

June 16, 2021

Mayor John Haila,  
City of Ames  
515 Clark Avenue  
Ames, Iowa 50010

Re: Proposed 3-lot subdivision at 4909 W 190<sup>th</sup> Street

We are writing to request consideration by the Ames City Council to permit a 3-lot subdivision on our property which was designated as a Natural Area by the AUF plan in 2006 after we purchased our property in 2004. Our intent is to provide a building lot for each of our children. Our understanding is that we can develop our property in compliance with the current requirements of Story County, provided the current 3 parcels can be reconfigured to meet the minimum 35-acre lot size requirement of A-1 zoning. (Please refer to the attached Property Research Report from Story County.) The problem is that the Natural Area designation prohibits further subdivision without amendment.

This restriction seems to us to be very questionable and unfair to impose retroactively on a property owner of record before the AUF plan was approved. If we had purchased the property after plan approval, we could understand the restriction. We believe our property can be subdivided to provide 2 additional building lots and meet the policy objectives identified for Natural Areas. We request the approval of the City Council to allow us to work with Story County to develop our property while committing to maintain the desired features of Natural Areas.

Background:

- We own approximately 84.4 acres along loway Creek north of 190<sup>th</sup> Street. Approximately ½ of the property lies within the 2-mile area beyond the Ames City Limits and is designated as Natural Area by the AUF Plan.
- We purchased our property in 2004 and build our family home the following year.
- In 2006 the City of Ames adopted the current fringe plan designating portions of our land as Natural Area.
- On May 10, 2021 we submitted a pre-application request to the Department of Planning and Housing for a 3-lot subdivision. (Note: The proposed building sites are outside the 2-mile limit.)
- On May 26, 2021 we received a response indicating that our request was not compatible with the current land use designation and that an amendment to the AUF plan would be required to accommodate our request.

We certainly understand the intent of the AUF plan to protect the loway Creek watershed and the City of Ames from downstream impacts. We have taken significant steps to incorporate conservation features on our property. Prior to purchasing our property, the land was used for row crops and grazing. In 2006 we established a Riparian Buffer along loway Creek and worked with the NRCS to establish native prairie on the areas that were previously cropped annually. We have seen a significant reduction in erosion and a very beneficial effect to wildlife in the area. We do not use agricultural chemical and sprays and work hard at controlling weeds using natural methods. Our intent is to maintain these conservation features.

Also, please note that existing Parcel 05-18-400-405 (28.94 acres) is an existing lot of record and according to Story County can be permitted for a building lot with proper elevation. We do not intend to build on this parcel and are willing to memorialize this as a condition of approval. (See Sketch Plan)

Request:

Allow reconfiguration of parcel boundaries.

- Our existing property consists of 3 parcels:
  - 05-18-200-305 (15.5 acres)
  - 05-18-400-100 (40 acres)
  - 15-18-400-405 (28.94 acres)
- The proposed 3-lot subdivision would consist of 3 parcels: (Refer to Sketch Plan)
  - New Parcel 1: Combine 05-18-400-405 with approximately the south 20 acres of 05-15-400-100 to form a ~ 49 acres parcel
  - New Parcel 2: Combine 05-18-200-305 with approximately the north 20 acres of 05-18-400-100 to form a 35-acre parcel
  - New Parcel 3: Create a 1-acre lot within Parcel 2 as a residential subdivision per Story County Property Research Report.

Rationale/Justification for our request:

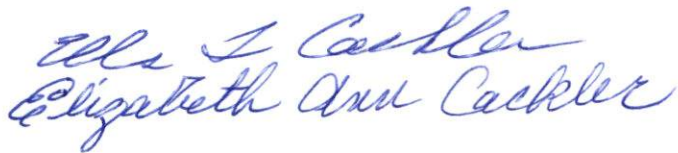
- The AUF plan restrictions of a Natural Area designation are being applied retroactively to an existing land owner. This amounts to taking away our property rights without compensation. It seems much fairer that the implementation of the AUF plan would authorize staff to work with owners of record before the July, 2006 plan approval to allow reasonable requests to be accommodated in compliance with Story County's requirements.
- The proposed 3-lot subdivision can be accommodated while achieving the objectives of maintaining Natural Area features.
- Our request is consistent with the requirements of Story County Planning and Zoning for A-1 designation, maintaining a minimum of 35-acre lot sizes.
- Our neighbors along 190<sup>th</sup> are supportive of our request.
- The Natural Area boundary along the east side of our property is very arbitrary. Instead of identifying the appropriate Natural Area, it follows the property line. (See attached Land Use Framework map.) Currently a home is being built just across the loway Creek on a lot abutting our property. The right to develop this parcel was not restricted even though it is closer to the loway Creek than our proposed building sites will be. While we do not object to this, it seems inconsistent to restrict our right to develop our property.
- We have made significant efforts to improve our property by establishing riparian buffers along loway Creek and native prairie and wetlands in the areas that had previously been farmed. These features support the AUF plan goals of improving water quality, mitigating downstream flooding impacts, and providing natural habitat for wildlife. We also do not use farm chemicals and sprays. This would appear to be exactly what is desired by the AUF plan goals.

Attached for your reference are the following documents:

1. Proposed Prairie Creek Subdivision sketch plan
2. Story County Planning and Zoning Property Research Report
3. Land Use Framework Map
4. May 10, 2021 Pre-application Submittal Letter
5. May 26, 2021 denial from the Ames Department of Planning and Housing

Thank you for your consideration. Please let us know if you require any additional information for presentation to the City Council.

Sincerely,

Handwritten signature in blue ink, reading "Ells T. Cackler" on the top line and "Elizabeth Ann Cackler" on the bottom line.

Ells T. & Elizabeth A. Cackler  
[tcackler@prairieinet.net](mailto:tcackler@prairieinet.net)  
515.460.4512

CC:

Amelia Schoeneman, Director, Story County Planning and Development



May 26, 2021

Ells & Elizabeth Cackler  
4909 W. 190<sup>th</sup> Street  
Ames, IA 50014

RE: Sketch Plan for 4909 West 190th Street Story Co., AUF-REV-001203

Dear Ells:

The City has completed its review of the Sketch Plan for the boundary line adjustment of three parcels located at 4909 West 190<sup>th</sup> Street in Story County within two miles of the Ames city limits in the Ames Urban Fringe (AUF). The Sketch Plan was submitted on May 11th, 2021 to the Planning and Housing Department. The Development Review Committee (DRC) met on May 19th, 2021 for the pre-application conference review, a required first step for any proposed subdivision, lot merger, or boundary line adjustment. A telephone conversation between owner and staff was held on May 21<sup>st</sup>, 2021 to discuss the findings of the DRC.

In summary, the property owner is looking to adjust the boundaries of the three existing platted lots. The majority of the existing property is designated as "Natural Area" in the Ames Urban Fringe Plan. Below is a portion of the Natural Area policy language involving the 3 main policies.

***Natural Area:***

***NA Policy 1: Natural Areas are composed of the following features and locales that intermingle with each other.***

***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 stormwater run-off.***

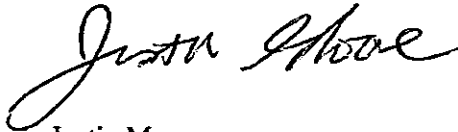
Staff finds that based on the Natural Area Designation of the parcel the proposed boundary line adjustment is not supported by the Urban Fringe Plan. *(Please note that Story County subdivision regulations refer to different subdivision terminology from those of the City of Ames).*

If the owner wants to change the land use designation for this property on the Urban Fringe Map a request would need to be made to the Ames City Council to change the Urban Fringe Land Use Map designation for this property.

If you have any questions, please contact me at (515) 239-5400, or by email at: [justin.moore@cityofames.org](mailto:justin.moore@cityofames.org).

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Sincerely,

A handwritten signature in cursive script that reads "Justin Moore". The signature is written in black ink and is positioned above the printed name and title.

Justin Moore  
Planner

May 10, 2021

Department of Planning and Housing  
Room 214, City Hall  
515 Clark Avenue  
Ames, Iowa 50010

Please find attached the Sketch Plan Pre-application Submittal Packet for a proposed minor subdivision of our property. Our intent is to create 2 additional building lots that our adult children will build on.

Please find attached the following documents for your review:

1. Sketch Plan Pre-application Conference application form
2. Sketch Plan Checklist
3. 7 copies of the Sketch Plan
4. Copy of the Land Use Framework Map showing the Ames City limits and 2-mile boundary
5. Copy of the Land Use Framework for our property in an expanded detail view
6. Summary of our Property Research Report from Story County Planning and Development

Special Notes:

1. We recognize that approximately half of our property lies in the area designated as a Natural Area by the Ames Urban Fringe Plan Land Use Framework. Prior to our purchase of the property in 2004 much of the property was in row crops and used for grazing cattle. We have eliminated those practices and instead established permanent vegetation, mostly CPR and Riparian Buffer along loway Creek, working in partnership with NRCS. We intend to maintain those conservation practices and be part of the solution for the loway Creek watershed downstream flooding problems. The existing conservation practices have also been very beneficial to providing wildlife habitat in the area.
2. Parcel 05-18-400-405 (28.94 acres) is an existing lot of record. Our intent is not to build on this parcel. We are willing to memorialize this as a condition of approval.

Thank you for your consideration.

Sincerely,

Ells T. & Elizabeth A. Cackler  
4909 W 190<sup>th</sup> Street  
Ames, Iowa 50014  
[tcackler@prairieinet.net](mailto:tcackler@prairieinet.net)  
515.460.4512

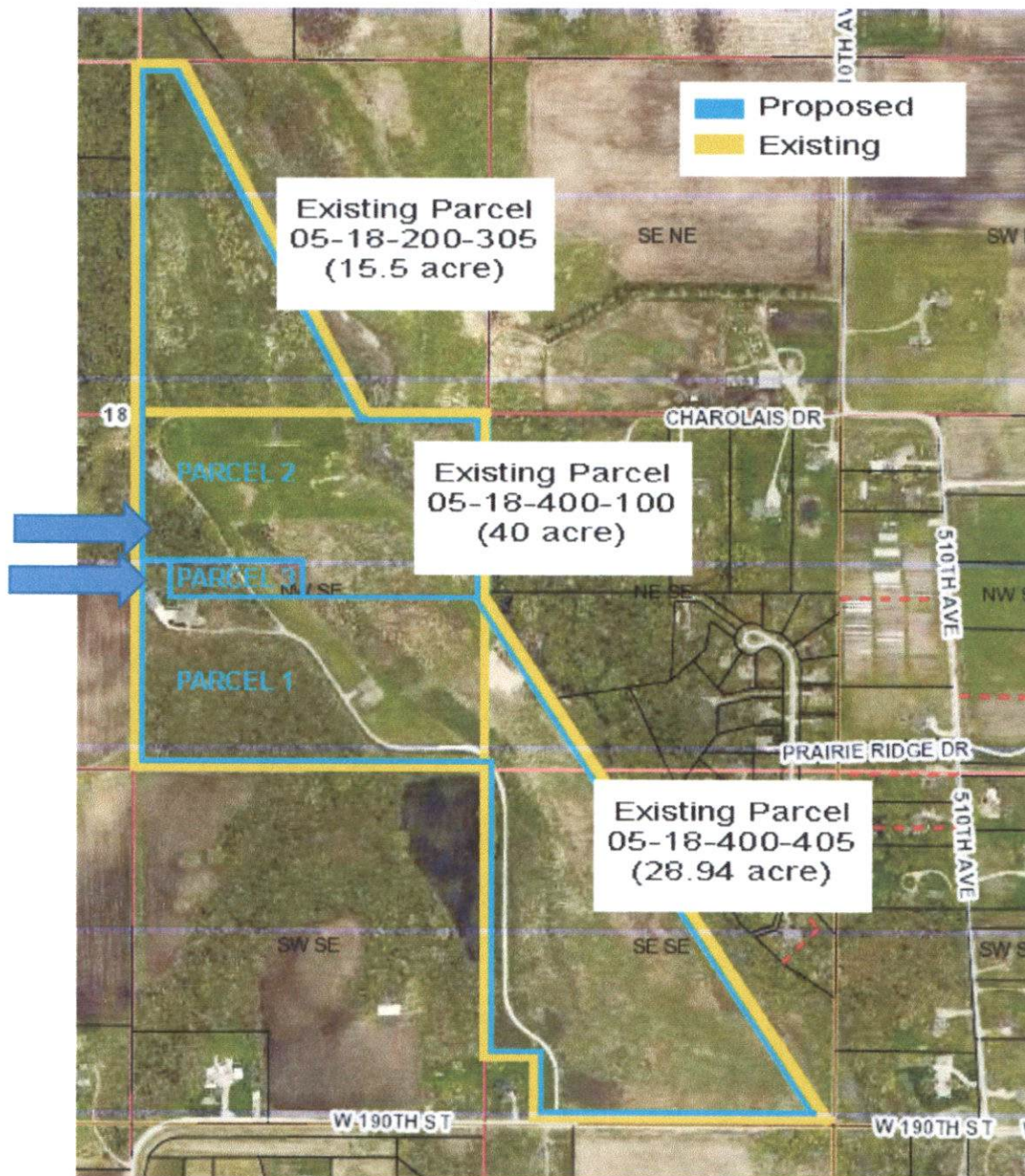
## Proposed Prairie Creek Subdivision

4909 W 190th Street, Ames

Proposed minor subdivision to create 2 new building lots.

- Combine Parcel 05-18-200-305 with approximately north ½ of Parcel 05-18-400-100 to create ~35-acre new Parcel 2.
- Combine Parcel 05-18-400-405 with approximately south ½ of Parcel 05-18-400-100 to create ~49-acre new Parcel 1. (Note: Parcel 05-18-400-405 is an existing lot of record)
- Create a new Parcel 3 of one acre lot [125' x 350'] within Parcel 1. (Residential Subdivision)
- Proposed building sites for new Parcels 2 and 3 shown by arrow (Just north of existing house – all setbacks observed)
- Applicant: Ells T & Elizabeth A Cackler, 4909 W 190th Street

↑ North





**PROPERTY RESEARCH REPORT**  
**STORY COUNTY PLANNING AND DEVELOPMENT**  
STORY COUNTY ADMINISTRATION  
900 6<sup>TH</sup> STREET  
NEVADA, IOWA 50201-2087  
515-382-7245  
515-382-7294 (FAX)

Request Number: 20-025  
Phone/fax/email: 515-460-4512  
tcackler@prairieinet.net

Date: 12/21/2020  
Address: 4909 W 190<sup>th</sup> St

Name: Ells Cackler  
City/State: Ames, IA

**Property Research Report is regarding the parcel described below:**

Parcel Number:	05-18-200-305	Property Owner:	Cackler, Ells Thomas & Elizabeth Ann
Property Address:	NA	Property City/State:	Ames, IA
Gross acreage:	15.50	LESA Score:	279
		SA Score:	196
		Current Zoning:	A-1 Agricultural
Parcel Number:	05-18-400-100	Property Owner:	Cackler, Ells Thomas & Elizabeth Ann
Property Address:	4909 W 190 <sup>th</sup> ST	Property City/State:	Ames, IA
Gross acreage:	40.00	LESA Score:	250
		SA Score:	182
		Current Zoning:	A-1 Agricultural
Parcel Number:	05-18-400-405	Property Owner:	Cackler, Ells Thomas & Elizabeth Ann
Property Address:	NA	Property City/State:	Ames, IA
Gross acreage:	28.94	LESA Score:	257
		SA Score:	171
		Current Zoning:	A-1 Agricultural

You inquired to the Story County Planning and Development Department about whether the three parcels 05-18-200-305(15.5 gross acres), 05-18-400-100(40.00 gross acres), and 05-18-400-405(28.94 gross acres) containing 82.69 net-acres could configured to create two additional buildable parcels.

**Summary of Findings**

- The parcels are a combined 84.44 gross acres, and are all zoned A-1 Agricultural.
- Parcels 05-18-400-100 and 05-18-400-405 are both located within the Ames Urban Fringe Plan (AUFPP), and identified as Natural Areas. Any divisions within the AUFPP under this designation would require an amendment to the AUFPP to a designation that would allow for a division of the land.

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**NOTE: It is imperative to understand the details behind these answers. Please review the following pages for more information. In reviewing the results, review ALL sections of this report for applicable findings to get an accurate read on the subject property.**



- Amendments to the Ames Urban Fringe Plan begin by making a request for an amendment with the City of Ames.
- If an amendment to the AUPF is granted, then parcel 05-18-400-100 could be divided and adjoined with the remaining two parcels in a way that would create two parcels with a minimum of 35 net-acres (not including any right of way).
- The new parcel without the existing dwelling could have a dwelling constructed on it.
- The proposed new parcel with the existing dwelling could be divided through a residential parcel subdivision process to allow for the creation of another buildable parcel, provided each parcel is at least 1 net-acre in size.
- A zoning permit application and a septic application would need to be submitted for the construction of any new dwellings.

### Findings

The parcels are 82.69 net-acres, and are located within the A-1 Agricultural-zoning district. In accordance with the Story County Land Development regulations, the minimum lot size in the A-1 District for a single-family dwelling is 35-acres. Exceptions to the 35-acre minimum lot size requirement identified in the Bulk Requirements in Chapter 86.04 (5) (A) (1-4) to allow a single-family dwelling to be located on a lot less than 35 acres include:

- (1) If the parcel is considered a legally established lot-of-record, it may be built upon regardless of size.

This exception does not allow for further division of these parcels. However, as parcel 05-18-400-405 came into its current configuration in 1973 prior to the adoption of the 35-acre requirement, this requirement would apply to allow a dwelling to be constructed on the parcel.

- (2) If the parcel contains a farmstead and is legally divisible from the remainder of the farmland, the requirement is a minimum of one acre (net).

These parcels do not contain farmsteads.

- (3) If the parcel is evaluated by the L.E.S.A. system and identified as being low-to-moderate value agricultural land, a minimum lot size of one acre (net) as applicable as defined in Table 86-1 (when property is located within the Ames Fringe Area Plan, this exception only applies if the property is designated Agricultural and Farm Service).

The LESA scores for the parcels 05-18-200-305 and 05-18-400-100 (LESA: 279, 250 SA: 196, 182,) are over the threshold (LESA: 266 SA: 172 or less) permitted to allow a minimum lot size of one-acre in the A-1 District. Parcel 05-18-400-405 is considered buildable under the legal lot of record status, it also meets the LESA exemption (LESA: 171 SA: 257) allowing for the division of the parcel into two parcels, a minimum of one net acre in size, provided an amendment to the AUPF was obtained.

- (4) If the parcel has been created through a residential parcel subdivision.

The parcels were not created through a residential parcel subdivision. However, you may be able to divide the parcel with the existing dwelling (05-18-400-100) through this process and create an additional, buildable lot. This would only be possible if an amendment to the AUFPP was granted from the current classification to a designation that would allow divisions to take place. More details on these processes are included below.

### **Ames Urban Fringe Plan Amendment Process**

Parcels 05-18-400-100 and 05-18-400-405 are both within the AUFPP area. The parcels' current designation is natural area. Divisions to create lots for residential development are not supported in this designation. An amendment to the Ames Urban Fringe Plan would be required prior to any division. Proposed amendments to the Ames Urban Fringe Plan require approval by all three cooperating entities (Ames, Gilbert, and Story County). The Ames Urban Fringe Plan map amendment process starts with an application request to the Ames Planning and Housing Department. The City of Ames then forwards the request to Story County and Gilbert to take action on if they will consider the request. A majority support of the entities is required to allow the amendment application to be submitted for consideration.

### **Division Process**

If the AUFPP amendment was granted, you may be able to reconfigure the parcels to be able to have the existing dwelling and two additional buildable parcels.

A plat of survey parcel line adjustment would need to occur to combine 05-18-200-305 and half of parcel 05-18-400-100 to create a parcel 35 acres or greater in size. The remainder of parcel 05-18-400-100 and parcel 05-18-400-405 would also need to be combined through this process to create a parcel 35 acres or greater in size. An Iowa Licensed land surveyor can complete a parcel line adjustment. They are reviewed by county departments and recorded with the Story County Recorder's Office. The requirements for parcel line adjustments can be found in Chapter 87.01 of the Story County Land Development Regulations.

The 35-acre parcel without the dwelling would be considered buildable for one, single-family dwelling. A residential parcel subdivision may then be submitted to divide the parcel containing the existing dwelling. A residential parcel subdivision is limited to yielding two development lots (buildable for a dwelling): one additional lot, buildable for a single-family dwelling, and one lot with the existing dwelling. Both lots platted as part of the subdivision would be required to be a minimum of one-net acre in size. All requirements for a Residential Parcel Subdivision and can be found in Section 87.07 and are included below. A flow chart of the process is also attached.

A Residential Parcel Subdivision Plat may be completed by a professional land surveyor and submitted with attachments (see Iowa Code Section 354.11 for a full list), including owner and mortgagee's consent and an attorney's title opinion to the Planning and Development Department for review and approval by the Board of Supervisors. The Board of Supervisors would act on the subdivision request at a public meeting.

*A subdivision may be submitted for review and approval as a Residential Parcel Subdivision Plat when all of the following are true:*

- 1. The development lots created by the subdivision are intended to be used for residential purposes.*
- 2. Only two development lots may be created.*
- 3. The Assessment Property Record Card for the property shall show a single-family dwelling and/or farmstead, as defined in Section 85.08, in existence.*
- 4. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property, or public use.*
- 5. The subdivision lies wholly within the A-1 District. For parcels located within the boundaries of the Ames Urban Fringe Plan, the subdivision must be both zoned A-1 Agricultural and lie wholly within the Rural Service and Agricultural Conservation Area designation.*
- 6. Both development lots (created by the Residential Parcel Subdivision Plat) shall contain a minimum of one acre (net) each. All side and rear yard setback requirements must be met.*
- 7. All resulting development lots shall have access to an adjoining public roadway by actual road frontage or frontage.*
- 8. No variances from subdivision or zoning standards shall be granted in order to accomplish the Residential Parcel Subdivision Plat.*
- 9. The existing parcel shall not have been created through a previously approved Residential Parcel Subdivision Plat.*

#### **Other Information**

The parcels currently have an access off W 190<sup>th</sup> St. A new, shared access easement would be required for each parcel or lot that would be created. The easement would be required to be 50 feet wide.

There are natural resources on the property located generally covering most of all three parcels. Protections for naturally occurring resources in [Section 88.05\(2\)](#) of the Story County Land Development Regulations would apply to the construction of a home, including that that no more than 15% of the naturally occurring resources shall be removed and significant trees are replanted. Story County's erosion control requirements would also apply during construction.

Part of the natural resources includes the floodplain along Squaw Creek. Approval of a floodplain development application and compliance with Story County's adopted floodplain management regulations would be required for any proposed development in the floodplain. The floodplain management regulations include that all new residential buildings be provided with a means of access passable by wheeled vehicles during the 1% annual chance or greater flood—a survey to establish the base flood elevation level and the raising of the access drive may be required. A map of the floodplain is attached for your reference.

If a residential parcel subdivision were submitted, a 60-foot easement over Squaw Creek would be required. Section 88.05(1) of the Story County Land Development regulations states:

*1. Easements Along Streams. Whenever any stream or major surface water course is located in an area being subdivided, the subdivider shall provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams, if necessary. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than 30 feet on both sides of the center of the watercourse.*

*A. Suitable provisions for maintenance and upkeep of easements shall be provided through a homeowners association, deed covenants, or through other similar provisions as approved by the Board of Supervisors.*

A zoning permit is required for the construction of a single-family dwelling. A flow chart of the zoning permit process is attached. A 911 permit for an address is needed if a new parcel is created and a dwelling proposed. A septic permit and well permit (if applicable) from the Story County Environmental Health Department is required for the permit to construct a dwelling. The Environmental Health Department may be contacted at [healthweb@storycounty.com](mailto:healthweb@storycounty.com) or 515-328-7240.

If you have any questions regarding these findings, please contact me at [mamman@storycountyia.gov](mailto:mamman@storycountyia.gov) or by phone at 515-382-7249.

Best regards,

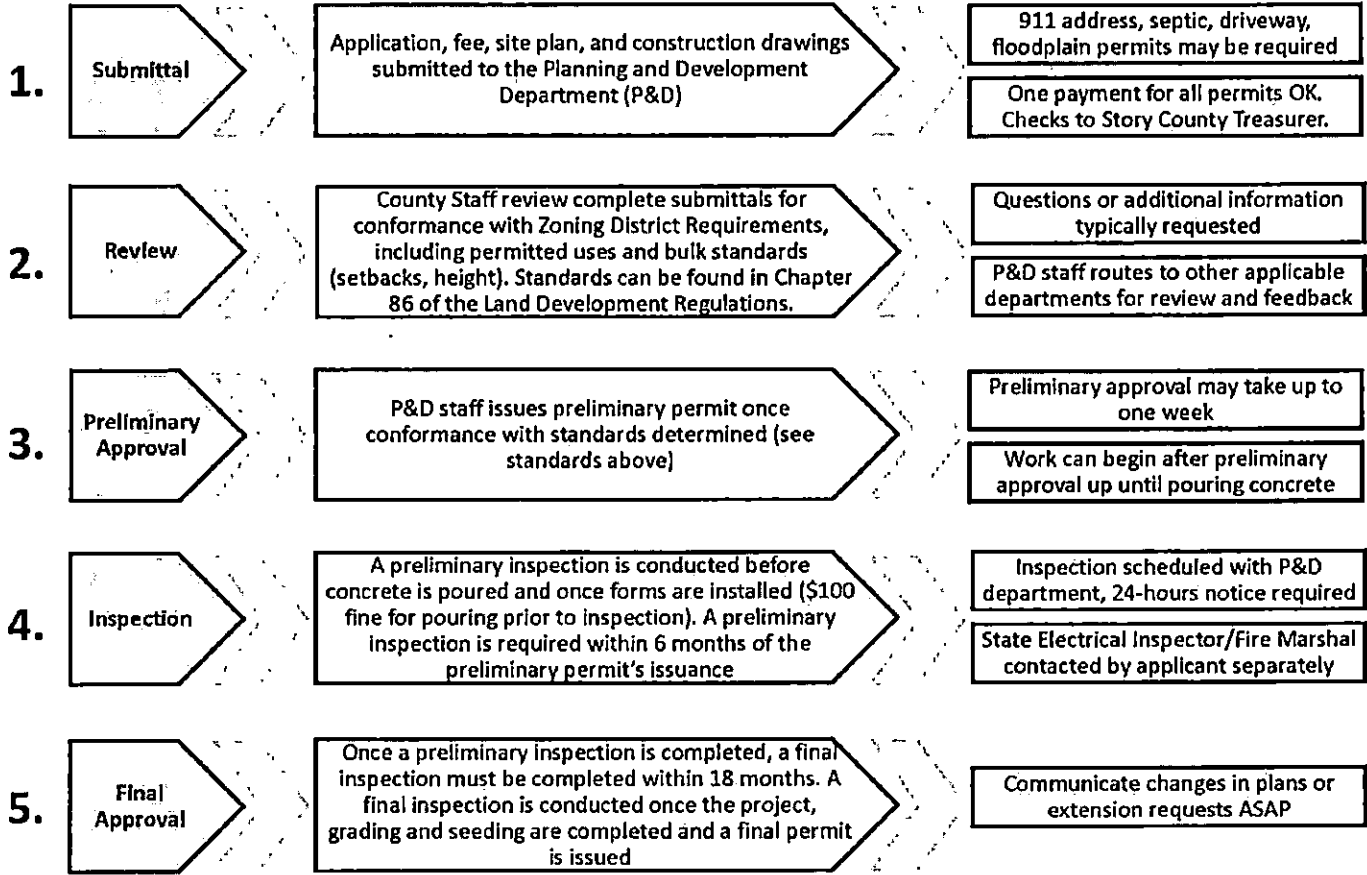


Marcys Amman  
Planner

Please note: The research results included herein are meant to indicate only the overall potential of the property in question to be developed and used in a certain way. Zoning, on-site wastewater treatment, and other access permits may be required before development or use of this property. This report in no way implies authorization to develop or use property in Story County without acquiring the proper permits, nor does it guarantee that permits will be granted.

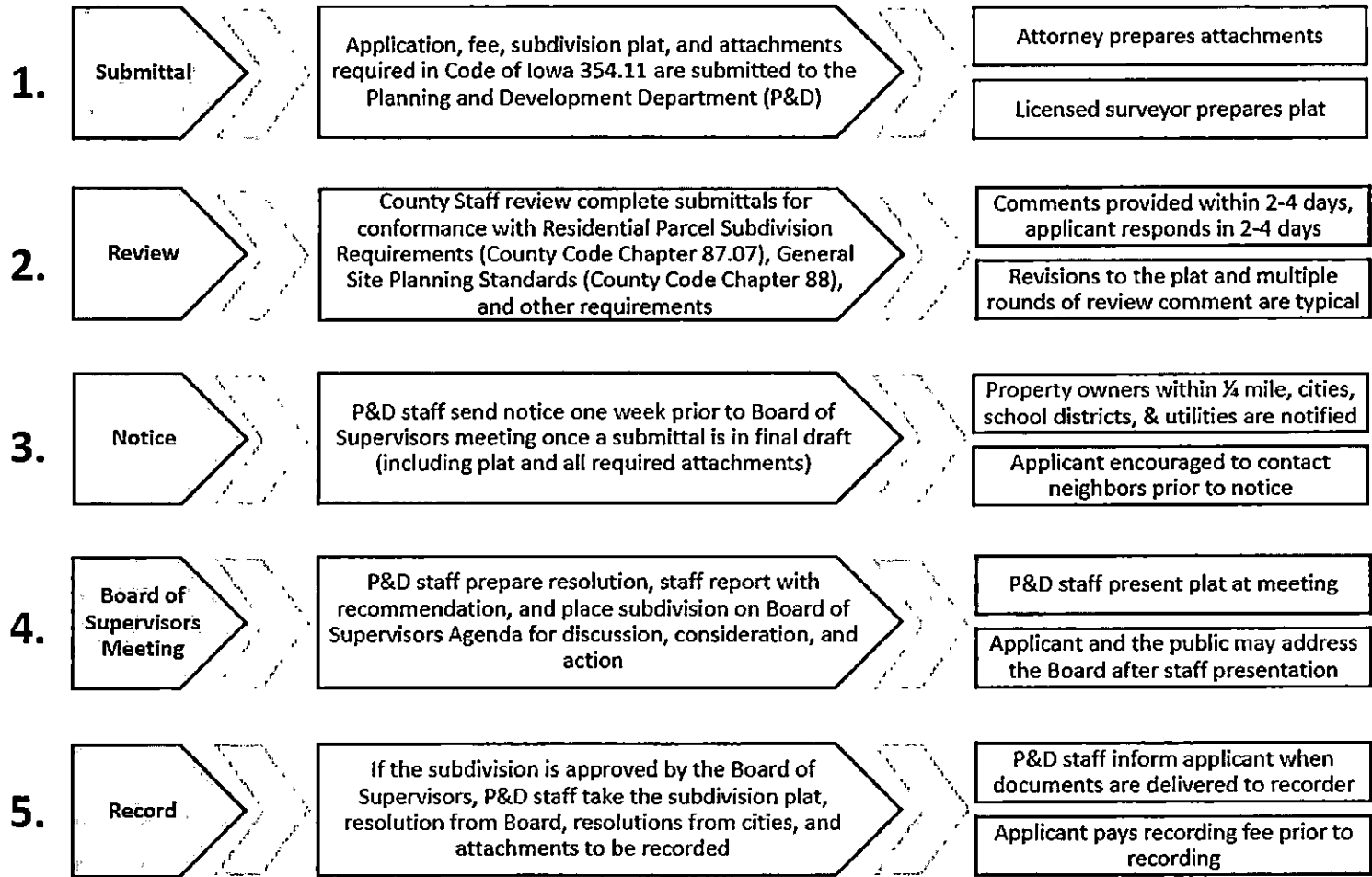
This research was prepared with regard to regulations in effect at the time the request was submitted. The policies and regulations are amended from time to time, so the results of this research may not be consistent with currently effective regulations if a substantial amount of time has elapsed since the date of the property research.

**Zoning Permit Process**  
*May take up to one week to review and receive preliminary approval*

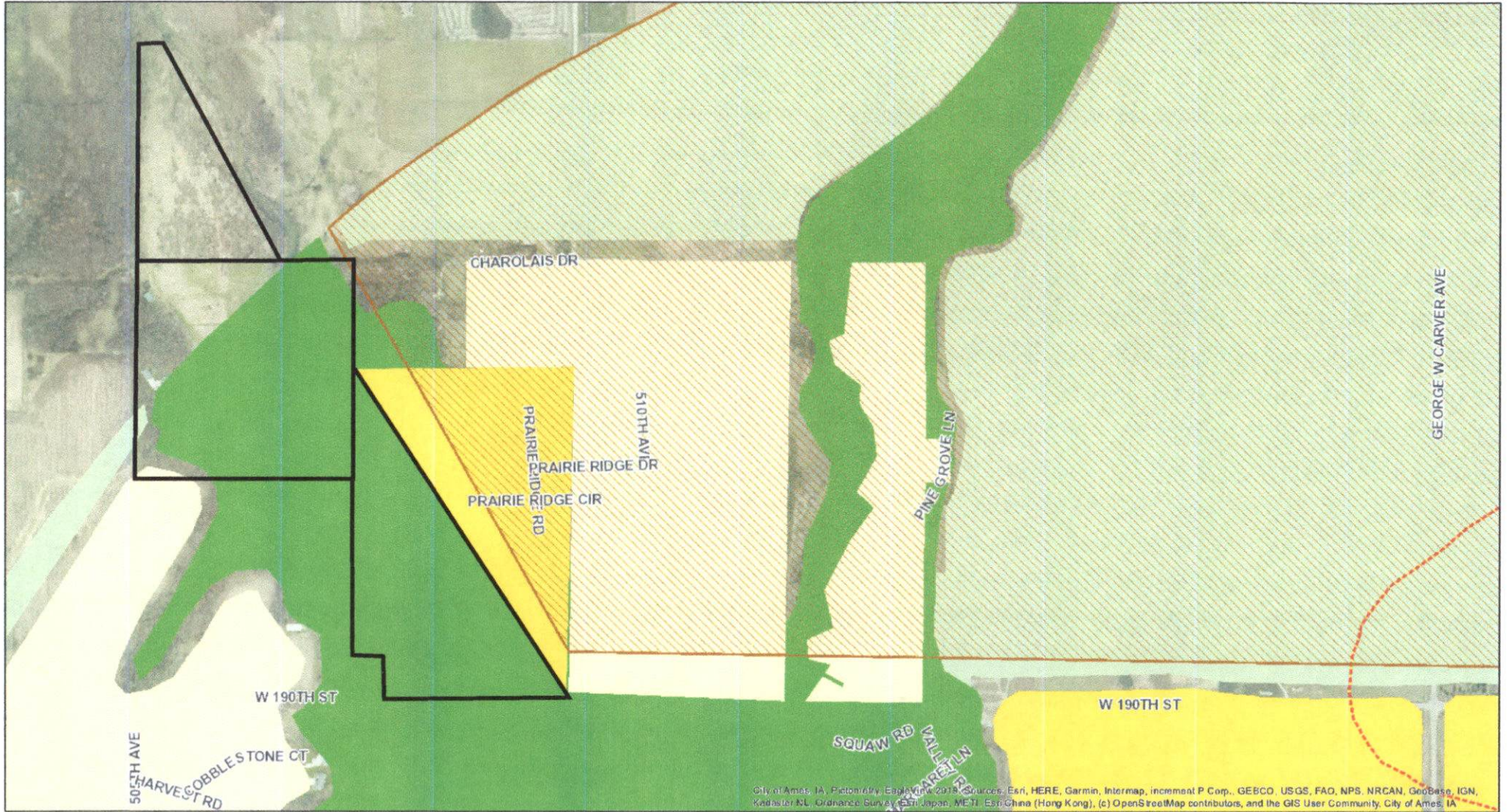


***NOTE:** It is imperative to understand the details behind these answers. Please review the following pages for more information. In reviewing the results, review ALL sections of this report for applicable findings to get an accurate read on the subject property.*

**Residential Parcel Subdivision Process**  
*May take up to one month, Board of Supervisors Action Required for Approval*



**NOTE:** It is imperative to understand the details behind these answers. Please review the following pages for more information. In reviewing the results, review ALL sections of this report for applicable findings to get an accurate read on the subject property.



City of Ames, IA. Fictionality. Esri, Inc. 2019. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, Kadaster NL - Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community. City of Ames, IA



4909 W. 190th Street - Ames Urban Fringe Land Use Framework Map



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Date: 1/27/2021

1 inch = 750 feet