



DEPARTMENT OF PLANNING & HOUSING

515 Clark Avenue, P.O. Box 811, Ames, IA 50010
Phone: 515-239-5400 ♦ Fax: 515-239-5404
jbenson@city.ames.ia.us

December 12, 2007

Mr. Bob Gibson
Civil Design Advantage
5501 NW 112th Street Suite G
Grimes, Iowa 50111

Re: Pre-Application Meeting to Initiate Subdivision Process

Dear Mr. Gibson:

We received the three copies of the Sketch Plan for the proposed Rose Prairie subdivision on Grant Avenue north of Ames. Please complete the enclosed Sketch Plan Pre-Application Conference application form and provide four more copies of the drawings. (All of our applications can be found at <http://www.city.ames.ia.us/housingweb> at "Applications.") We will then schedule the Pre-application Conference.

Please be aware that the current policy of the City for this property is to require the subdivision and infrastructure to meet full urban standards of the City, including our subdivision ordinance and SUDAS. The issues raised by this requirement that we have been talking about for the past few months still need to be resolved by the City Council, with staff recommendation. You may want to consider if a Preliminary Plat submittal packet should be prepared under the current requirements, or if it should be prepared after the development standards issues are resolved. A Preliminary Plat must be submitted within 90 days of a Sketch Plan Pre-Application Conference. After that, a new conference needs to take place.

Sincerely,

Jeffrey Benson, AICP, ASLA
Planner

JB\clh
Enclosure

c: Megan Tjernagel, Eller Developments

Pre-Application Conference Requirements/Understandings

February 7, 2008

Rose Prairie, southwest corner of 190th Street & Grant Avenue

1. The City of Ames policy for this area (*Ames Urban Fringe Plan*) requires “urban infrastructure and subdivision standards, including urban right-of-way standards, urban street construction and urban sanitary and potable water systems.” The following are preliminary recommendations of City staff for modification of these standards to fit development not provided by City services. When final recommendations are complete, staff will bring them to City Council for consideration as rural development standards. The process may also include public input and consideration by the Planning and Zoning Commission.
 - a. **Streets** complying to SUDAS standards, including curb and gutter, with modifications for some surface drainage of stormwater
 - b. **Paving** (to City and SUDAS standards for collector streets) of streets adjacent development and routes between nearest paved street within City limits and development (Grant Avenue in this case). Vertical alignment changes may be required. Plans for a future dam and pond on the adjacent Sturgis property will also be a design issue.
 - c. **Sidewalks** to City standards on both sides of all streets
 - d. **Shared Use Path** eight feet wide to City standards along western side of subdivision
 - e. **Water mains** to SUDAS standards.
 - f. **Sanitary sewer mains** to SUDAS standards. Gravity sewers will be required to flow to a central point. The system must be designed to function without lift stations if connected to the City sanitary sewers. Discharge of wastewater in the Ada Haydn watershed will be required to meet water quality standards in addition to state standards. A solids handling plan will be required.
 - g. **Stormwater management plan** will be needed. Standards for stormwater collection and treatment in this Watershed Protection Area are addressed further below.
 - h. **NDPES** will be required from the Iowa Department of Natural Resources for stormwater and wastewater discharge.
 - i. **Electric service** to the south third of the site is in Ames electric services territory, with sufficient power available. The remainder of the site is served by Midland.
 - j. **Electrical inspection** of each home will be required before connecting to Ames electric service.
 - k. **Streetlights** needed to be coordinated between Ames and Midland.
 - l. **Electrical easements** shall be provided by the developer and coordinate their locations are with other utility easement requirements
2. Agreements are required that upon annexation the land developer and/or individual landowners shall be responsible for the full cost of abandoning any portion of the wastewater treatment and water systems and connecting to urban infrastructure.
3. Since rural development outside the City limits as included in the *Ames Urban Fringe Plan* was not anticipated in the current Master Transportation Plan, impacts of potential rural development upon City transportation infrastructure must be determined and planned for, before a Preliminary Plat is approved for any significant development north of Ames. The City can undertake this analysis when funding allows or the developer can support the cost of such analysis.
4. Annexation agreement and development agreement are required to assign costs for on-site and off-site improvements and to guide future transition of the subdivision/development into the City of Ames.
5. Development is shown on an adjacent parcel currently owned by the Sturgis family. This property needs to be included in the Preliminary Plat or the project in the Preliminary Plat needs to function independently from development on the adjacent parcel. If both properties are to be developed together, Story County will need to determine if rezoning is required.

TEXT OF APPLICABLE LAW AND POLICY

Code of Iowa

354.8 REVIEW AND APPROVAL BY GOVERNING BODIES.

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

354.9 REVIEW OF PLATS WITHIN TWO MILES OF A CITY.

1. If a city, which has adopted ordinances regulating the division of land, desires to review subdivision plats or plats of survey for divisions or subdivisions outside the city's boundaries, then the city shall establish by ordinance specifically referring to the authority of this section, the area subject to the city's review and approval. The area of review may be identified by individual tracts, by describing the boundaries of the area, or by including all land within a certain distance of the city's boundaries, which shall not extend more than two miles distance from the city's boundaries. The ordinance establishing the area of review or modifying the area of review by a city, shall be recorded in the office of the recorder and filed with the county auditor.

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section, then the subdivision plat or plat of survey for the division or

Objectives. In assuring the community's "environmental-friendliness", Ames seeks the following objectives.

- 3.B. Ames seeks to maintain and enhance the value of its stream corridors as drainageways and flood management areas, plant and animal habitats, recreational and scenic areas and pathways for linking the overall community.
- 3.C. Ames seeks to protect and conserve purposes: aquifer protection; water quality protection; user conservation management; plant and animal life support; water-borne recreation; scenic open space; and, provision of a long-term/reliable/safe source of water for human consumption and economic activities.

Goal No. 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Objectives. In defining the growth pattern and timing of development, Ames seeks the following objectives.

- 5.D. Ames seeks to have the real costs of development borne by the initiating agent when it occurs outside of priority areas for growth and areas served by existing infrastructure.

FROM Chapter Six: Implementation

Capital Investment Strategy. In an effort to stimulate development in the priority areas for growth, the Capital Investment Strategy contains incentive provisions, which are available to developers in the form of major infrastructure improvements. Under this strategy, the City might consider paying the cost of some or all of the major infrastructure required to expand sanitary sewer mains, water mains, and paving four lanes of arterial streets. The primary focus of the Capital Investment Strategy incentive is the Southwest Growth Priority Area.

The Capital Investment Strategy contains a disincentive provision for development that occurs outside of the priority growth areas. Where development is permitted to occur outside of the identified priority growth areas, the developer is responsible for all costs associated with the development of the area. . .

. . . Outside Priority Growth Areas.

Common Goals

Common Goal 1.2

To prevent premature development and preserve the most high value farmland in appropriate locations.

Common Goal 1.5

To coordinate development decisions with the efficient provision of public facilities and services.

Common Goal 1.6

To protect and preserve sensitive natural resources, including floodplains, woodland areas, wetlands, and other sensitive natural areas.

FROM Land Use Designations and Policies for Rural/Urban Transition Area

RUTA Policy 5: Limit development in areas that would create a need for the upgrade of roads before they are scheduled in the appropriate jurisdiction's capital improvements program. Where proposed development will potentially increase the traffic volumes in excess of the current road capacity, provide for the cost of road improvements at the time of development. (Relates to RUTA Goal 3.5)

Priority Transitional Residential (PTR)

Priority Transitional Residential development provides for an orderly and efficient transition between existing or future urban areas and rural unincorporated areas. If future annexation is required, Priority Transitional Residential development will transition seamlessly into adjacent urban-scale land uses. Therefore, they require a greater degree of urban infrastructure standards.

PTR Policy 1: This land use designation includes all single-family residential land uses/developments that involve minimum average net densities of 3.75 units per acre.

PTR Policy 2: Strategically locate Priority Transitional Residential land uses in targeted areas adjacent existing municipal limits or Urban Service Areas. (Relates to RUTA Goal 3.2)

PTR Policy 3: Encourage clustering of residential sites within these land areas, in order to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RUTA Goal 3.2, 3.3)

PTR Policy 4: Require urban infrastructure and subdivision standards, including urban right-of-way standards, urban street construction and urban sanitary and potable water systems. If the City does not require these improvements to be installed at the time of subdivision, require infrastructure assessment agreements. (Relates to RUTA Goal 3.2, 3.3)

- (4) Flood Plain Ordinance
- (5) Building, Sign and House Moving Code
- (6) Rental Housing Code
- (7) Transportation Plan
- (8) Parks Master Plan
- (9) Bicycle Route Master Plan

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

Ames Municipal Code Section 23.302(2)(b):

In addition, where the proposed subdivision occurs within the two-mile radius of the City in which either Story County or Boone County subdivision regulations will also apply, the Applicant shall be required to demonstrate compliance with all applicable requirements set forth in such county regulations prior to approval of the Preliminary Plat by the City Council. Pursuant to Section 354.9 Code of Iowa, the City has power of review of all subdivisions outside the City within two miles distance of the City's boundaries in both Boone County and Story County.

Ames Municipal Code Section 23.302(5):

- (5) City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.

Ames Municipal Code Section 23.302(6):

- (6) City Council Action on Preliminary Plat:
 - a. Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.

Ames Municipal Code Section 23.403: Street Design Standards

Sec. 23.403. STREETS.

(1) General: The arrangement, character, extent, width, grade and location of all streets shall conform with the City's arterial street map, these Regulations, and any further plans adopted by the City Council.

(2) Installation:

(a) Any subdivision for which a public street is necessary requires the installation of such street including curbs and gutters adequate to serve all lots or parcels of land within the area to be subdivided. Streets shall be installed with due regard to the present and foreseeable needs of the area to be subdivided and to the location and capacity of existing streets. Streets shall be installed at the subdivider's expense and be constructed according to requirements of the City under the supervision of the Department of Public Works.

(b) Any such street shall become the property of the City, upon the City's inspection, approval, and acceptance of such street, after the subdivider pays to the City any costs associated with its installation including any reasonable charge for any supervisory or other services provided by the City.

(14) Sidewalks and Walkways:

(a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.

(i) A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

(Ord. No. 3765, 5-11-04)

(b) A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, transportation or community facilities. Any such walkway shall be not less than eight feet wide.

(15) Bikeways: A bicycle path shall be constructed in an area to be subdivided in order to conform with the Bicycle Route Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle path shall be determined by the number and type of users and the location and purpose of the bicycle path.

Ames Municipal Code Section 23.404: Water Supply Standards

(2) New Water Supply: Any subdivision to which a public water main is not accessible requires the installation at the subdivider's expense and subject to requirements of the City plans and specifications and under the supervision of the Department of Public Works. The water main system to be installed shall include any water mains and other water facilities adequate to serve all lots or areas of land within the area to be subdivided. Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing water mains and other water facilities. Any such water mains or other water facilities shall become the property of the City, upon the City's inspection, approval, and acceptance of such mains and facilities, after the subdivider pays to the City any costs associated with their installation including any reasonable charge for any supervisory or other services provided by the City.

Ames Municipal Code Section 28.503 Municipal Utility Service Connections

Sec. 28.503. MUNICIPAL UTILITY SERVICE CONNECTIONS OUTSIDE CITY.

(1) No person shall make an initial service connection to any municipal utility for any building or property outside the corporate limits of the city without the express written authorization of the Ames City Manager.

(2) The city manager shall authorize such connections only in accordance with the laws of the State of Iowa and the regulations of the Iowa Commerce Commission. The city manager may require any reasonable special condition for such connection deemed necessary to insure compliance with the policies, procedures and development plans of the municipal utilities.

(3) No initial sewer service connections shall be allowed into the Skunk River Valley Interceptor, trunk sewers or Site 5 treatment plant from structures located in the flood plain of the Skunk River south of U.S. Highway 30.

(Ord. No. 2955, Sec. 1, 6-3-86; Ord. No. 3109, Sec. 1, 9-24-92)



Memo

Department of Planning & Housing

TO: Jeff Benson
FROM: Charlie Kuester
DATE: February 4, 2009
SUBJECT: Discussion with IDNR representative

I spoke with Charles Furrey of the Iowa Department of Natural Resource's District Five office in Des Moines on Wednesday, February 4, 2009. Mr. Furrey identified himself as an environmental specialist with thirty years of experience with reviewing discharge permits.

I described to Mr. Furrey the situation—a proposed preliminary plat of almost 300 lots lying within the Ada Hayden watershed. I explained that the current policy of the City is to not allow connection to the City sanitary sewer system without being annexed and that the annexation of the development is inconsistent with the City's growth policy.

Mr. Furrey described that semi-public treatment systems (of which the Rose Prairie facility would be one) are not required to have a certified operator on-site. His experience is that these facilities generally are operated by a part time maintenance worker. He stated that this arrangement usually has long term problems as the system decays and is improperly maintained. He indicated, especially if the system is a mechanical treatment system, that a skilled operator should be on site to oversee operations and undertake regular maintenance. He did indicate that a controlled discharge facility—a three-cell lagoon system—may require less oversight and upkeep, but that this type is generally a system used in larger applications, e.g., a small town or larger development.

The IDNR's role in a semi-public system is that the applicant must seek a discharge permit from the department. The IDNR monitors effluent and, if the facility is found to be out compliance, seeks compliance. Compliance procedures are not, of course, instantaneous but may take administrative orders or court injunctions. These are often a timely process.

Furthermore, he indicated that the operation of a treatment facility that discharges into either the Squaw Creek or Skunk River would require disinfection of the effluent. This can be done through the application of chlorine, ozone or ultraviolet radiation. These applications generally require specialized knowledge, not usually found with a homeowners' association. A properly-operated three-cell lagoon, however, can often provide natural disinfection.

RECORD OF COMMUNICATION

Time and Date of Communication: 9 a.m., April 15, 2008

Type of Communication: Phone Call

Location:

Participants: John Kinley, Superintendent, Gilbert Schools
Jeff Benson

RE: Preliminary Plat for Rose Prairie

Date Record Made: April 15, 2008

By: Jeff Benson

Gilbert School Board met last night and discussed Preliminary Plat for Rose Prairie. Comments:

1. Would Grant Avenue be paved from Ames City Limits to 190th Street? The Board believes that it should be due to traffic from this development.
2. To best protect the Ada Hayden Watershed, the project should be connected to Ames water and sanitary sewer systems.