

# Staff Report

## Board of Supervisors

Date of Meeting:

March 21, 2023

**Case Number SUB23-000001**

Minor Subdivision

Hidden Creek Farm Plat 1

Resolution No. 23-74

**APPLICANT:**

Hidden Creek Farm LLC

1001 N Terrace Dr

Webster City, IA 50595

**STAFF PROJECT MANAGER:**

Marcus Amman, Planner

**SUMMARY:**

A minor subdivision request for Parcel #05-15-300-320 to reconfigure the parcel into one lot, two street lots and an outlot: proposed Lot 1, approximately 15.2-net acres, Lot A, approximately 1.07-net acres, and Lot B, 0.88-net acres, and Outlot A, approximately 13.53-net acres. Lot 1 does not meet any exceptions to the 35-acre minimum lot size requirement for a dwelling in the A-1 Agricultural Zoning District and is not buildable for a dwelling(s). A conditional use permit could be applied for or a rezoning to allow development on the lot at a later time. Lot A and Lot B are proposed to be dedicated to Story County for road right-of-way. Proposed Outlot A is not developable for any non-agricultural use unless re-platted (subdivided) and likely annexed. The City of Ames also has review and approval authority over the subdivision plat. Planning and Zoning Commission recommend approval of the proposed Minor Subdivision Plat with the following conditions:

- Accesses shall meet both County and City standards for spacing
- A traffic study meeting County and City of Ames standards must be submitted when the CUP or other development (rezoning, site plan, etc.) application is made





- A septic application and site evaluation for soils must be submitted when the CUP or other development (rezoning, site plan, etc.) application is made
- A sidewalk easement/agreement, meeting the City of Ames requirements, shall be submitted prior to consideration of the subdivision by the Board of Supervisors. The conservation easement shall be updated to include the 20-foot area adjacent to 190<sup>th</sup>, and to allow a sidewalk.
- The stormwater management plan submitted to the County as part of the conditional use permit or other development application shall also be submitted to the City for review.

**Property Owner**

Hidden Creek Farm LLC

**Parcel Identification Number(s)**

05-15-300-320

**Size of Area**

29.05 net acres

**Location of Subdivision**

Franklin Township (Section 15, Township 84, Range 24) SW SW

**Districts**

A-1 Agricultural District  
Gilbert Fire  
Gilbert School District  
Xenia Water  
Alliant Energy - Gas  
Midland Electric  
Mary Greeley Ambulance  
Watershed -- Keigley Branch - South Skunk River

**Current and Future Land Use**

The subject property is currently zoned as A-1 Agricultural and in agricultural production. It is located in the Story County Study Area of the Ames Urban Fringe Plan (AUFPP). The AUFPP is an intergovernmental agreement between Ames, Gilbert, and Story County with policies and goals



for the future land use in the two mile are outside of the City of Ames' corporate limits. As agreement as to the future land use of the area between 180<sup>th</sup> and 190<sup>th</sup> could not be reached during the development of the AUFPP, the Study Area designation was developed to allow for each cooperator to retain their jurisdictional review of subdivisions in the area that is granted under state code. As such, Story County and the City of Ames (as the closest city to the subdivision) both must review and approve the subdivision.

No new/additional development lots are being created. Ames is requiring an agreement for the property owners to annex voluntarily when requested, and agreements for future infrastructure improvements and upgrades after annexation.

The western portion of the property is located within the Ada Hayden Watershed protection area of the AUFPP. The City of Ames' standards for conservation and stormwater easements on the plat address the necessary design considerations for development in this area. A condition that the City review the stormwater management plan submitted with the conditional use permit or other development application is included to meet the principles for the designation, including:

- WPA Policy 1: This designation applies to watershed areas of Ada Hayden Lake and other important water resources particularly sensitive to negative impacts of stormwater run-off.
- WPA Policy 2: Construct mitigation facilities at nodal locations where they can protect effectively the water resources within the watershed. Develop mitigation facilities or Best Management Practices according to city standards.
- WPA Policy 3: Accommodate or provide Best Management Practices within all development within Watershed Protection Areas.
- WPA Policy 4: Name Watershed Protection Areas named according to the waterway, water body, or aquifer they are designated to protect.

The proposed subdivision would yield one lot that could be developed only through a conditional use permit or if a rezoning were approved at a later time.

The purpose of this division is to facilitate transfer of ownership of Lot 1 to a church, and create a parcel of land for a potential church. This would require a conditional use permit from the County. Conditional use permits require a public hearing before the Board of Adjustment and notification of property owners within a quarter mile.

### **Current Surrounding Land Use**

Adjacent properties include:



### **North**

A 15.44 net-acre parcel in the A-1 Agricultural zoning district owned by Shaw, Brandon N & Andrea G. This parcel has a dwelling and open space.

A 5.46 net-acre parcel in the A-1 Agricultural zoning district. This parcel is owned by Fincham, Anita Trustee & Fincham Family Trust. This parcel is in row crop production.

### **East**

A 32.89 net-acre parcel in the A-1 Agricultural zoning district under common ownership with the subject property. This parcel is in row crop production.

### **South**

Various parcels located within the Ames city limits including, Vintage Corporative of Ames and Quarry Estates Subdivision (a residential subdivision). These are located across 190<sup>th</sup> Street.

### **West**

Three residential parcels ranging between 0.86 and 1.67 acres in size. They are under the ownership of Ricky Thompson and Kirk Kniss and Karen Maeschen. They are zoned A-1 Agricultural.

Grant Avenue is also located to the west. There is an agricultural parcel across Grant owned by the Fincham family. It is zoned A-1 Agricultural.

There is a total of 204 parcels located within a quarter mile of the subject property. Of the 204 properties, 13 are located in the county, the remaining 191 parcels are located within the city limits of Ames. Of the 13 parcels in the unincorporated are 5 contain single-family dwellings. Six (6) of the parcels in the county meet or exceed the minimum 35-acre requirement to construct a single-family dwelling in the A-1 Agricultural Zoning District.

### **Review Process**

The County and the City of Ames have been working on this proposal since August of 2022. With the existing Ames Urban Fringe Plan giving the County and City joint review, the applicant has had conceptual review with the County, a sketch plan with the city, and has been working to meet both the requirements of the County and the City.

Several such requirements include for:

- **Access:** The City has a requirement of streets not being greater than 175 feet apart and the County has a requirement of a minimum of 300 feet between accesses. Staff worked through these issues with the applicant and they will be addressed as part of the conditional use permit. A portion of the proposed outlot is in alignment with McFarland



Ave for future city street extensions. A condition is recommended related to access requirements for future development.

- Traffic: The County and City require traffic studies for new development. A condition is recommended that the traffic study that is required to be submitted for the church or other development meet both County standards and include a traffic memo/turning movements on 190th to be reviewed by the City.
- Sidewalks: The City requires a 5 foot sidewalk along 190<sup>th</sup>. An easement is forthcoming and a condition is recommended that it be received and reviewed by the City of Ames prior to Board of Supervisors action on the subdivision plat.
- Wastewater and Other Infrastructure: The applicant has worked with Environmental Health regarding the need for a future septic system for proposed Lot 1 and soil site evaluation. An agreement has been reached that the evaluation may be submitted with the conditional use permit or other development application instead of with the subdivision plat. Alternatively, the City is requiring an annexation and infrastructure improvement agreement.
- Stormwater: The County and City have similar stormwater management requirements. A condition is recommended that the stormwater management plan submitted to the County as part of the conditional use permit or other development application be submitted to the City for review.

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

#### **87.08 MINOR SUBDIVISION PLAT**

1. A subdivision may be submitted for review and approval as a minor subdivision plat when all of the following are true:
  - a. The subdivision contains no more than four new development lots.
  - b. All development lots within the subdivision are fronted on an existing public street.
  - c. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use.
  - d. No Agricultural or Minor Subdivision Plats have been approved for the tracts being divided after December 31, 2003.

In addition to the above requirements, Section 87.08 of the code requires items to be shown on the face of the plat such as easements and setbacks. It also requires all state code requirements for subdivisions to be met, including submittal of a consent and dedication, title opinion, mortgage holder consent, and certificate from the County Treasurer. Finally, letters from utility



providers and the applicable fire chief acknowledging the subdivision are required. All these materials and requirements have been met and are available on the agenda center.

### **Commentary**

The following comments are part of the official record of the proposed Residential Subdivision Plat – **Hidden Creek Farm Plat 1, Case No. SUB23-000001**. 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 February 13, 2023, and the following applicable comments were received.

#### **Story County Engineer**

Engineer and City worked to provide joint comments to the applicant. Comments have been provided to the applicant.

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

Space indicated on drawing for future onsite wastewater treatment, soils in this area are typically conducive for soil-based treatment methods pending on water tables and findings in the soil evaluation. Applicant knows that a DNR permit maybe required based on the proposed use or working with the city to connect to existing infrastructure on the southside of W 190<sup>th</sup> St.

#### **Story County Emergency Management**

No comments.

#### **Story County Assessor**

The Assessor's Office will review the use and classification of this parcel for the 01/01/2024 assessment.

#### **Story County Conservation**

No comments.

#### **Story County Auditor**

No Comments.

#### **Story County Planning and Development**

All Planning and Development comments have been addressed by the submittal.

### **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 February 22, 2023. A sign was also placed on the property.



Staff received a few phone calls and an email regarding the proposal. Some of the calls were just asking for general information. One caller was concerned about the loss of ag land and the Ames Urban Fringe Plan. One email was concerned about how the development of the church could affect stormwater run-off. Staff responded with the proposed plat and contours, also informed them of the proposed stormwater easement and county and state requirements of stormwater management.

Marcus Amman presented the staff report and PowerPoint to the Planning and Zoning Commission at their March 1<sup>st</sup>, 2023 meeting.

Younkin had a question about the annexation agreement with the City of Ames. Amman explained that with the location of the subdivision Ames retains its review authority and part of their review requirements are that new subdivisions within 2 miles of their boundary require an annexation agreement.

There was one comment from the public at the March 1, 2023 Planning and Zoning Commission meeting. A neighboring property owner attended the meeting. They voiced concerns about stormwater runoff. Staff responded that if more than an acre of land is disturbed an NPDES permit will be required, if less than an acre the county's stormwater management ordinance is required to be followed. There is also a stormwater easement area as part of the subdivision plat request.

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

Ames and Gilbert are within two miles of the subject property. Gilbert was notified and a letter from their fire chief obtained stating they would serve the development.

Ames City Council also has review authority and will take action on the plat prior to recording.

#### **Analysis**

Points to consider in evaluating the applicant's request to divide their property through the Minor Subdivision Plat process to create one (1) lot for a future conditional use and an outlot.

1. The property owner proposes to reconfigure their parcel totaling 29.05 net acres to facilitate a change in ownership.
2. No new/additional development lots are being created. Ames is requiring an agreement to annex voluntarily when requested, and agreements for future infrastructure improvements and upgrades after annexation.
3. There are plans to apply for a conditional use permit for a church on Lot 1 in the future. Notification of property owners within a quarter mile and a public hearing will occur at that time.



4. Access, wastewater, infrastructure, sidewalk, stormwater and traffic study requirements have been discussed between the County, the City, and the applicant and several conditions are recommended to ensure both City and County standards are met.
5. All requirements for a Minor Subdivision Plat in Section 87.08 of the Story County Land Development Regulations are met.
6. There is a total of 204 parcels located within a quarter mile of the subject property. Of the 204 properties, 13 are located in the County, and 5 contain single-family dwellings.
7. Any additional divisions of Outlot A would require a rezoning and a replatting of the proposed area, and likely annexation.

### **Alternatives**

Story County Planning & Development Staff recommend the approval of the Hidden Creek Farm Plat 1, with conditions (alternative #2).

1. The Story County Planning and Zoning Commission recommends approval of Resolution #23-74, the Minor Subdivision Plat – Hidden Creek Farm Plat 1 as submitted.
2. **The Story County Planning and Zoning Commission recommends approval of Resolution #23-74, the Minor Subdivision Plat – Hidden Creek Farm Plat 1, with conditions:**
  - The traffic study submitted as part of a conditional use permit or other development application (rezoning, site plan, etc.) shall meet both County standards and include a traffic memo/turning movements on 190th to be reviewed by City of Ames.
  - Any new accesses proposed as part of the conditional use permit or other development application shall meet both City and County standards for spacing, as allowed by the County or City Engineers.
  - A sidewalk easement shall be submitted and reviewed by the City of Ames prior to Board of Supervisors action on the subdivision plat. The conservation easement shall be updated to include the 20-foot area adjacent to 190<sup>th</sup>, and to allow a sidewalk.
  - The site soils evaluation for septic shall be submitted with the conditional use permit or other development application (rezoning, site plan, etc.).
  - The stormwater management plan submitted to the County as part of the conditional use permit or other development application (rezoning, site plan, etc.) shall be submitted to the City of Ames for review.
3. The Story County Planning and Zoning Commission recommends denial Resolution #23-74, the Minor Subdivision Plat – Hidden Creek Farm Plat 1 as submitted.
4. The Story County Planning and Zoning Commission tables the decision on Resolution #23-74, the Minor Subdivision Plat – Hidden Creek Farm Plat 1 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 Planning and Zoning Commission agenda.