

ITEM #: 27
DATE: 04-09-24
DEPT: P&H

COUNCIL ACTION FORM

**SUBJECT: PLATS OF SURVEY FOR RURAL BOUNDARY LINE ADJUSTMENTS
WITHIN BOONE COUNTY**

BACKGROUND:

The subdivision regulations in Chapter 23 of the *Ames Municipal Code* include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments.

The applicant owns multiple parcels in Boone County, outside of Ames but within the 2-mile Urban Fringe Area (see Attachments A and B). There are two separate plats of survey (Attachment C):

1. A boundary line adjustment on the south side of 220th Street reconfiguring the two existing parcels by adjusting the common boundary, and resulting in two parcels of similar acreages.
2. A boundary line adjustment on the north side of 220th Street for existing six (6) parcels, moving the common boundaries, and resulting in three parcels, with in one parcel for an existing home and two other larger vacant parcels (one of which is Parcel C).

The owner desires to divide the property for future estate planning. **Last year, the applicant wrote a letter to Council requesting that subdivision standards (such as those for sidewalks, right-of-way dedication, extension of utilities, and street trees) be waived to allow for the modification of the property lines and create a lot for the existing home. Council consented to this request. The applicant also stated he was amenable to having a restriction placed on the property restricting the use to "farming use" only and this was considered as part of the Council authorization to proceed with Plats of Survey.**

Subsequently the applicant worked with staff to finalize the proposed parcel boundaries and discussed the limitations of use and whether a single home would be allowed for proposed Parcel C. The applicant would like to construct a house on one of the parcels on the north side that is greater than 35-acres and seeks approval of the Plat of Survey without a use restriction. Staff recently confirmed this desire with the applicant.

RURAL SUBDIVISION POLICY:

The subject properties are within the Urban Reserve, as defined by *Ames Plan 2040*. The comprehensive plan views these areas as the most likely to be annexed at some point in the future, but outside of the current designated growth areas, and therefore treats them with care when considering future development potential. **Policies in *Ames Plan 2040* support land divisions only for breaking off an existing farmstead and creating parcels of at least 35 acres. Divisions should not create parcels that limit future annexation options. *Ames Plan 2040* also seeks to preserve agricultural land and to limit development for commercial or residential purposes.**

As boundary line adjustments, the plats of survey provide a unique condition compared to most projects that are creating additional parcels rather than consolidating parcels. The key policy element is the consistency of parcels sizes for the exiting home located on its own individual parcel and the new parcels since there is not an apparent increase in development potential with the proposal.

The south property is all agricultural use. The proposed parcels are both larger than 35 acres and are consistent with lot size policies of *Ames Plan 2040*.

The north property contains farmland and an existing farmstead. The plat of survey proposes to break off the farmstead onto a four-acre parcel and create two additional parcels larger than 35 acres that will be used primarily for agriculture. However, the applicant desires to have the ability to build a new house on one of the north parcels (Parcel C) since the site exceeds 35 acres. The proposed parcel for the exiting home is consistent with our standards policies about creating individual parcels for existing homes when the resulting parcels also conform to area minimums of 35 acres or with use limitations. to avoid rural subdivision for additional homes.

ALTERNATIVES:

1. Approve proposed plats of survey and authorize the Planning Director to approve the plats of survey without a use limit on Parcel C, but with an agricultural use limit on the other three vacant parcels. *(This could be accomplished with a No Build note on the Plat of Survey, or a separate legal document recorded with the plat)*
2. Approve the proposed plats of survey and authorize the Planning Director to approve the plats of survey subject to a use restriction for all of the parcels as agriculture uses only.
3. Approve proposed plats of survey and authorize the Planning Director to approve the plats of survey with no specific use limitations.
4. Deny the proposed plats of survey on the basis that the City Council finds that the requirements for plats of survey as described in Section 23.309 have not been satisfied.
5. Refer this request back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The Urban Fringe requirements in *Ames Plan 2040* were written to protect the future growth of the City. Subdividing land is the most foundational of planning tools. Subdividing property in a haphazard way can impede the future use of land and deter the rational development of streets and infrastructure. Typically, the City seeks covenants with waivers of subdivision authority. In this situation as boundary line adjustments, no specific improvements are required and no covenants related to waivers are proposed.

Staff finds that the proposed plats of survey comply with *Ames Plan 2040* in regards to parcel sizes and planning principals that will protect the City's future growth. During the 2023 discussion of parcel configurations and waiver of City improvement requirements that may apply to the project resulted in direction to support the project with a use limitation. The applicant now requests that in consideration of the final configuration and overall parcel size that the agricultural use restriction is not required for Parcel C on the north plat of survey, which differs from the 2023 discussion for use of the properties.

Although staff believes that having no use restriction on Parcel C can be found to conform to our policies, it should be noted that future subdivision of any of lands would be restricted by *Ames Plan 2040* policies related to creating new and additional parcels for development or individual house lots. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

ATTACHMENT(S):

[Attachment A - Context Map.pdf](#)

[Attachment B - Subject Property.pdf](#)

[Attachment C - Proposed Plats.pdf](#)