

Staff Report

REQUEST FOR DIVISION OF LAND WITHIN NATURAL AREA

August 25, 2015

BACKGROUND:

On July 14, 2015, the City Council referred to staff a letter from Tom Thielen requesting an exemption to the policies of the Fringe Plan and a waiver the subdivision regulations for a division of land at 3974 North Dakota Avenue (see Attachment 1). The Thielens own this 13.38-acre property on which they have a house. They seek to divide it to allow the construction of an additional home. A location map is found in Attachment 2.

The subject property does not have access to Deer Run Lane and can be characterized as a “flag pole” lot, having a 2,000 foot driveway connected to North Dakota Avenue. The driveway is north of and parallel to Deer Run Lane, which serves the Deer Run subdivision to the south. Two other homes also have their access from the Thielen driveway.

Squaw Creek flows north to south near the east edge of the property. There is a designated Floodway and Floodway Fringe along the creek valley but do not impact the existing home or the location for a proposed home. An aerial photograph is included in Attachment 3.

Ames Urban Fringe Plan

The Ames Urban Fringe Plan was adopted in 2007. The Plan establishes polices for areas within two miles of the City and identifies areas for urban growth, low-density residential development, preservation of agricultural land, and protection of natural resources.

This land owned by the Thielens is within the Natural Area of the Urban Fringe Plan as shown on the location map of Attachment 2. One policy goal of that designation limits subdivisions for new non-farm residential development. Policy No. 2 states:

NA Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences 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.

The full text of the policy statements for Natural Areas is found in Attachment 4.

The Plan describes Natural Areas as follows:

Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.

The existing parcel and home were established well before the adoption of the Ames Urban Fringe Plan. Since then, however, the Plan has sought to protect environmentally sensitive areas within the urban fringe. The Natural Area designation was placed over the Squaw Creek floodplain and the adjacent wooded corridor. The policies of the Natural Area recognize that existing residences, of course, may remain within this corridor but that the establishment of new residential development is to be prohibited within the Natural Area Designation.

However, in 2010, on a property immediately to the south of the Thielen property, Charles and Jacquelyn Olson on Deer Run Lane made a similar request. They owned an 11.83-acre parcel which they also sought to divide to build one additional home. (This is also shown on Attachment 1.) The City Council ultimately directed staff and the applicant to work on creating a “draft subdivision plat” for one additional lot that addressed preserving the natural area around the lot. The Olsons have never prepared a final plat application and submitted a request for waivers of subdivision standards and the three standard rural subdivision signed covenants.

City Subdivision Requirements

The proposed lot split would also require a waiver of portions of the Ames subdivision regulations. Specifically, since urban infrastructure is not present and unlikely to be installed, the Thielens would have to request a waiver of a portion or of all of Division IV: Design and Improvement Standards. The City Council has routinely granted these waivers for proposed subdivisions in the Rural Transitional Area (RTR)¹. These waivers have been granted only if the owner signs the three covenants consenting to future annexation, the buyout of rural water service territory, and to participate in any assessments for extensions of services. The Thielens have not yet signed the three covenants, but are not yet asking for a waiver of City subdivision regulations. The Thielens have not formally submitted a sketch plan application to begin the subdivision process as they await direction on how to proceed.

County Zoning and Subdivision Standards

The Thielen land is zoned A-1 by the County. **The county planning staff has provided information that the current zoning and subdivision regulations would not allow the proposed lot split to go forward.** A change of zoning as well as a number of

¹ The RTR is a designation on the Ames Urban Fringe Plan that specifically allows for low-density residential development (1.00 to 3.75 dwelling units per acre).

waivers to the subdivision standards would be needed, in addition to City action, to build an additional home.

For instance, County approval of a subdivision plat would require both lots to have frontage on a public road requiring the driveway to be upgraded to county road standards (right-of-way width, paving width, etc). The current driveway does not meet this standard and the County would need to determine if it would be acceptable.

STAFF COMMENTS:

Prior to asking for a waiver of specific subdivision standards of the Ames and Story County, and prior to seeking a rezoning of the land from Story County, the Thielens are first seeking a waiver of the Ames Urban Fringe Plan policy restricting the division of land in the Natural Area. Without City's consent to proceed on considering a lot split, the other details would be superfluous.

Ames has been presented with only one other instance of granting such a waiver—the Olson request noted above and an actual approval of a subdivision did not occur. While the Olson site is geographically proximate, the situation is much different in that the Olson Land was zoned Agriculture-Residential and they had access to Deer Run Lane. The only waivers that Olson would have needed were specific waivers to the Ames Design and Improvement Standards, not County regulations.

If the City Council were to be consistent with current policy and past practices, it may choose not to act on the request of the Thielens.

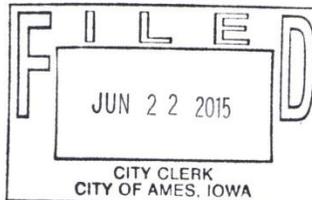
If, however, the City Council were to support the request of the Thielens, staff would place this item on a future City Council agenda for specific waivers to the Ames Subdivision Regulations that would be needed and with the three required covenants signed by the Thielens. Staff would suggest that such a motion include requiring evidence that the proposed lot split is consistent with Story County zoning and County subdivision standards prior to the City Council granting any waivers from the Ames subdivision requirements.

ATTACHMENT 1: THIELAN LETTER OF JULY XX

*PKTS. 6-26-15
Copy: Kelly Dietmann*

June 17, 2015

The Honorable Ann Campbell, Mayor of Ames
and Members of the Ames City Council
Ames City Hall
515 Clark Avenue
Ames, Iowa 50010



I am writing this letter to ask the Mayor and Ames City Council to consider an exemption to carve out a plat of land on our property at 3974 North Dakota Avenue, Ames, Iowa 50014. This exemption is needed to comply with current policies regarding subdivision approval.

Our family has owned this property since the late 1970s. We would like to build another home on our property. I acknowledge the need to receive an exemption to build another home on our eleven (11) acres of land. I'm requesting the exemption for just one home. This home will remain in the family and not be for sale to the public.

Our family has planted more than 600 trees over the past 30+ years on our property. The trees have matured and created beautiful grounds for generations to come. We will not need to cut down any trees for the proposed site.

We appreciate your consideration - and we pledge continued protection for the environment and landscape. We are proud of the Mayor and City Council's desire to protect our environment and make Ames a "green city".

Best Regards,

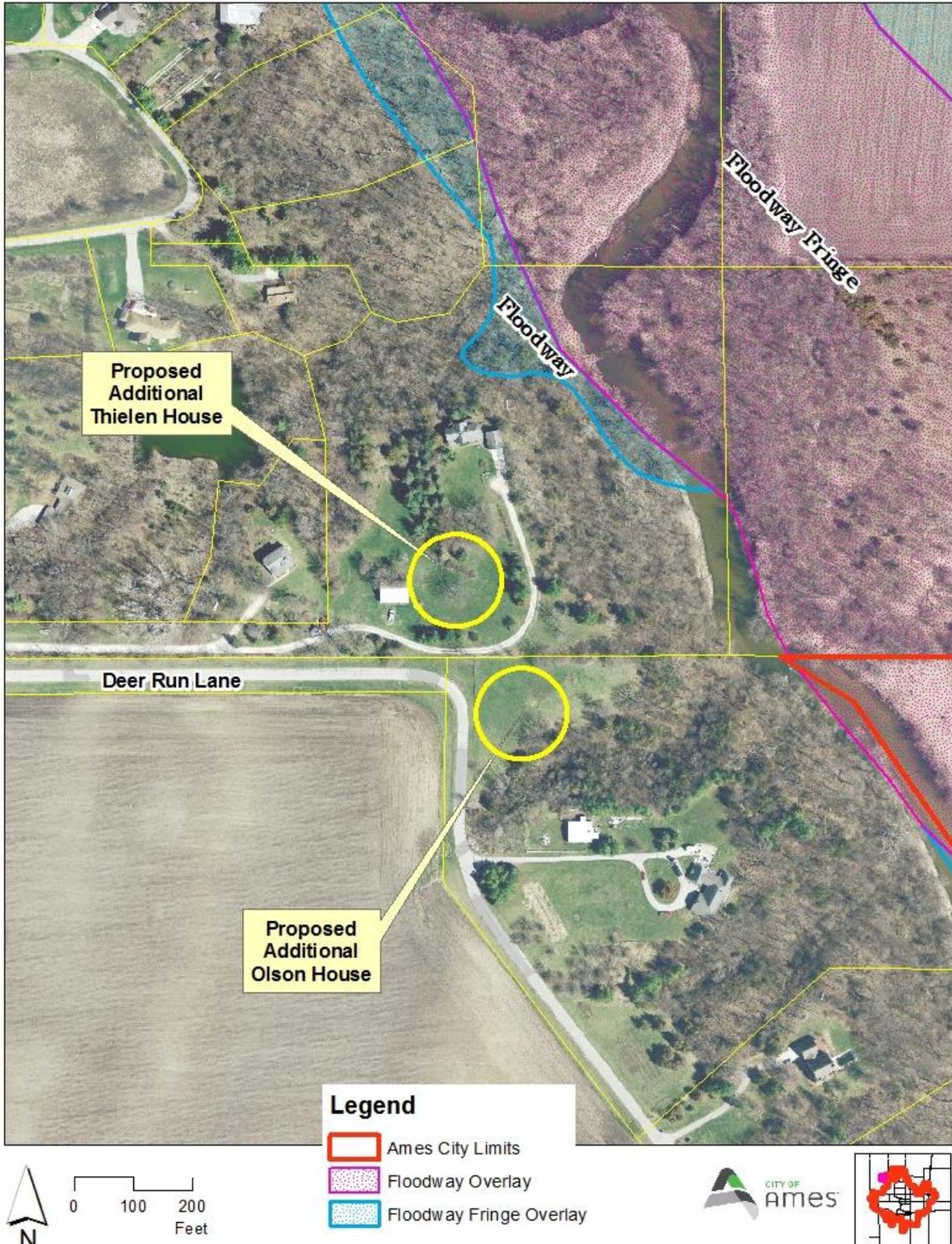
Thomas Thielen

3974 North Dakota Avenue
Ames, Iowa 50014
(515) 296-2439

Attachment 2: Location Map



ATTACHMENT 3: AERIAL PHOTOGRAPH OF AREA



ATTACHMENT 4: POLICIES OF THE NATURAL AREA (AUF PP. 35-36)

Natural Areas (NA)

Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.

NA Policy 1: Natural Areas are composed of the following features and locales that intermingle with each other.

Environmentally Sensitive Areas – flood-prone areas, wetlands, water bodies, areas of steep slopes and sensitive soil conditions, and other designated areas that should be protected from detrimental impacts from other land uses.

Significant Natural Habitat -- areas surveyed and evaluated based on vegetation type and condition in the “Norris Study.” These Significant Natural Habitat Areas may also occur outside of the designated Natural Areas. In such locations, the underlying land use designation applies.

Parks and Open Spaces – facilities, land, and/or structured programs for a variety of public recreational opportunities. The term "Open Space" refers to primarily undeveloped areas; such areas are typically maintained and managed as natural areas for passive recreational uses.

Future Parks -- general areas where future parks are anticipated.

Greenways -- stream ways, parks, improved and unimproved trail systems, and open spaces that provide linkages that in effect create a continuous "greenway" or recreational system. Greenways provide recreational and open space linkages in both rural and urban areas.

Particular features and locales in the Natural Areas often are appropriately described by more than one of the above labels. This is a reflection of the multiple benefits of, and the diversity of landscapes represented in the areas designated Natural Areas. Regardless of type, Natural Areas are protected from negative land use impacts.

NA Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences 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.

NA Policy 3: Mitigate negative impacts to Natural Areas, including, but not limited to: agricultural chemical application, animal confinement and feeding, agricultural irrigation, miscellaneous agricultural activities like manure and fuel storage, outdated and non-functioning on-site wastewater systems, underground storage tanks, and nutrient-loaded urban storm water run-off.