

# Staff Report

Board of Supervisors

Date of Meeting:

May 17, 2022

**Case Number SUB22-000001**

Residential Parcel Subdivision  
Stensland Partnership Subdivision  
Resolution No. 22-70

**APPLICANT:**

Mike Evans  
54988 290<sup>th</sup> St  
Cambridge, IA 50046

**STAFF PROJECT MANAGER:**

Marcus Amman, Planner

**SUMMARY:**

A residential parcel subdivision request for Parcel #13-12-100-100 to reconfigure the parcel into two lots: proposed Lot 1, 1.51-net acres, containing the existing dwelling, and proposed Lot 2, 38.31-net acres, containing land in row crop production. Proposed Lot 1 will contain the homesite and Lot 2 will stay in agricultural production. There is a stream on Lot 2 and a 60 foot easement has been granted. Both lots have existing accesses located on 290<sup>th</sup> Street, a gravel county road. Planning and Development staff recommend approval of the proposed Residential Parcel Subdivision Plat.





**Property Owner**

Stensland, Helen-Life Est  
Colegrove, Suanne  
Evans, Helen  
Stensland, Joanne  
Stensland, John  
Stensland, Paul

**Parcel Identification Number(s)**

13-12-100-100

**Size of Area**

39.00 net acres

**Location of Subdivision**

Palestine Township (Section 12, Township 82, Range 24) NW NW

**Districts**

A-1 Agricultural District  
Huxley Fire  
Ballard School District  
Xenia Water  
Consumers Energy  
Huxley Ambulance  
S Skunk River -- Watershed

**Current and Future Land Use**

Both proposed Lot 1 and 2 are currently zoned for A-1 Agricultural. The C2C Plan Future Land Use map shows Lot 1 and Lot 2 as Agricultural Conservation Area. Principles for Agricultural Conservation Area designation include to encourage high-value agriculture lands to remain in production, direct non-agricultural development to other C2C Plan Designations, and limit conflicts between agricultural uses, residences, and other uses.

A residential parcel subdivision is limited to yielding two lots and once approved, no further residential parcel subdivisions can take place to create additional buildable lots. These requirements for a residential parcel subdivision help preserve agricultural land.

There is floodplain located in the southwestern portion of Lot 2. An easement of 60 feet has been granted across the drainage area. There is natural resource area on Lot 2 around the stream. There are no current plans to develop Lot 2 and development would be limited to uses permitted in the A-1 Agricultural District (e.g. one single-family dwelling).



### **Applicant's Property and Current Surrounding Land Use**

The property is located in Palestine Township. It is within 2 miles of the corporate limits of the City of Huxley. Huxley took action to approve the proposed subdivision.

Adjacent properties include:

#### **North**

A 32.83 net-acre parcel in the A-1 Agricultural zoning district under common ownership with the subject property. This parcel is in row crop production.

A 3.3 net-acre parcel in the A-1 Agricultural zoning district under common ownership with the subject property. This parcel is in row crop production.

A 2.87 net-acre parcel in the A-1 Agricultural zoning district. This parcel is owned by the buyers of Lot 1 (EVANS, HELEN M & MICHAEL D), who are also part owners of the subject property. This parcel contain a farmstead and agricultural buildings.

There is also a 1.38 net-acre parcel to the northwest that contains a dwelling and is owned by EVANS, JAMES R, and a 39 net-acre parcel to the northwest under common ownership with the subject property and in row crop production.

#### **East**

A 39.00 net-acre parcel and a 40 acre parcel in the A-1 Agricultural zoning district under common ownership with the subject property. This parcel is in row crop production.

#### **South**

Two 40.00 net-acre parcels in the A-1 Agricultural zoning district. They are owned by STEENSLAND, AVIS M REVOCABLE FAMILY TRUST and are in row crop production.

#### **West**

A 39.00 net-acre parcel in the A-1 Agricultural Zoning district. This parcel is owned by SANDQUIST, GEORGE ROBERT. This parcel is in row crop production.

There are thirty four (34) parcels located within a half mile of the property. Of those parcels, six (6) contain a single-family dwelling. Twenty three (23) parcels within the half mile of the property meet or exceed the minimum 35-acre requirement to construct a single-family dwelling in the A-1 Agricultural Zoning District.

### **Applicable Regulations – Story County Land Development Regulations**

#### **87.07 RESIDENTIAL SUBDIVISION PLAT**



1. A subdivision may be submitted for review and approval as a residential parcel subdivision plat when all of the following are true:
  - a. The development lots created by the subdivision are intended to be used for residential purposes;
  - b. Only two development lots may be created;
  - c. 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;
  - d. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use;
  - e. The subdivision lies wholly within the A-1. 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;
  - f. 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
  - g. All resulting development lots shall have access to an adjoining public roadway by actual road frontage or easement
  - h. No variances from subdivision or zoning standards shall be granted in order to accomplish the Residential Parcel Subdivision Plat.
  - i. The existing parcel shall not have been created through a previously approved Residential Parcel Subdivision Plat.

#### **Commentary**

The following comments are part of the official record of the proposed Residential Subdivision Plat – **Stensland Partnership Subdivision, Case No. SUB22-000001**. 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 January 11, 2022, and the following applicable comments were received.

#### **Story County Engineer**

There is an error on the top of the plat, the township and range are wrong.

#### **Story County Environmental Health**

Lot 1 as shown has an existing septic system - no portions of the system extend beyond the boundaries.



Story County Assessor

No Comments

Story County Conservation

No comments.

Story County Auditor

The Story County Auditor's Office has no comments regarding the proposed subdivision.

Story County Planning & Development Department

1. Please provide a Certificate of County Treasurer
2. Please provide a Consent/Dedication from the mortgagee.
3. Are there any restrictive covenants proposed?
4. Please provide reasoning for the residential parcel subdivision request. What are the current and future land use purposes for Lot 1 and Lot 2? Will Lot 2 continue to be farmed?
5. The City of Huxley will need to review this plat as a city within two miles. The Board of Supervisors will review the plat after the city has acted.
6. In the legal description for the drainage easement, one mention of the Northwest Quarter should be removed—it is repeated three times, instead of just twice. This error was repeated on the drainage easement document. Please provide an updated drainage easement document.
7. The drainage easement contains an error under #8, Conditions Precedent: it list the subdivision as Rasmusson Acres Subdivision, rather than Stensland Partnership Subdivision.
8. John V. Stensland's last name is misspelled on the drainage easement document, the consent to platting documents, and the attorney title opinion.
9. The districts on the plat need to be updated. Fire: Huxley Ambulance: Huxley Utilities: Xenia, Consumers Energy Watershed: Sugar Creek - South Skunk River
10. Please correct the township/range at the top of the plat. It should be 12-82-24 but is 12-84-22.
11. Please include the proprietor address on the plat
12. Please add that the base flood elevation is 963.6' at the northwest corner of the Special Flood Hazard Area (SFHA) to the note on the plat about the floodplain.
13. We conduct a site review prior to presenting the proposed subdivision to the Board of Supervisors. Property owners do not need to meet us on the site, but we will take pictures of the property.
14. Any development in the floodplain requires a floodplain permit. "Development" means any manmade change to improved or unimproved real estate, including (but not limited to) building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials and/or equipment. "Development" does not include minor projects or routine maintenance of existing structures and facilities, as defined in the ordinance. It also does not include gardening, plowing, and/or similar practices that do not involve filling, grading, and/or excavating.
15. Once all changes have been made to the final plat and we have received responses to the questions for the property owner, please provide the originals of the Consent to Platting documents, Treasurer's Certificate, Title Opinion, etc. The originals will be provided to the Recorder's office if the subdivision is approved by the Board of Supervisors.



### **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 May 10, 2021.

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

### **Comments from Cities within Two Miles**

The City of Huxley is located within two miles. The city received copies of the proposed residential parcel subdivision.

City of Huxley approved of the subdivision request on March 22, 2022 Resolution No. 22-031.

### **Analysis**

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

1. The property owner proposes to reconfigure their parcel totaling 39.00 net acres to separate the dwelling from the rest of the farm land.
2. There are no current plans to develop the Lot 2.
3. An access exists for both Lot 1 and Lot 2.
4. All requirements for a Residential Subdivision Plat in Section 87.07 of the Story County Land Development Regulations are met.
5. There are a total of 34 parcels located within a quarter mile of the subject property. Of the 34 properties, 6 contain single-family dwellings.
6. Additional divisions of the lots created with Residential Parcel Subdivisions are not permitted in the zoning district/

### **Alternatives**

Story County Planning & Development Staff recommend the approval of the Stensland Partnership Residential Parcel Subdivision, as proposed (alternative #1).

1. **The Story County Board of Supervisors approves Resolution #22-70, the Residential Parcel Subdivision Plat – Stensland Partnership Subdivision as submitted.**
2. The Story County Board of Supervisors approves Resolution #22-70, the Residential Parcel Subdivision Plat – Stensland Partnership Subdivision, with conditions.
3. The Story County Board of Supervisors denies Resolution #22-70, the Residential Parcel Subdivision Plat – Stensland Partnership Residential Subdivision as submitted.
4. The Story County Board of Supervisors tables the decision on Resolution #22-70, the Residential Parcel Subdivision Plat – Stensland Partnership Subdivision 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.