

Staff Report

NOTIFICATION REQUIREMENTS REVIEW OF MAILED NOTICE, LOCAL/COURTESY NOTICE, AND LEGAL NOTIFICATIONS WEBPAGE

April 22, 2025

BACKGROUND:

Earlier this year, the City Council requested information regarding legal notifications and asked for information addressing an online legal notification webpage, an evaluation of mailed zoning notifications, and overall noticing procedures related to modified local/courtesy notice standard proposed with a text amendment for public hearings and Major Site Development Plan notification that was tabled on February 25th. Attached to this report for additional background is a matrix of current Planning related notification procedures categorized with state law minimum requirements and currently adopted local requirements.

Principally, state law requires only minimal notification procedures focused on publication of newspaper legal notices for public hearing requirements. Ames has adopted additional local procedures in the form of mailed and posted notices.

OPTIONS:

LEGAL NOTICE WEBPAGE:

City Council referred a request to staff on January 28 to establish a “legal notification” webpage for general community awareness of activities occurring in the City. Staff has reviewed two concepts for this request.

The first option is to post all public notices published in the newspaper by the City Clerk on a city webpage. The second option is to provide a page that contains information and updates regarding major projects. With either option, once a webpage is created, anyone could subscribe to the page and staff can provide notice to the subscribers once a week that the page has been updated.

Option 1.

For a legal notice webpage there would be a substantial number of postings throughout the year for all types of published notices, such as bid notifications, ordinances, zoning, property disposition, etc. Staff reviewed a [model of this approach on the Wichita, KS webpage](#). It is a model that could be implemented in Ames.

This approach would require an additional step by the City Clerk’s Office, which handles almost all legal notifications required of the City with the exception of notices generated by the Planning and Housing Department. It would be easy to administer since the same legal notice published the newspaper would be published on the City's webpage. **While this option would certainly create a one-stop location for all legal notifications, it may not effectively address a broader Council goal of emphasizing significant projects or building a resource for general public awareness because of**

the volume of items that require legal notice on a regular basis.

Option 2.

The second option considered by staff, creating a Major Projects Notification webpage, would bring together a combination of departments' major projects that warrant both public engagement and notice of upcoming decisions. **This option would likely create more public awareness earlier in the process than legal notice requirements and it would allow for significant plans to be kept available for reference to the public in a common location.** [One version of this approach is an example from Clive, IA.](#)

Planning and Zoning-related plans, studies, and legal notices of public hearings would all be part of such a Major Projects webpage. Other departments, such as Parks and Recreation, Public Works, City Manager's Office, and Fleet and Facilities, would have to identify what major plans and projects would be represented on the website. For example, Public Works currently manages a CIP project viewer. A Major Project webpage would cross-reference to this type of information about City construction projects so it easier to identify for the public in one focused location.

MAILED NOTIFICATIONS FOR PLANNING & ZONING:

Commonly, cities are trying to balance public awareness with cost and timing of notices. The main goal is to alert those most likely impacted by a proposed use of a property to exercise their due process rights related to an issue that could directly or indirectly affect their property. **The City of Ames has a locally established 200-foot minimum notice distance for many Council and ZBA-approved zoning applications. Although not stated as the basis of the current 200 feet, it does align with the rezoning petition distance related to properties within 200 feet.**

The 200-foot distance the City utilizes commonly includes abutting properties and some additional adjacent properties, but it does not necessarily reach the opposite side of a street because of lot depths and intervening right-of-way widths. See attachment for mailed notice distances. Although the mailed notice does not reach a wide swath of properties, the mailed notice is supplemented with a local sign posting requirement to provide general notice to people in the area.

The Council had asked for information related to expanding the notice radius to determine if there would be a benefit to increasing the distance. Staff analyzed notices implemented from 2023 through February 2025 and included a chart in this report indicating how property owner notification would increase with different distances. The data indicates that 1,850 notices were sent in total over this two-year period for ZBA, P&Z, and CC. There were an average of 30 cases a year requiring mailed notice. The average notification mailing includes 30 properties. Staff estimates a total cost for postage, paper, and envelopes to be about \$1.00 per notice, resulting in a cost of \$1,850.

Staff evaluated other distances for each of the two years of projects and estimated the additional number of notices that would be generated by a greater notification distance.

Notification Distances

Distance Options	200 Feet- <i>Current local requirement</i>	300 Feet	400 Feet	500 Feet	600 Feet
Est. # of Notices per Project	30	42	55	70	85
Est. Total Notices over two-year period	1,850 total notices	2,586 total notices	3,430 total notices	4,354 total notices	5,284 total notices

Staff generated samples of locations in the city with different radius distances to illustrate the impact of increasing the notice distance. **The examples illustrate a dramatic difference between sites located within the City and those on the periphery of the City, with many more properties noticed on average for internal sites.** See attached example map for 1726 Collaboration Place in the Research Park where only 5 additional notices would be sent with a 600-foot notice distance, versus 2900 Hoover (St. Cecilia), where an increased distance to 600-feet would more than triple the number of notices sent, given the location in an established, residential neighborhood.

From reviewing the data and examples, it seems a 300-foot distance would most likely capture both sides of a street adjacent to a site compared to the current 200-foot distance that may or may not capture both sides. See attached example maps for 4925 Lincoln Way (Hope Church) and 921 9th (Roosevelt School) where the 300-foot notice distance captures properties on both sides of Hartford (west of Hope) and on both sides of Roosevelt (east of the school site). A 300-foot notice distance would have an increased annual cost of approximately \$400, a 400-foot notice requirement would be \$750.

Currently, the City charges flat application fees regardless of the size of a project or its notification requirements. If notice requirements are increased, Council may wish to adjust application fees or consider putting the notification cost for each project back to an applicant. Some cities do require applicants to post on-site signage and complete mailings to reduce staff time and cost and then have the applicant provide certification that it was completed. Property owner notice can be generated by anyone using the Beacon assessor website.

LOCAL/COURTESY (NON-MANDATED) NOTIFICATION;

The attached matrix identifies local and state requirements. When the standards of notice are required by ordinance, it commonly triggers a newspaper publishing requirement due to language in state law. However, state law only requires notice for a limited type of applications. As discussed with the proposed change of notification [regarding Major Site Development Plans originally on January 28th](#) many cities do not include a formal notice process, because state law does not require notices.

Some employ a courtesy notice process, such as Des Moines, to encourage public participation beyond the state minimums, but do it in a non-binding manner that does not trigger public hearing newspaper notification.

In regards a Major Site Development Plan text amendment, the proposed change included adding a courtesy notice process in lieu of formal code requirements. **Rather than approving the proposed text amendment the item was tabled at third reading on February 25th and City Council directed staff to provide background information on noticing, as provided with this report, to allow for discussion of changes to mandatory and courtesy notices if it could be as effective as current requirements and allow for more cost effective or timely processes.**

City Council could continue to utilize current local standards written into the Zoning Ordinance for specific application types or could remove local requirements from the Zoning Ordinance and employ a notice policy approved by Council resolution as guidance to staff on how to provide courtesy notice. The primary question is if Council prefers to use a courtesy notice process that is not a formal public hearing process as proposed by staff previously or to formulate a more specific separate policy and modify zoning ordinance requirements accordingly.

STAFF COMMENTS:

City Council requested review of notification practices in the spirit of its broader interests and goals for enhanced public awareness and engagement. With this report, staff seeks Council's direction specifically for:

1. Creating an online notification webpage as either a Legal Notification or Major Project Webpage.
2. Changing the mailed notice distance requirement.
3. Continuing with the final (3rd) reading of the Major Site Development Plan (MSDP) and public hearings text amendment on the May 13 as originally proposed or to direct staff to proceed with a different notification policy related to courtesy notifications.

ATTACHMENT(S):

[Notification Matrix](#)
[Example Maps.pdf](#)