

Staff Report

REQUEST FOR DIVISION OF LAND WITHIN NATURAL AREA

November 23, 2010

On August 10, the City Council referred to staff a letter from Charles and Jacquelyn Olson requesting a waiver of subdivision regulations for a division of land at 3957 Deer Run Lane. The request from the Olson's is to allow the division of this property into four lots. This area is within the Natural Area of the Urban Fringe Plan which prevents subdivisions for new non-farm residential development. At the September 14 City Council meeting, staff recommended that the Council deny the request for a waiver of the improvement standards since the division is not consistent with the Plan.

The City Council referred this request back to staff "to see what options are available to allow subdivisions of the land in question and still preserve the Natural Area around it."

The Plan defines 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.** [Emphasis added.]

Staff visited the site, met with the applicant, and walked the area, including the lot that is proposed to be split. As can be seen from the aerial photo (Attachment 2), the lot has two ravines with two flat areas between them. The slopes of the ravines are steep, covered by a heavy tree canopy and undergrowth, while the relatively flat areas are open. The southern flat area is where the current house is located. The house sits about 300 feet back from the road and is served by a long paved driveway in a suburban lawn setting.

The northern area is smaller by comparison. It is triangular in size with the grade falling steeply to the east and south. The depth of this open area is, at most, 270 feet as measured from the road to the tip of the triangle. The width is about 235 feet along the road frontage, but narrows to about 70 feet within 200 feet of the road. At the east end of this open area is a very large oak, a remnant of the savannah that once dominated this area.

Based on the direction from the City Council to see what options are available while still preserving the Natural Area, staff does not believe that a division of the

land into four lots as originally requested could be done without a negative impact on the existing tree canopy and without disturbing the steep slopes adjacent to Squaw Creek and the ravines falling into it.

Using a two-hundred foot buffer as a guide (as is being considered for a proposed building site within the Natural Area in the proposed Fieldstone subdivision along Onion Creek), staff found that development within the northern flat area could not be accomplished. This area is just too small to facilitate a house, its septic drain field, and to also provide a buffer from the existing natural tree canopy. Even if a smaller buffer were considered, the impacts of disturbance could introduce concentrations of storm water runoff that would degrade the slopes and potentially introduce exotic species of flora into the riparian corridor.

There does appear to be an option that would allow the division of land to create one additional building site. To accomplish this option, the land would need to be divided in such a way that a new building site would lie within the large front yard of the existing home. It might be oriented so as not to hide the original home. Access would, ideally, be from the existing driveway onto Deer Run Lane. It is not known, however, if the septic drainfield of the existing house is located in this front yard. Moreover, it is not yet known where a drainfield for the new house would be located.

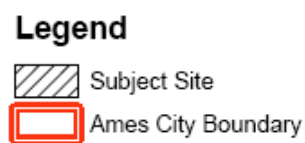
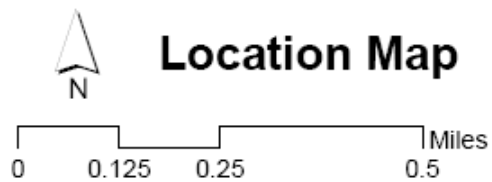
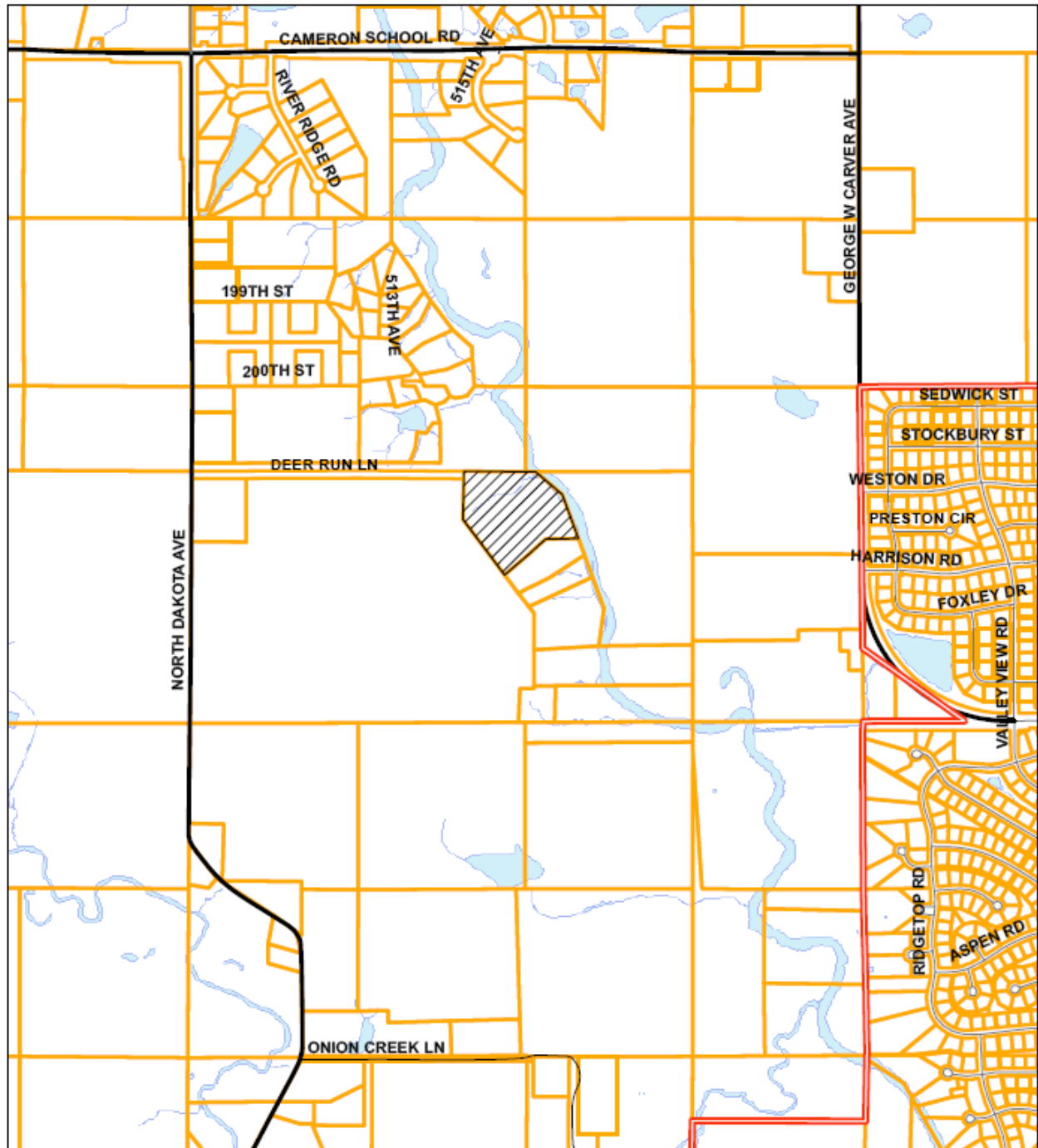
Assuming that the drainfields of both homes could be located forward of the homes and away from the natural areas, staff believes that such a home site would have minimal impact on the Natural Area. During the subdivision platting process, staff would work with the applicant to identify a building site on the new lot with adequate locations for drainfields, and to place a line beyond which there would be no disturbance of the Natural Area.

STAFF COMMENTS:

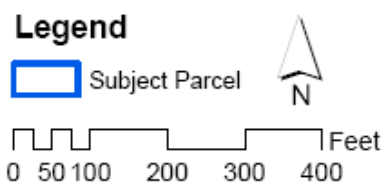
Staff has followed the City Council direction to “see what options are available to allow subdivision of the land in question and still preserve the Natural Area around it.” The Urban Fringe Plan recognizes that there may be existing development already within the Natural Area. The Plan also recognizes that there may be “a buffer or other mitigation device” to protect the Natural Area.

Allowing the creation of one additional lot should protect the Natural Area, provided that an adequate buildable site is identified on a subdivision plat located within the existing developed area. Further, a “conservation easement” line should be placed on the subdivision plat to avoid encroachment into the natural area.

If desired, Council can direct staff to work with the applicant to prepare such a draft subdivision plat which includes one additional lot and bring it back to Council for its consideration. If acceptable, the City Council can then approve the requested waivers and allow the applicant to submit a final subdivision plat for approval.



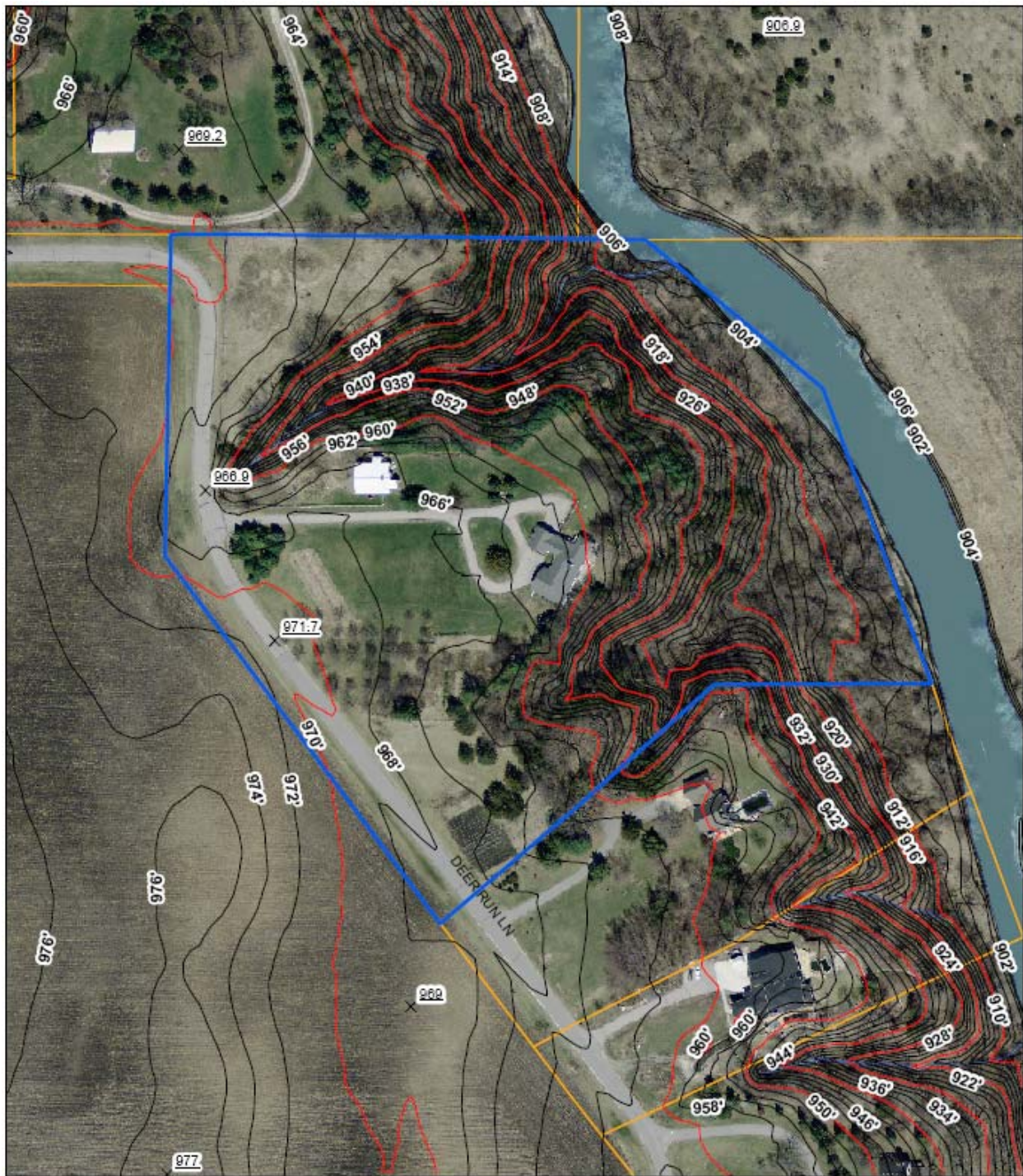
Attachment 1




Urban Fringe Designations



Attachment 2



Legend

 Subject Parcel



0 75 150 300 Feet

Urban Fringe Designations



Attachment 3

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.