

Staff Report

Board of Supervisors

Date of Meeting:
June 23rd, 2020

Case Number SUB07-20

Agricultural Subdivision
Wilson-Stagg Agricultural Subdivision
Resolution No. 20-104

APPLICANT:

Cal Wilson
5225 Timber View Drive
Cedar Rapids, IA 52411

STAFF PROJECT MANAGER:

Marcus Amman, Planner

SUMMARY:

An Agricultural Subdivision request for Parcel numbers #10-31-300-210 and 10-31-300-260 to adjust the boundary of two existing parcels and plat them as two lots, as follows, in order from west to east: proposed Lot 1, a 23.07 net-acre lot, and proposed Lot 2, a 14.36 net-acre lot. The lots are not for development purposes. The application is to consider a request for an Agricultural Subdivision to adjust the boundary of two existing parcels and plat them as two lots. The property owner to the north (Stagg) proposes to acquire Lot 2. The Wilsons will retain Lot 1. Planning and Development staff recommend approval of the proposed Agricultural Subdivision Plat.





Property Owner

Wilson, Calvin E & Kim A

Parcel Identification Number(s)

10-31-300-210

10-31-300-260

Size of Area

36.45 net-acres

Location of Subdivision

Grant Township (Section 31, Township 83, Range 23)

East of 560th Ave

Districts

A-1 Agricultural District

Mary Greeley Ambulance and Nevada Fire Department

Ballard School District

Consumers Energy and Xenia Rural Water

Skunk River #4 Drainage District

Description of Proposed Subdivision and Current Land Use

The application is to consider a request for an Agricultural Subdivision to adjust the boundary of two existing parcels and plat them as two lots. The lots are being reconfigured for the purpose of selling land. The property owner to the north (Stagg) proposes to acquire Lot 2. The Wilsons will retain Lot 1. The existing parcels are the majority of the northeast of the southwest quarter of section 31. There is a small portion of the northeast of the southwest owned by the Iowa Department of Transportation as right-of-way for Interstate 35.

Proposed Lot 1 is currently in row crop production while Lot 2 is has timber on the majority of it with approximately 1 acre in the northeast corner in agricultural production. Proposed Lot 1 is 23.07 net-acres and proposed Lot 2 is 14.36 net-acres. Both proposed lots are zoned A-1 Agricultural, and designated as Agricultural Conservation Areas in the Capstone (C2C) Comprehensive Plan Future Land Use Map. Agricultural Conservation Areas “encompass large areas of highly valuable farmland, with farming and agricultural production as the primary activity.” Principles for the designation include encouraging high-value agriculture lands to remain in production.

The current land use (row crop production and existing timber) will not change after the division. The current operator will continue to farm the land. The lots created through an Agricultural Subdivision are not considered development lots (see Section 87.06). Planning and



Development staff have communicated this with the property owner. A note has been added to the plat that the lots are not intended for development.

There is an existing access from 560th Ave to proposed Lot 1. This access is a 1.76 acres parcel and is located 0.5 miles north of 280th st. This parcel is a 0.3 mile long parcel that extends from 560th to Lot 1. Lot 1 contains an existing 50'x50' access easement to the parcel north of proposed Lot 1 which is owned by the Stagg Family. The parcel to the north is parcel 10-31-100-405, a 37.63 net-acre parcel in agricultural row crop production. Lot 2 will have access from the adjacent parcel that the Stagg family owns located to the north though the access easement on Lot 1. The County Engineer noted that Lot 2 should have a legal access created in case it is sold in the future. To address this the Stagg family has communicated with Planning and Development Staff that they will adjoin proposed Lot 2 with adjacent parcel that they own, 10-31-100-405. This will meet the County Engineers request. As the current land use will not change and the same operator will continue to farm the land, no new access are anticipated. An access easement is not required for non-development lots to share an access.

There is floodplain in the northeast corner of proposed Lot 2 along South Skunk River. 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, including driveways and roads. This has been communicated with the applicant and no development on the property is proposed.

Applicant's Property and Current Surrounding Land Use

The property is located in Grant Township. It is approximately 2.75 miles southeast of the City of Ames and 2.75 miles northeast of the City of Huxley. Adjacent properties include:

North

Two parcels: One 37.63 net-acre parcel in agricultural production directly north of the proposed lots. One 43.35 net-acre parcel containing a single-family dwelling northwest of proposed Lot 1. The parcel with the dwelling is mostly in agricultural production. Northeast of proposed Lot 2 is IDOT land for Interstate 35.

East

East of the proposed lot is all owned by the IDOT and is used for Interstate 35.

South

Two Parcels: the parcels to the south (37.06 net acres) and southwest (44.85 net-acres) are both entirely in agricultural production. Southeast of proposed Lot 2 is IDOT land for Interstate 35.

West



Two parcels; One 37.38 net-acre parcel in agricultural production owned by Finch Family Farms. One 7.50 net-acre parcel containing a dwelling.

There are 15 parcels located within a quarter mile of the properties. They are all located in unincorporated Story County and zoned A-1 Agricultural. Two parcels contain single-family dwellings. One parcel exceeds the minimum 35-acre requirement to construct a single-family dwelling in the A-1 Agricultural Zoning District. The dwelling on a parcel under 35 acres is a parcel that is part of the Sabers Subdivision.

Applicable Regulations – Story County Land Development Regulations

87.07 AGRICULTURAL SUBDIVISION PLAT

1. A subdivision may be submitted for review and approval as an agricultural subdivision plat when all of the following are true:
 - a. The lots created by the subdivision are intended to be used for agricultural purposes;
 - b. The subdivision contains no new development lots;
 - c. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use; and
 - d. The subdivision lies wholly within the A-1 or A-2 Districts. (Ordinance No. 184)
 - e. No Residential or Minor subdivisions have been approved for the tract(s) being divided after December 31, 2003. (Ordinance No. 160)

Commentary

The following comments are part of the official record of the proposed Agricultural Subdivision Plat – **Wilson-Stagg Agricultural Subdivision, Case No. SUB07-20**. If necessary, conditions of approval may be formulated based on these comments.

Comments from the Interagency Review Team

The application materials were forwarded to the members of the Interagency Review Team on June 1, 2020, and the following applicable comments were received from the County Engineer and Planning and Development staff:

County Engineer:

1. Lot 2 should have a legal access created in case it is sold in the future.

Planning and Development Staff:

1. Please add the following district information to the subdivision plat drawing. See Story County Land Development Regulations Ch. 87.07 2. A. 11 for details.
 - Fire: Nevada Fire Department
 - Utilities: Xenia Rural Water and Consumers Energy



2. Please add the 100-year flood plain information generally in the northeast of proposed Lot 2. See Ch. 87.07 2. A. 12 for details.
3. Planning and Development staff will need to take site photos of the property as part of the review and for the presentation to the Board of Supervisors. Staff would like this to occur the week of June 8th or 15th. You do not need to meet staff on-site. Please confirm that you give staff permission to complete the site review.
4. Story County Land Development Regulations: Land Division Requirements, Section 87.06 (1), Subsection A, states that the lots created through an agricultural subdivision must be used for agricultural purposes and no development lots (buildable for a dwelling) can be created. Please describe the purpose of the subdivision and how the lots will be used for agricultural purposes.
5. There is floodplain on proposed Lot 2. 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, including driveways and roads.

Comments from the General Public

Notification letters were mailed to surrounding property owners within a ¼ mile of the subject property regarding the public meeting on the subdivision request on June 17, 2020.

No comments were received as of the writing of this report.

Comments from Cities within Two Miles

None

Analysis

Points to consider in evaluating the applicant's request to divide their property through the Agricultural Subdivision Plat process to create two (2) lots for agricultural use.

1. The goal of the subdivision is to partition land and to sell proposed Lot 2 to the adjacent property owner (Stagg).
2. The subdivision meets all requirements and standards for an Agricultural Subdivision.
3. The use of the proposed Lots will remain the same; for agriculture row crops and woodlands.
4. The lots are not to be used for development unless in conformance with the Story County Land Development Regulations.
5. Additional divisions of the lots created with the agricultural subdivision are not permitted unless the entire subdivision is considered for platting purposes.
6. The existing access easement on proposed Lots 1 will continue to serve the adjacent parcel to the north. Section 88.04 on access and access easement requirements apply only to development lots—the lots created through an Agricultural Subdivision are not considered development lots (see Section 87.06). A note has been added to the plat that the lots are not intended for development.



7. There is floodplain on proposed Lot 2 along South Skunk River. No development on the property is proposed.
8. There are two dwellings within a quarter mile. All other adjacent parcels and parcels within a quarter mile are in agricultural production, a total of 13 other parcels.

Alternatives

Story County Planning & Development Staff recommend the approval of the Wilson-Stagg Agricultural Subdivision, as proposed (alternative #1).

1. **The Story County Board of Supervisors approves Resolution # 20-104, the Agricultural Subdivision Plat – Wilson-Stagg Subdivision, as put forth in SUB07-20.**
2. The Story County Board of Supervisors approves Resolution # 20-104, the Agricultural Subdivision Plat – Wilson-Stagg Subdivision, with conditions, as put forth in SUB07-20.
3. The Story County Board of Supervisors denies Resolution # 20-104 the Agricultural Subdivision Plat – Wilson-Stagg Subdivision, as put forth in SUB07-20.
4. The Story County Board of Supervisors tables the decision on Resolution # 20-104, the Agricultural Subdivision Plat – Wilson-Stagg Subdivision, as put forth in SUB07-20 and directs the applicant to address specific areas for additional information, review and/or modifications, and to work with staff to place the subdivision plat back on the Board of Supervisor's agenda.