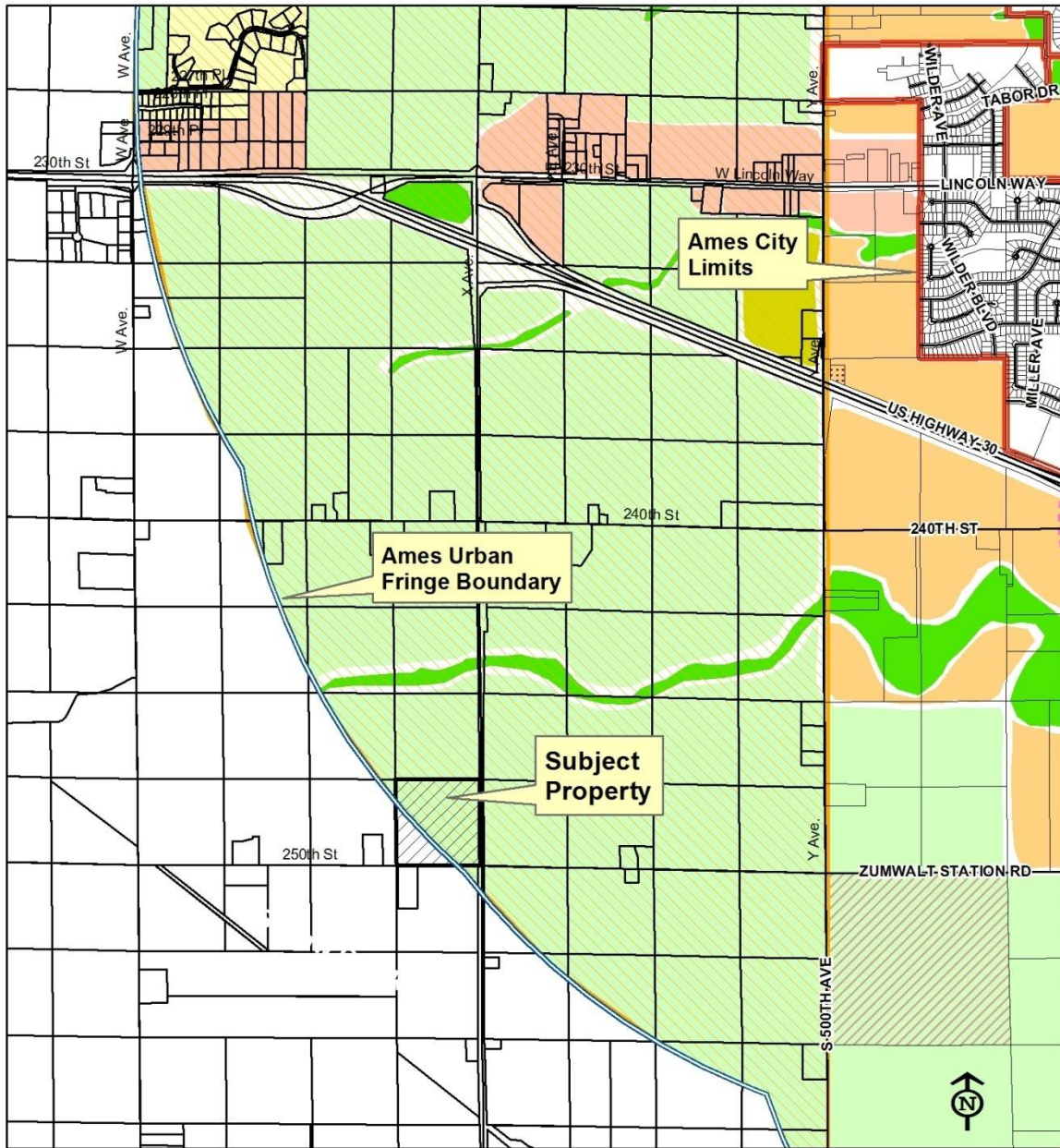


Location Map 250th St. & X Ave.

0 0.5 1 Miles









ATTACHMENT 3



Land Use Map: 250th St. & X Ave.

Ames Urban Fringe Land Use Designations

 Priority Transitional Residential	 Agriculture and Farm Service
 Rural Residential	 Natural Areas
 Urban Residential	 Highway-Oriented Commercial

