

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS AND APPROVAL OF A THREE LOT MINOR SUBDIVISION FINAL PLAT FOR REINHARDT FARM SUBDIVISION AT 2221 220TH STREET IN BOONE COUNTY

BACKGROUND:

The property owners of 2221 220th Street, Roger Reinhardt and John Reinhardt, are requesting that the City Council waive the public improvement requirements and standards of Article IV of the subdivision chapter of the Ames *Municipal Code* and approve a final plat for Reinhardt Farm Subdivision in unincorporated Boone County (see Attachment A). The subject property is located west of the Boone/Story County line and contains row crops abutting a single family residence on a farmstead (Shown as parcel B) that was recently divided from the row crop portion by Plat of Survey approved by City Council in 2017. The subdivision proposes two lots, both proposed as row crop lots, to be used for farming. (see Final Plat Reinhardt Subdivision Attachment B).

In May, 2018 City Council referred to staff a letter from John Jordan of Jordan and Mahoney Law Firm representing Roger Reinhardt and John Reinhardt seeking a waiver of subdivision infrastructure requirements within the Ames Urban Fringe in rural Boone County (see Attachment C). The 88.34-acre property along the north side of 220th Street is to be divided for the division of existing estate farm ground amongst Roger Reinhardt and John Reinhardt for continued farming. The referral was to proceed with a rural subdivision application and waiver of standards.

A proposed subdivision is classified as either a major or minor subdivision within Chapter 23 of the Municipal Code. A minor subdivision is defined as a property division needing no public improvements and creating no more than three lots. Otherwise, it is a major subdivision requiring a preliminary plat. **Approval of the requested waiver of the public improvement requirements allows consideration of the proposed Final Plat of a minor subdivision.** A minor subdivision requires no preliminary plat review, needing only final plat approval by the City Council.

Since this property is located within the unincorporated area of Boone County, uses of the land are under the jurisdiction of Boone County. Under provisions of state law, division of land is subject to review and approval by the City Council of Ames, as well as the Boone County Board of Supervisors. The Ames Urban Fringe Plan contains City policies regarding this property. Although Boone County has not adopted that Plan, the Cities subdivision authority under state law still applies.

The Ames Urban Fringe Plan identifies this site as being located within the Agriculture and Farm Service Area (AFS) and specifically identified for Agricultural uses, which was consistent with Boone County zoning designations at the time the Plan was adopted.

This property is located in an area that the Ames Urban Fringe Plan identified as Agriculture and Farm Service (See Attachment D for complete AFS policies of the Ames Urban Fringe Plan.) 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. This policy is stated in the urban Fringe Plan in the AFS Policy Section in AFS policy #1 in the excerpt as follows:

AFS Policy #1 Excerpt:

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...

The area west of the Ames city limits will likely not be in the urban area until after the time horizon of the Ames Urban Fringe Plan. This area is not currently served by municipal infrastructure, such as water mains, sanitary sewer and storm sewer. It has not been designated as a critical location where such full urban infrastructure should be required. The current land use policy is supportive of continued agricultural activity in a manner that will support long-term urbanization of the Ames Urban Fringe.

It is City Council policy that any request for a subdivision in the Ames Urban Fringe be accompanied by three covenants that will facilitate future annexation and installation of infrastructure. The covenants include agreeing to annexation at a future date at the City’s request, agreeing to cover any costs associated with the buy-out of rural water, and agreeing not to contest future assessments for the installation of public improvements. **The property owner has signed and agreed to the City’s standard covenants in support of their request for waiver of subdivision infrastructure requirements in the Ames Urban Fringe. The owner has also placed a “no build” restriction on Lots 1 and 2 to maintain row crop activity on these lots in conformance to the Ames Urban Fringe designation of Agriculture and Farm Service.**

The current use of row crop farming falls within the LUPP and Ames Urban Fringe vision for this area. The division of three lots with an existing farmstead and the remainder for continued farming does not inhibit future urban development of Ames and is not seen to fall outside of the intent of the Agriculture and Farm Service area designation.

ALTERNATIVES:

1. The City Council can take the following actions as requested by the property owners:

- A. Waive requirements for installation of public improvements, and accept the three covenants signed by the property owner for future annexation, water territory buy-out, and participation in assessment districts.
 - B. Approve the final plat of Reinhardt Farm Subdivision based upon the analysis of staff as stated above.
2. The City Council can deny the final plat for Reinhardt Farm Subdivision if it finds that the development is inconsistent with the Ames Urban Fringe Plan or Subdivision Code.
 3. The City Council can refer this request back to staff or the applicant for additional information. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Minor Subdivision. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than August 18, 2018 to meet this deadline.)

CITY MANAGER'S RECOMMENDED ACTION:

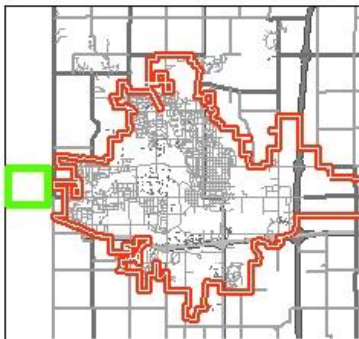
Staff has evaluated the proposed final plat for a minor subdivision and determined that, with the granting of the requested waivers of the Design and Improvement Standards, the proposal conforms to the adopted ordinances and policies of the City including the Ames Urban Fringe Plan.

The waiver of the public improvement requirements is consistent with past practices in the Ames Urban Fringe as long as the covenants have been signed. These covenants will allow the City to later annex these lands with costs for water and other infrastructure borne by the annexed property owners.

The subdivision without public improvements does not inhibit future development for urban uses. A no build restriction on the proposed plat will help ensure no use other than farming occurs on this property.

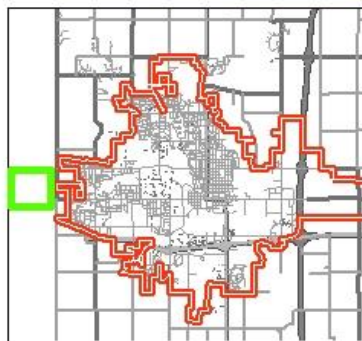
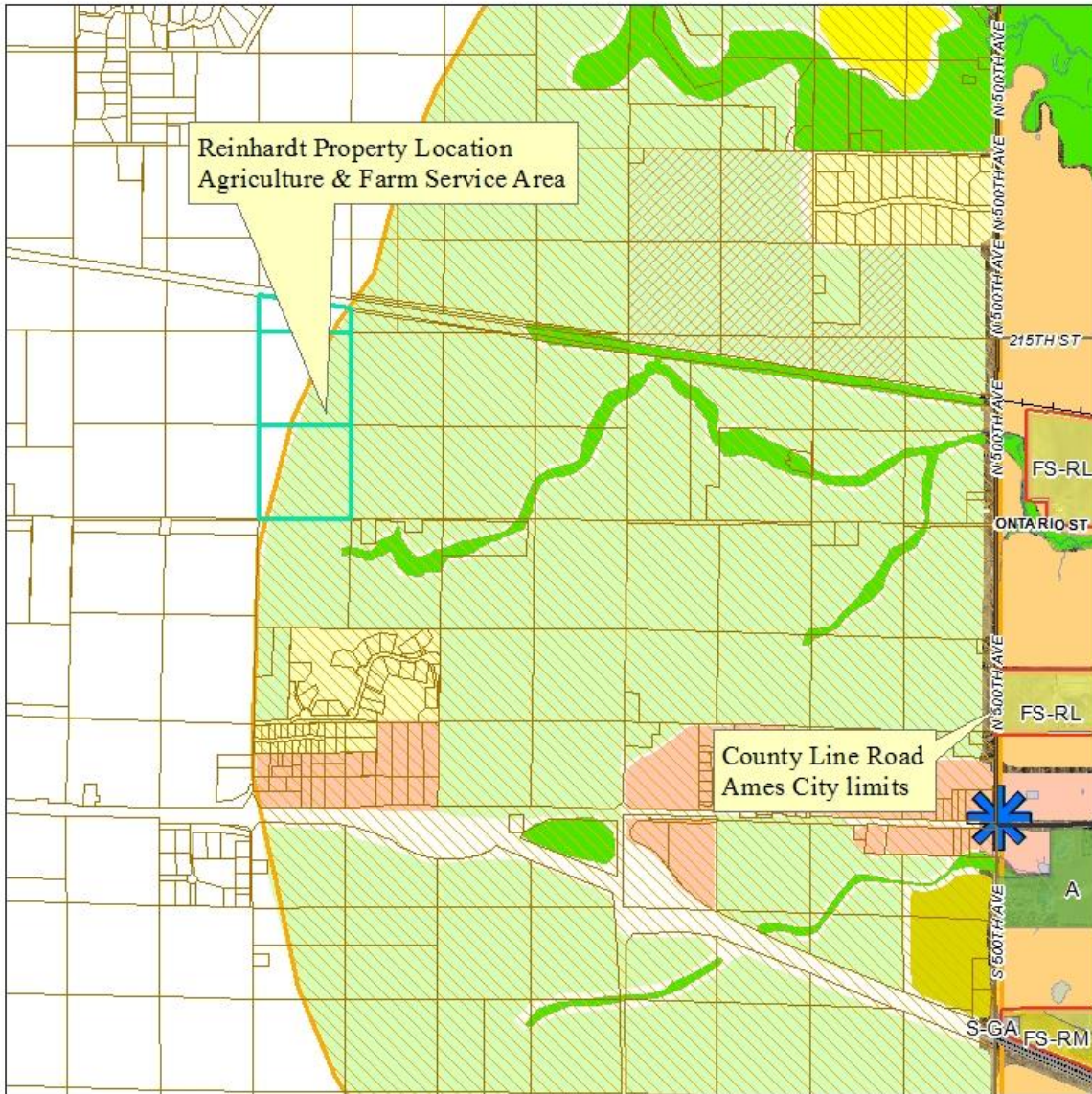
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above, waiving the requirements for installation of public improvements, accepting the three covenants for recording, and approving the minor final plat.

Attachment A- Location Map



**Location Map
Reinhardt Property**

Attachment B.- Ames Urban Fringe Designation



Ames Urban Fringe Designation Reinhardt Property

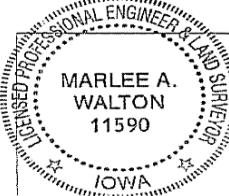
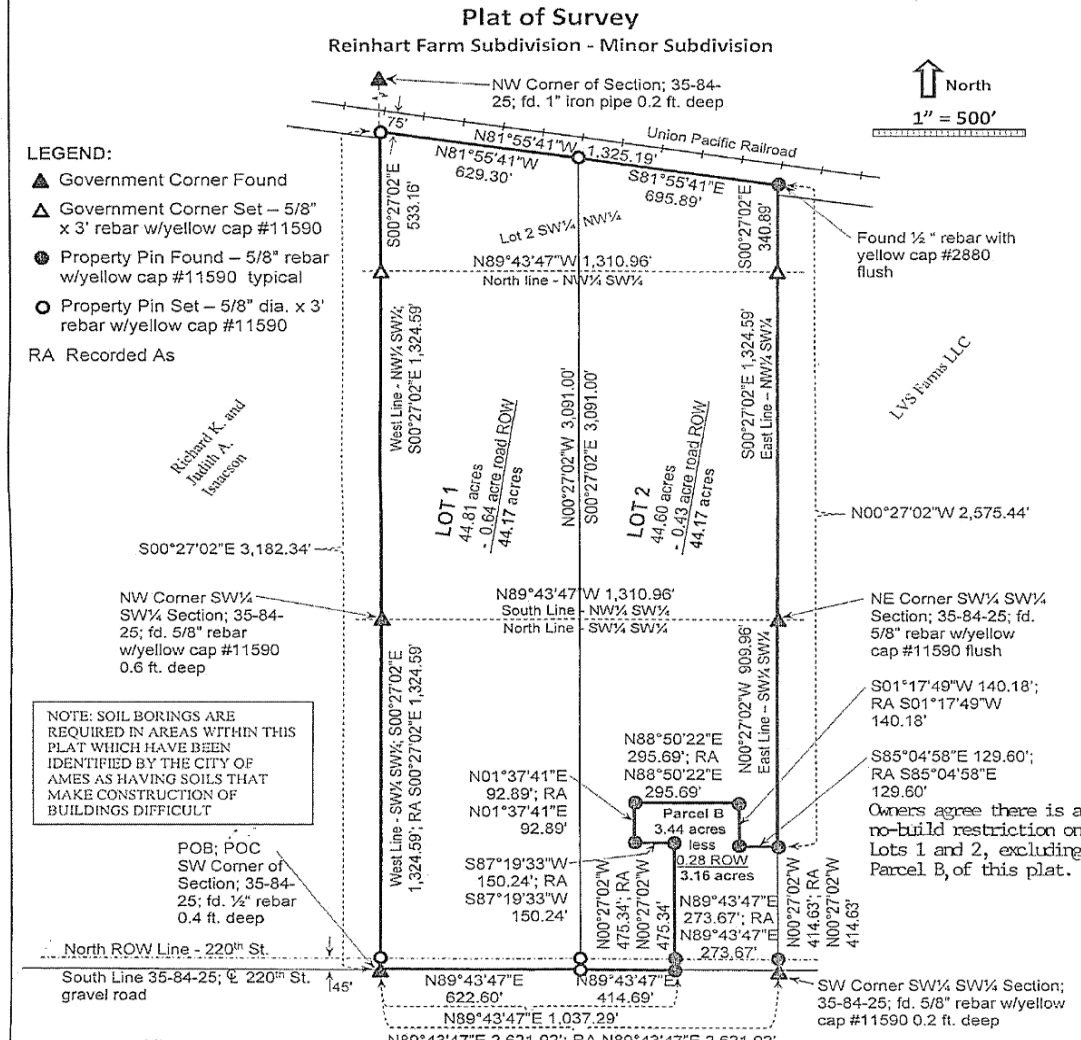


Fringe Land Use Designations	
	Natural Areas
	Parks and Open Space
	General Industrial
	Planned Industrial
	Highway-Oriented Commercial
	Priority Transitional Residential
	Industrial Reserve-Research Park
	Rural Residential
	Rural Transitional Residential
	Mining Impacted
	Urban Residential

Attachment C- Proposed Minor Subdivision

PLAT OF SURVEY	
LOCATION:	Reinhart Farm Subdivision – In the West Half of Sec. 35, T84N, R25W, Boone County, Iowa
PROPRIETOR:	Beverly Jean Reinhart
REQUESTED BY:	John Reinhart
SURVEYOR:	Marlee Walton, PLS #11590 M.J. Walton & Associates, Inc. 456 Rookwood Drive; Ames, IA 50010; 515-232-5768

Prepared By: Marlee Walton, PE, PLS #11590; M. J. Walton & Associates, Inc.; 456 Rookwood Dr.; Ames, IA 50010; 515-232-5768



I hereby certify that this land survey document was prepared and the related survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Marlee Walton 5/14/18
 Marlee A. Walton, PE, PLS Date

License Number #11590
 My license renewal date is December 31, 2018

Date of field survey:
12/29/17

Project Number:
8062

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Attachment D- Council Request for Waiver

JORDAN & MAHONEY

LAW FIRM. P. C.

Integrity, Expertise, Uniquely Local

May 3, 2018

Honorable John Haila
Mayor, City of Ames, Iowa
515 Clark Ave.
Ames, IA 50010

Re: Reinhart Subdivision Waiver

Dear Mayor Haila:

Our office represents Roger Reinhart, "Roger" and John Reinhart, "John" in this matter. Roger and John recently inherited from their late mother, Beverly Jean Reinhart, approximately 86 acres of farmland located in Section 35, Jackson Township, Boone County, Iowa.

Pursuant to Mrs. Reinhart's Will, which was probated, Roger inherited the west half of this farm and John, the east half. This real estate has been in the Reinhart family since 1944 and it has been farmed continuously for more than one century. The Union and Pacific Railroad tracks which are located on the north edge of the property do not run in a true east-west fashion, causing an irregular northern boundary line. A copy of a Jackson Township Plat Map identifying the subject real estate is attached. Because of the farm's irregular boundary line, the Boone County Auditor's office will not allow a transfer into Roger and John's names without a survey. The farm has been surveyed, but because it is located within 2 miles of Ames' boundary, this subdivision must be approved by the City of Ames.

I am requesting on Roger and John's behalf that you and the City Council waive the subdivision improvement requirements found in Chapter 23 of the Ames Municipal Code. Roger and John have no plans to use this property for anything but row-crop agricultural

jordanmahoney.com

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Mayor Haila
May 3, 2018
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purposes in the foreseeable future. For example, their farm won't be converted into a residential subdivision.

I have discussed this matter at length with Mr. Justin Moore and if either of you have any questions, please feel free to contact me. Thank you for your consideration of this waiver request.

Sincerely,

JORDAN & MAHONEY LAW FIRM, P.C.

By


John D. Jordan

JDJ/krh
Enclosure

Attachment E- AFS Policies

Agriculture and Farm Service (AFS)

The designation encompasses large areas of highly valuable farmland, with farming and agricultural production as the primary activity. This designation also includes areas where the landowner has chosen not to use the land for agricultural production. The vegetative cover of this land may be native (either original or re-established) or introduced, but not part of the Natural Areas land use designation.

AFS Policy 1 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. Land given this designation has been determined to be moderate to high value agricultural land with regard to one or more of the following general factors: soil productivity, effect of surrounding land uses on agricultural use, and physical characteristics that affect the ease with which the land can be utilized for agriculture. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 2: 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. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 3: Strategically locate such industrial and commercial uses in order to:

- utilize existing adequate access and road capacity and otherwise assure the existence of adequate public facilities;
- protect productive soils and environmental resources;
- support the continued use of these areas for farming and agricultural production.

(Relates to RSACA Goals 2.1, 2.2, 2.3, 2.6)

AFS Policy 4: 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. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 5 Allow the clustering of agricultural-related development at a limited scale where properties have adequate access to a public road. Such development shall be configured and designed to be harmonious with agricultural activities and avoid negative impacts to agricultural operations.

Attachment F- Subdivision Waiver Standards Section 23.103

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.

(2) The requirements of the Regulations for the platting of a Minor Subdivision may be waived by city staff when it is determined by city staff that:

(a) A clear and accurate description of the area of land will be provided by means of a plat of survey to be procured by the property owner, and in compliance with Section 23.307.

(b) With respect to that area of land, all substantive requirements and standards of the Regulations are already met.