

ITEM #: 26
DATE: 02-25-25
DEPT: P&H

COUNCIL ACTION FORM

**SUBJECT: REQUEST FOR A WAIVER OF CITY SUBDIVISION CODE FOR TWO SITES
WITHIN THE AMES URBAN FRINGE AREA NEAR 280TH STREET IN
STORY COUNTY**

BACKGROUND:

Brian Foltz, on behalf of Dave Lowman of Lowman Bros. Inc. and Walnut Creek Ltd. Partnership in Story County, recently contacted the Mayor and City Council regarding the desire to subdivide two existing sites into parcels smaller than 35 acres (Attachment A - Letter, Attachment B - Plats) and to have the Council waive City development standards.

Any division of land within two miles of Ames is subject to City review for conformance to the City's Subdivision Code or for consideration of a waiver of City standards (Attachment C - Location Map). City Council considered a background memo on the request at its February 11 meeting and directed staff to have the request placed on a future agenda.

The properties are south of the City, east of Kelley, at the southern edge of the Ames' 2-mile jurisdictional boundary, around 280th Street. Attachment C depicts the location of the land ownership in relation to the 2-mile boundary.

The purpose of one of the subdivisions (14.8 acres - Lowman Bros. Inc.) is to divide a farmstead of approximately 6.5 acres from agricultural land (8.3 acres). The 14.8-acre parcel is designated Rural Character by the City's comprehensive plan *Ames Plan 2040*, as is the surrounding cluster of existing rural homes (Attachment D).

The second proposal (Walnut Creek Ltd. Partnership) is to divide a roughly 13-acre parcel into two smaller parcels. The 13-acre parcel that is only partly within the Urban Fringe is not designated for use within *Ames Plan 2040* (Attachment D). The whole of the land is currently agricultural, which Mr. Lowman intends to maintain. The Walnut Creek Ltd. Partnership owns several hundred acres adjacent to both properties. This land is mostly agricultural, with some timber.

RURAL SUBDIVISION POLICY:

The subject properties are within the Urban Fringe. *Ames Plan 2040* states that the minimum lot size within the Urban Fringe is 35 acres (UF3-1 and UF4-3). Existing farmsteads, however, are allowed to divide into parcels smaller than 35 acres. Restricting the size of parcels serves to facilitate future growth by ensuring that property lines and ownership do not become so fractured that development and annexation are inhibited. It is easier to develop a large acreage than to develop many small parcels in a piecemeal fashion. Council has also approved boundary line adjustments and divisions that result in continued agricultural use as a limitation with divisions.

Ames Plan 2040 supports dividing farmsteads from existing agricultural land. The plan anticipates that the farmstead is part of an undivided quarter-quarter section of 40 acres and that the farmstead is 5 acres. In the case of Mr. Lowman's 14.8-acre parcel, the entire property is already less than the

minimum of 35 acres. Staff's recommendation includes requiring that a restriction be placed on the agricultural portion of property after the farmstead has been removed.

As the 14.8-acre parcel is also so far from the City, staff believes that it is unlikely to be annexed or developed in the near future. As such, staff supports waiving the development standards (paving roads, building sidewalks, right-of-way dedication, street trees, etc.) that would ordinarily accompany a subdivision.

The 13-acre parcel is only partially within the Urban Fringe. Staff does not anticipate that this property will develop in the near future and can accept releasing the City's authority to review to Story County.

ALTERNATIVES:

1. Approve the waiver requests for the following:
 - a. In regards to the 13-acre parcel, the City Council can waive City subdivision review authority
 - b. In regards to the 14.8-acre parcel site north of 280th Street the City Council can:
 - i. Waive subdivision standards
 - ii. Waive the minimum lot size of 35 acres
 - iii. Require an agricultural restriction on the agricultural portion of the land after the farmstead has been removed
 - iv. Waive requirement for a Plat of Survey to be submitted for City Approval
2. Deny the waiver requests.
3. Refer this request back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Ames has a policy of only subdividing land in the Urban Fringe into parcels that are at least 35 acres for areas that are classified as Agricultural and Farm Service. Subdivisions that intensify use near the City and do not include urban development standards can be counter to the City's plans for growth and expansion.

The location of these divisions is at the edge of the City's two-mile jurisdictional boundary. The area in general is highly unlikely to be incorporated into the City in the near future due to the distance from the city limits. As such, staff supports the waiver to release the 13-acre parcel from City review and to allowing the subdivision standards and minimum lot size to be waived for the 14.8-acre parcel with an agricultural restriction on the portion of land left after the farmstead has been broken off. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

ATTACHMENT(S):

[Attachment A - Letter to Council.pdf](#)

[Attachment B - Proposed Subdivisions.pdf](#)

[Attachment C - Property Location.pdf](#)

[Attachment D - Property Location with Fringe Land Use Designations.pdf](#)

[Attachment E - Sketch Plan Letters.pdf](#)