

ITEM #: 50
DATE: 06-13-23
DEPT: P&H

Staff Report

**REQUEST TO WAIVE REQUIREMENTS FOR A SUBDIVISION OF
RURAL LAND IN THE AMES URBAN FRINGE IN BOONE COUNTY**

June 13, 2023

BACKGROUND:

Dan Sansgaard, executor of LVS Farms, LLC in Boone County, recently contacted Mayor Haila and the Council Members regarding his desire to subdivide the LVS farmland into parcels smaller than 35 acres (Attachment A, Map- Attachment D). Any division of land within 2 miles of Ames is subject to City review for conformance to the City's Subdivision Code or for consideration of a waiver of city standards.

The purpose of splitting up the farmland is to make it ready to divide ownership between several siblings. They are amenable to plat restrictions limiting future development.

The properties, approximately 241 acres, are west of the City and just over a mile from the Ames city limits on Ontario Street (Attachment B). The land falls within the two-mile Ames Urban Fringe and is mostly within the Boone County Urban Reserve classification. LVS has additional acreage in Boone County outside of the Ames Urban Fringe. A portion of the property lies within the Fringe Land Use Natural Area designation (Attachment C).

Ames Plan 2040, the City's comprehensive plan, states that the minimum lot size within the Urban Fringe is 35 acres (UF3-1 and UF4-3). Existing farmsteads, however, are allowed to break off into parcels smaller than 35 acres. Restricting the size of parcels serves to facilitate future growth by ensuring that property lines and ownership do not become so fractured that development and annexation are inhibited. It is easier to develop a large acreage than to develop, in a piecemeal fashion, many small parcels.

GUIDING PRINCIPLES FOR THE URBAN FRINGE:

AGRICULTURE AND NATURAL AREAS

UF3-1: Agricultural Preservation.

Agricultural areas are designated to preserve appropriate land for farming and limit the encroachment of residential and other uses into these areas. Land divisions are permissible only to allow for splitting off an existing homesite or farmstead from a farm area. Minimum lot sizes are proposed at 35 acres matching Story County A-1 zoning standard.

URBAN RESERVE AREAS:

UF4-3: Lot Subdivision.

Land divisions are permissible only to allow for splitting off an existing homesite or farmstead from a farm area. Divisions should not create parcels that can limit future annexation options. Land Divisions within the Urban Reserve Area shall meet a minimum lot size of 35 acres.

SUBDIVISION REQUIREMENTS:

The Subdivision Ordinance requires infrastructure improvements with the subdivision of land. These improvements include sidewalks, right-of-way dedication, extension of utilities, and street trees. The code, however, also provides for the waiver of subdivision requirements.

Sec. 23.103. WAIVER / MODIFICATION.

- (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 subject property is well outside of the Ames City Limits and is unlikely to be developed in the near future. There is currently no proposed development between the western limit of Ames and the subject property.

OPTIONS:

Presuming City Council desires to proceed with initiating a text amendment, staff has generated three options tailored to the Overflow request.

Option 1: Consent to Proceed With Full Waiver Request

This option would direct staff to work with the applicant to create a subdivision layout with parcels smaller than 35 acres based upon their Attachment D concept, but with a plat note prohibiting the properties from being used for any use other than agriculture. With a waiver of subdivision standards, the applicant may proceed with submitting either a plat of survey for City approval or a Final Plat for City approval depending on the final determinations on configurations and number of lots.

Option 2: Consent to Proceed with Waiver Request for Only the Parcel with a Farmstead

This option is more limited in only considering changes to one property configuration to facilitate splitting off the one existing farmstead and leaving the other properties as they are currently configured. Splitting off a farmstead is consistent with policies of Ames Plan 2040 within the Urban Reserve Overlay. This option would leave all other parcels as is and not create any other parcels smaller than 35 acres except for the parcel related to the farmstead. The division would also limit the split-off land from being an additional buildable parcel with a note on the plat.

Option 3: Decline the Waiver Request

The City Council can decline the request and maintain the parcels in their current configuration or proceed in a manner that meets all City subdivision requirements for lot size and improvements based upon the policies of Ames Plan 2040 for larger minimum lots sizes.

STAFF COMMENTS

The Urban Reserve is a relatively new classification and we have not reviewed a proposal of this type previously. Ames has a policy of only subdividing land in the Urban Fringe into parcels that are at least 35 acres for areas seen as Agricultural and Farm Service classifications and within the Urban Reserve Overlay. **Subdivisions that intensify use near the City and do not include urban development standards can be counter to the City's plans for growth and expansion.**

Mr. Sansgaard has communicated to staff his desire to subdivide his family's farmland in Boone County to facilitate division of the property among a group of heirs. Staff has reviewed a rough draft of the proposed subdivision and finds that the owner's intent can be accomplished while complying with *Ames Plan 2040* with no new developable lots. **If there is a plat restriction allowing for agricultural uses only, City Council could find that the proposed parcels that would be smaller than 35 acres will not inhibit orderly growth of the City into Boone County.**

Due to the distance of the property from any existing development, the need for infrastructure improvements associated with land subdivision is not urgent. The proposed subdivision is creating parcels that are large enough that future development will require further subdivision. The installation of needed infrastructure can be addressed at that time.

If City Council believes the proposed lots of less than 35 acres without new development is consistent with the intent of the City for management of the Urban Fringe area, Option 1 would allow for the property owner to proceed with preparing

a plat of survey or final plat as appropriate. Option 1 does not approve the waiver, but signals Council's intent to approve the waiver. Any waiver would be formally approved at the time of platting. It is necessary to signal intent because the requirement for associated subdivision improvements for this property could serve as an impediment.

If Council find that creating numerous smaller lots unrelated to splitting off farmsteads is not in keeping with the Urban Reserve Overlay policies, it would consider Option 2.

Attachment A Letter to Council

May 1, 2023

John Haila, Mayor
Gloria J. Betcher, Ward One Representative
Tim Gartin, Ward Two Representative
Anita Rollins, Ward Three Representative
Rachel Junck, Ward Four Representative
Bronwyn Beatty-Hansen, At-Large Representative
Amber Corrieri, At-Large Representative
Tabitha Etten, Ex-Officio

Dear Mayor Haila and City of Ames Council Members:

This letter is to request that our property, LVS Farms, located in Boone County, within the Ames Urban Fringe, be permitted to subdivide. Our family is looking to divide our land between several siblings with the intention of farming all of it.

Ames Plan 2040 calls for land within 2 miles of the City Limits to be subdivided into parcels no smaller than 35 acres. After discussion with staff, we understand that the City's policy is intended to facilitate future development. We are amenable to having a restriction placed on our property that will restrict the use to only farming.

At the direction of City staff, we are requesting that our subdivision be referred to staff for a waiver of subdivision requirements to be initiated.

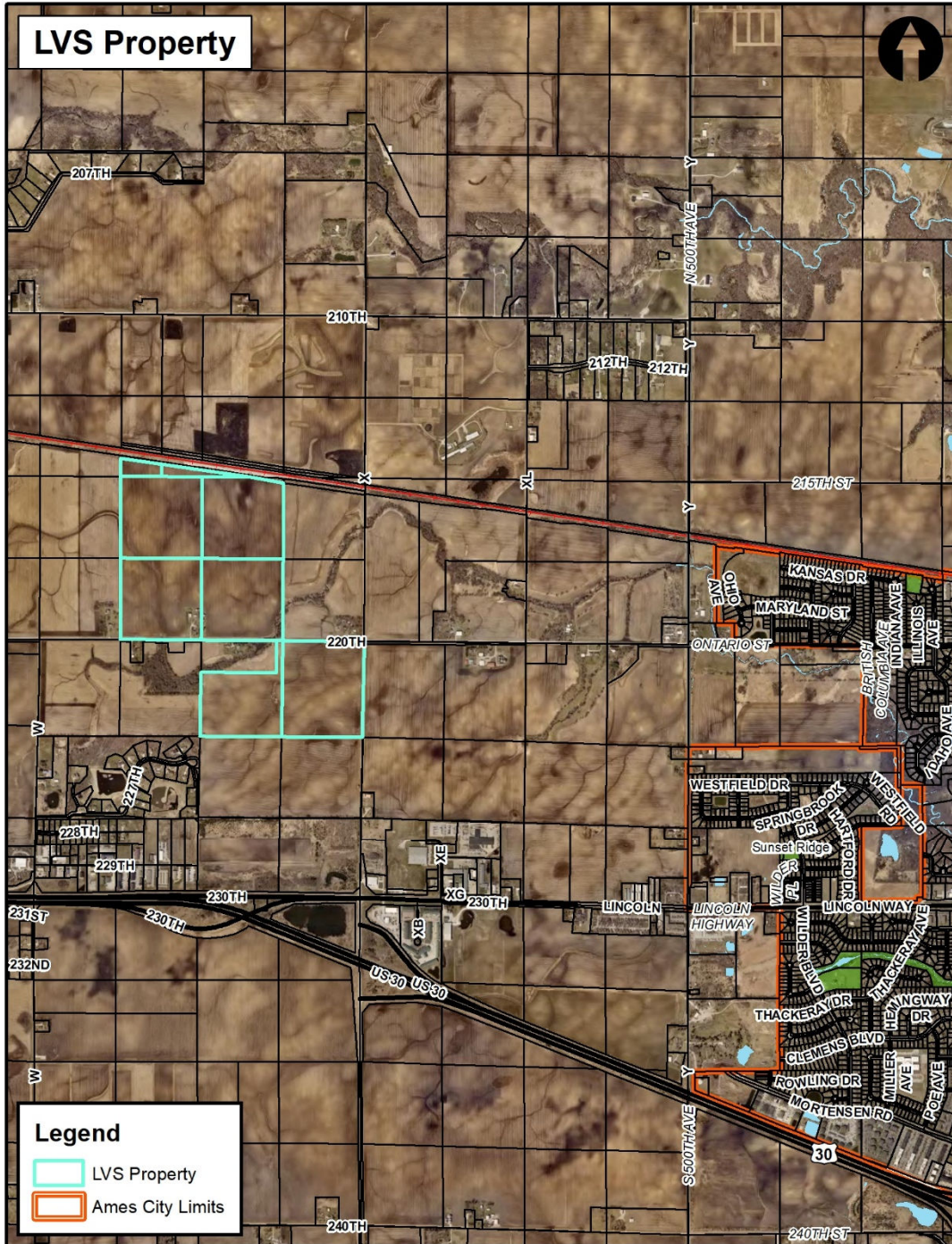
Thank you for your consideration of this request.

Sincerely,

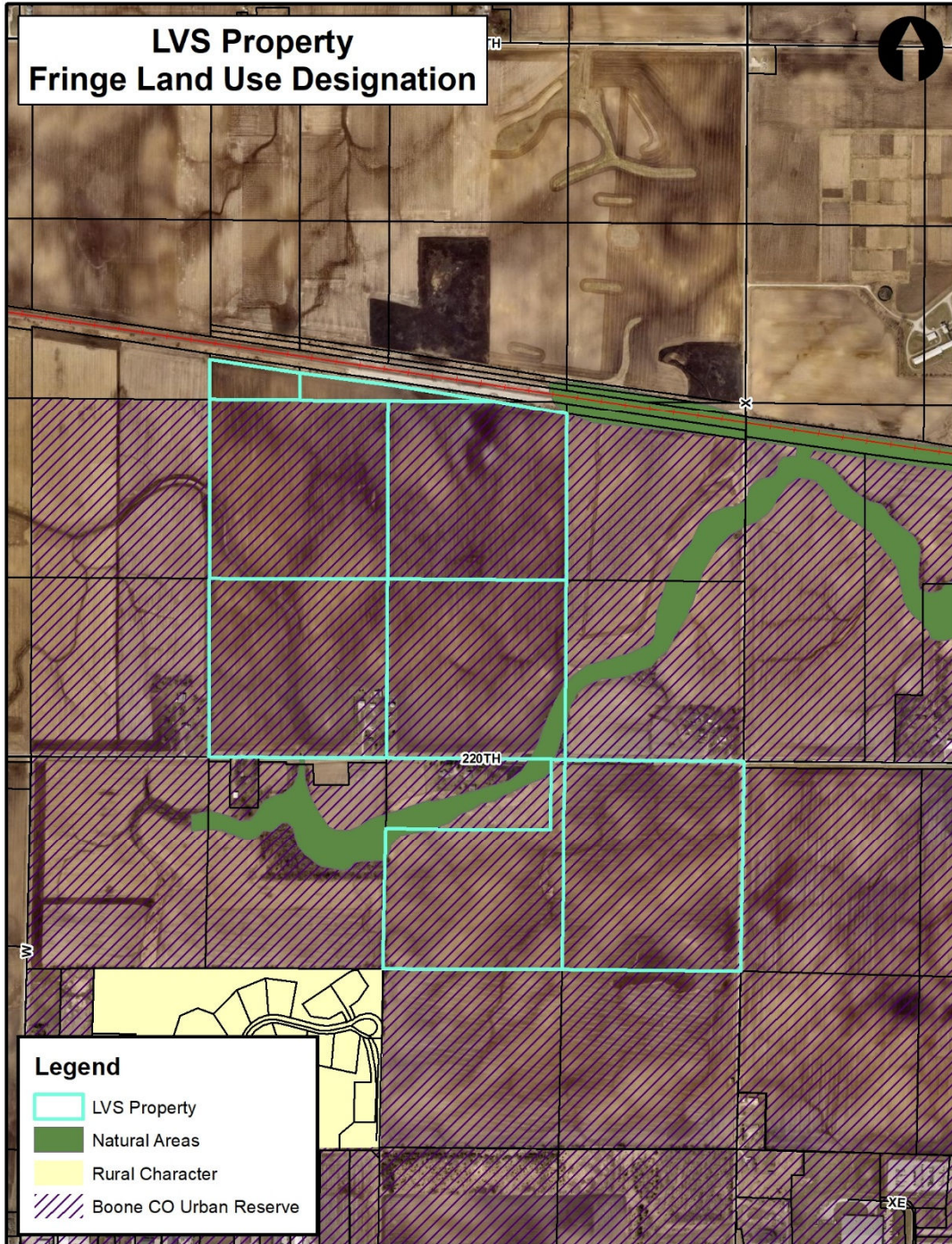


Dan Sansgaard
Executor of LVS Farms, LLC
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(515) 249-7855
dsansgaard@hotmail.com

Attachment B LVS Property Location



Attachment C
LVS Property Location within the Fringe Land Use Designation



Attachment D LVS Property Proposed Subdivision

