

Staff Report

**REQUEST TO WAIVE CITY POLICY AND ALLOW BOUNDARY LINE ADJUSTMENT
WITHIN AN URBAN RESIDENTIAL AREA OF AMES URBAN FRINGE**

June 26, 2018

BACKGROUND:

The City Council referred a letter (see Attachment 1) from Paul and Margot Eness to staff for a background memo. At the July 10 meeting, the City Council asked that this item be placed on the agenda for discussion. The Enesses own two parcels of land on the east side of Hyde Avenue, abutting the city limits of Ames. These properties are not within the city limits. The Enesses would like to consolidate their two parcels into a single parcel and to convey portions of the parcels to two abutting owners, Eness/Taylor and Gregg/Schwery. Ultimately, their plan is to transfer the remainder of the consolidated parcel to the Iowa Natural Heritage Foundation to prevent development. A map of the current lot configuration is found in Attachment 2.

The properties along Hyde Avenue lie within the Urban Residential area of the Ames Urban Fringe Plan. Subdivision authority is under the sole review of the City. **The Fringe Plan policies require that land be annexed and city services be provided before development or property boundary changes can occur.** The specific language of the Ames Urban Fringe plan can be found on page 38:

“Urban Residential Policy 2: Require annexation by the City before land is developed or subdivided.”

This area was the subject of numerous annexation discussions over the past five plus years. **The Enesses and the other property owners do not seek annexation at this time and have expressed desires to remain in unincorporated Story County.** Paul and Margot Eness have requested that the boundary line adjustment be allowed without annexation as it creates no additional developable lots and would have a benefit to the public of allowing the transfer of land to the Iowa Natural Heritage Foundation, thus protecting the upland area of Ada Hayden Heritage Park.

OPTIONS:

OPTION 1- FOLLOW THE EXISTING POLICIES:

The City Council could follow the policies of the Ames Urban Fringe Plan and decline to allow a boundary line adjustment until such time as these properties are annexed into the City.

Staff notes that annexation would require the inclusion of a fourth owner, Hamblin, who lies south of these subject parcels to allow the annexation, followed by the boundary line adjustment described by the Eness. Hamblin would need to be included so as not to create an island of unincorporated land. Eness would need to include their two properties and the properties of Eness/Taylor, Gregg/Schwery, and Hamblin in order to complete a voluntary annexation.

If annexed, these properties would be zoned as Agricultural, requiring a one-acre minimum lot size, 35 feet of street frontage, and 100 feet width at the building line (with a minimum of a 50-foot setback). It appears that these four subject properties would meet those minimum standards (although the Eness/Taylor property may not meet the front setback, it would qualify as a pre-existing non-conformity). After annexation, a plat of survey can be submitted for review by staff before presenting to the City Council for action.

OPTION 2 – WAIVE THE FRINGE POLICIES:

The City Council could allow the plat of survey to adjust the boundaries by waiving the policy of not allowing subdivisions or development without prior annexation.

This option would allow a plat of survey to be prepared and submitted to the City for review by staff and approval by the City Council. As with all plats of surveys, the plat would need to be accompanied by a resolution of the City Council when presented to the County Recorder.

In this instance, no new developable parcels are being created. As described to staff, the two parcels owned by Eness will be combined. Small portions of this Eness parcel will be combined with the Eness/Taylor and with the Gregg/Schwery parcels. There would be a net decrease of one lot (the current four lots would become three lots). Therefore, if annexation does not occur, only a very limited amount of development could occur, although the owner indicates that the intent is to give the land in trust to the Iowa Natural Heritage Foundation.

OPTION 3 – WAIVE THE FRINGE POLICIES BUT WITH ACCOMPANYING AGREEMENTS TO ANNEX AND BUYOUT RURAL WATER WHEN REQUESTED BY THE CITY OF AMES

The City Council could allow the plat of survey to adjust the boundaries by waiving the policy of not allowing subdivisions or development without prior annexation if accompanied by the covenants requiring annexation when the City requests and the buyout of the Xenia territory and connection to City utilities **if further development of these properties occurs.**

As with Option 2, this option would allow the preparation of a plat of survey and its submittal to the City for review and approval. **The plat of survey would need to be accompanied by two covenants.** These covenants would be binding on the current and all future owners of the property and are routinely required for subdivisions in the

Rural/Urban Transitional areas of the fringe. Typically, though, these two covenants include a third—a covenant waiving the right to protest assessments for the installation of public infrastructure to serve the area. In this case, infrastructure has already been installed. The road was paid by special assessment, which did not include these owners and sewer and water connection districts were created to recoup the costs of their installation.

With these two covenants, the three owners (Eness, Eness/Taylor, Gregg/Schwery) would seek voluntary annexation in the future when the City Council deemed it necessary.

STAFF COMMENTS:

The Ames Urban Fringe Plan, since its adoption in 2007, has provided guidance and consistency for the City for development in the Fringe. One emphasis of the Plan is on preserving the Urban Residential Areas from rural development and reserving them for annexation into the City. To that end, it recommends against subdivisions, boundary line adjustments, and rural development unless and until the land is annexed and full city services provided. **This approach is consistent with Option 1, which would place the burden of organizing and annexation petition on the Eness family to proceed with the boundary line adjustment.**

However, some deviation from the strict application of these policies has occurred in the past based on the unique circumstances the parcels find themselves in. In this instance, the Eness request would result in no new development parcels that would impact standard urban densities. Neither would the ability to obtain infrastructure, roadways, or utility corridors be lost as these properties on the east side of Hyde Avenue do not lend themselves well to further development.

It has been the policy of the City for nearly eight years to annex the area east of the Union Pacific railroad, west of Ada Hayden Heritage Park, and south of 190th Street. In order to meet that goal and to allow the Eness boundary line adjustment, the City Council could support Option 3. While this option would not lead immediately to annexation, it would allow the boundary line adjustment to move forward and would put the owners (and all subsequent owners) on notice that they would be obligated to seek annexation at some point in the future.

All of the proposed options include a low amount of staff time similar to a small scope development project. **This type of referral does not require prioritization with other projects.**

Attachment 1: Eness Request

Paul and Margot Eness
3903 Stone Brooke Circle
Ames, Iowa 50010

Ph. 515-291-3108

Ames City Council
515 Clark Ave
Ames Iowa 50010

May 21, 2018

RE: Boundary line adjustment for 4604, 4606 and 4714

To: Ames City Council

We are the owners of the above mentioned parcels of land that lie within the Ames Urban Fringe. The City has reviewed the proposed boundary line adjustment of these parcels of land which we wish to make, and we have met with City staff on May 14, 2018 for the pre-application conference which is a required first step for any proposed subdivision, lot merger, or boundary adjustment.

We are writing this letter to the City Council to explain the reason we are requesting permission to make this boundary adjustment.

The land we owned consists of two adjoining parcels comprising 9 + acres total. Our land surrounds, on three sides, the lots owned by Gregg/Schwery and Eness/Taylor and separates them by approximately 200 feet. (Refer to the map submitted to the City.)

We are in the process of setting up an estate plan which would transfer our land to Iowa Natural Heritage when we die, in order that we could be assured it would not be developed as residential or commercial land in the future. It is land that adjoins Ada Hayden Park and we feel strongly that it should be protected as Public Land. It would be a disservice to the owners of the house lots to have the possibility of the land between them being turned into a parking lot or access to our donated land. (The INH would have access on our land which lies north of the Taylor/Eness land)

These boundaries were drawn up in cooperation with the lot owners, and we think we leave a more usable portion of land for INH by eliminating the extra road frontage and encompassing a well and a barn for which the Public Land would have no use.

Paul and Margot Eness

Attachment 2: Location Map

