

**MINUTES OF THE SPECIAL MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

NOVEMBER 30, 2010

The Ames City Council met in special session with the Story County Board of Supervisors and the Gilbert City Council at 7:00 p.m. on the 30th day of November, 2010, in the Ames City Council Chambers, 515 Clark Avenue, pursuant to law with Ames Mayor Campbell presiding. Members present from the Ames City Council were: Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. Attending from the Story County Board of Supervisors were: Clinton, Halliburton, Toot, and Supervisor-Elect Sanders. Representing the City of Gilbert were: Mayor Jon Popp and Council Members Henn and Gallahan. Ames City Council *ex officio* Member England was also present. Others present were: Charlie Kuester, City of Ames Planner; Gary Reiners, Public Management Resource Group, consultant to the City of Gilbert; Leanne Harter, Story County Planning & Zoning; and, Charlie Dissell, Story County Planner; Ames City Manager Steve Schainker; and Ames City Clerk Diane Voss..

Joint Workshop on Urban Fringe Plan Policy Issues. Mayor Campbell welcomed members of the three entities and introduced Steve Osguthorpe, Ames Planning and Housing Director. Mr. Osguthorpe presented background information on the Ames Urban Fringe Plan from the date of its adoption in July 2006. He noted that the planning process actually began in 1999, and at that time, Boone County was also included. Since the Plan's adoption, staff members have been working on an agreement to formally implement it. The entities last met in April 2008 when a draft 28E Agreement was presented. At the conclusion of that meeting, staff members from the jurisdictions were directed to continue working toward implementation of the Agreement.

Mr. Osguthorpe stated that the Plan identifies means of implementation. He shared language from the Plan, which explained its purpose: "The Plan represents the shared goals, policies, and future vision of the City of Gilbert, the City of Ames, Boone County, and Story County for land use and development in the fringe." He noted that the Plan also states that "...in some instances, it may be necessary for the four jurisdictions to surrender authority where individually each finds it to be less critical in order to accept autonomous authority where land use and development issues tend to have the greatest impact on each jurisdiction..." Mr. Osguthorpe emphasized that what is being sought through the Plan is efficient effective government action regardless of jurisdictional lines. He noted that there must be give-and-take in authority when new development approvals are requested by the public. The benefit would be minimizing confusion on the part of the public and avoiding the need to create additional layers of bureaucracy. That can only occur if it is clear which jurisdiction has authority, which set of regulations will be applied, and if those regulations, though different for each jurisdiction, all conform to the Plan. According to Mr. Osguthorpe, it was never anticipated in the Plan that all jurisdictions would adopt exactly the same standards.

It was stated by Mr. Osguthorpe that parts of the Plan are based on *Iowa Code* Section 354.9, which establishes the authority of jurisdictions to review subdivisions within two miles of the cities' boundaries. The standards applied for review and approval of a subdivision must be the same standards used for approval of subdivisions within city limits or as approved through a 28E Agreement.

According to Mr. Osguthorpe, concurrence of the proposed 28E Agreement has not been reached because of a stalemate on two policy issues:

1. Who reviews subdivisions in each of the three land use classifications and are jurisdictions willing to waive any of their current subdivision review authority
2. Concurrence of all entities on how to amend the Land Use Framework Map. Mr. Osguthorpe recalled discussions over amendments to the Plan and which jurisdictions would be allowed to have a say on whether the amendments are approved.

According to Mr. Osguthorpe, it is hoped that all three jurisdictions will reach a resolution of the two issues at this meeting. He noted that staffs from each jurisdiction had been working to resolve the issues for some time.

Mr. Osguthorpe identified what was currently contained in the Plan as far as subdivision review authority. He referenced a table for the Urban Services Area and noted that, for subdivision review authority in that Area, it would be the City of Ames or the City of Gilbert (depending on the location of the proposed subdivision) with recommendation from the applicable County, and the City of Ames or the City of Gilbert's standards would apply. Maps of the Urban Services Area and Rural Services and Agricultural Conservation Areas were shown. The boundaries for each applicable jurisdiction were denoted.

Ames Planner Charlie Kuester brought attention to the Urban Services Area and advised that, through the planning process, it had been determined that that is the most likely area for the City of Gilbert to grow into. He clarified that the yellow area marked the area that a jurisdiction may or may not grow into over the next 30 years. The light green area (Rural Services and Conservation Area) was where the jurisdictions do not believe they will grow into in the forecasted horizon. Subdivision and zoning authority would lie with the County for that Area. Director Osguthorpe advised that the City of Ames had adopted the Urban Fringe Plan as part of its Land Use Policy Plan, and as such, it has a 30-year planning horizon.

Story County Supervisor Clinton asked if "waiving subdivision authority" meant that there would be no communication on any plan development within the two-mile area in the Urban Services Area. Mr. Reiners answered that the real value of the Plan is to provide a vehicle for exactly that kind of communication; the purpose of the Plan is for joint land use planning. The Plan provides for communication among the affected entities. Mr. Osguthorpe concurred, stating that there would be notice and opportunity to comment on all developments, even though the ultimate decision would lie with one jurisdiction only.

Mr. Clinton also asked if the Plan was based upon a static boundary as it currently exists. Mr. Osguthorpe stated that the Plan would have to be updated to extend the same language to the new areas. The Urban Fringe Area would expand as property is annexed, but the Agreement would apply to just that static area right now in terms of the jurisdictional authority.

Story County Supervisor-Elect Sanders said it appeared to him that, in the Rural Urban Transition Area, the process would not be much different than it is currently; other than the jurisdictions would work through the process concurrently. Director Osguthorpe stated that he was correct. Mr. Reiners added that the process would be formalized under the 28E Agreement. Mr. Sanders asked how decisions would be made to move land from one classification to another in the area within the static map. Mr. Osguthorpe advised that it had not been decided how the Plan would be amended and how review and approval of each jurisdiction would be coordinated.

Ames Council Member Larson pointed out that up until 2006, it was anticipated that Boone was going to be the fourth entity in the Plan. According to Mr. Larson, the Ames City Council had received communication within the past six months from Boone County indicating that it now had a zoning structure in place and wanted to start discussing the western fringe where Ames overlaps. Mr. Larson asked if the Agreement in question would eventually include Boone County. Mr. Osguthorpe said that there are two ways to approach that possibility: (1) to amend the 28E to make Boone the fourth entity involved or (2) for Ames to have a separate agreement with Boone County. Mr. Larson stated that it was important to keep it in mind, especially when discussing how many parties needed to approve a particular change in the 28E Agreement.

Story County Supervisor Halliburton referenced “Smart Planning” legislation enacted at the state level. She asked if the entities should be broadening their discussion to include “Smart Planning” principles. Mr. Osguthorpe said that the regional approach to land use planning is one of those principles. Mr. Reiners advised that the Ames Urban Fringe Plan is exactly how the “Smart Planning” process would begin. The proposed 28E is a joint powers agreement among jurisdictions in a region where growth concerns have been addressed, as have regional impacts, regional infrastructure needs, and regional opportunities. The document provides a system so that all involved jurisdictions can work together to address those issues.

In addition, Supervisor Halliburton asked if there were any other Urban Fringe Plan models in the state of Iowa. Story County Planning and Zoning Director Harter advised that the County has had an existing 28E Agreement with the City of Nevada since the early 1990s; however, it has not been extensively used. Charlie Dissell, Story County Planner, said that they would like to use the Ames Urban Fringe Plan as a model for the other communities in Story County. He noted that the subject of urban fringe plans surfaces often among county zoning departments. According to Mr. Dissell, Polk, Johnson, and Linn Counties have 28E Agreements. He said that Johnson County is a very good example of a workable Fringe Development Plan and 28E Agreement among the Cities of Tiffin, Iowa City, and Coralville. At the inquiry of Ames Council Member Mahayni, Mr. Dissell stated that the Urban Fringe Plan is extremely more efficient than the former procedures.

Ames Council Member Mahayni noted that one of the main purposes of the Plan is to streamline operations and said that streamlining operations would be beneficial for all jurisdictions’ constituents. Ms. Harter noted that another benefit for all constituents would be predictability.

Story County Supervisor Clinton asked the County staff members if they were comfortable with the recommendations being brought forth. Ms. Harter said she believes that there is a way to successfully accomplish all entities’ goals if standards are addressed. She does not want jurisdictions pitted against each other. Story County Planner Dissell said that the Plan provides for multi-jurisdictional review and recommendation; that is why he is comfortable with it. Ms. Harter also noted that each jurisdiction has the option to withdraw..

Ames Council Member Larson pointed out that the only items that all jurisdictions needed to agree on were the details of implementation of the Plan and the 28E Agreement. He noted that the process had been ongoing for 11 years and it was time to get it finalized. Mr. Larson said that he felt the jurisdictions were at the point that if “they don’t get it hammered out real soon, there are some...who are losing real faith in it being the right way to go.” Ames Council Member Wacha said that he hoped that the jurisdictions would work out the two pending issues at this

meeting.

Ames Planner Kuester summarized where the compromises were and what was expected of each entity.

Ames Mayor Campbell asked the entities to indicate whether they were satisfied that Issue 1 had been worked out. All three entities (City of Ames, City of Gilbert, and Story County) indicated that they were and ready to have the Agreement finalized.

Discussion ensued on the second issue, which was what role the City of Gilbert would play in Plan changes in the areas that are not directly within Gilbert's immediate two-mile fringe. Mr. Reiners explained that at the joint meeting held in 2008, there was discussion as to whether Gilbert should be involved in the context of a Plan amendment pertaining to any development proposals in the southern edge of Ames. He noted that the Gilbert City Council had agreed that it didn't make a lot of sense for Gilbert to be involved in such a decision. There has been language drafted that would essentially remove Gilbert from the Plan amendment process outside its two-mile extraterritorial zone except for only those amendments where there is reasonable expectation of significant impact on Gilbert resulting from the amendment. In assessing potential impact, both the magnitude of possible impact as well as the geographic proximity to Gilbert shall be considered. He summarized that it would include only proposed developments of regional significance.

All three entities (City of Ames, City of Gilbert, and Story County) indicated that they agreed Issue 2 had been worked out to their satisfaction.

Ames Council Member Larson asked about reciprocity, i.e., under the proposed 28E Agreement, would Ames be allowed to review any proposal for development around Gilbert that is outside of Ames' two-mile fringe. Mr. Reiners advised that when the Gilbert Fringe Area Plan has been completed, Ames will be a party to that.

Ames Planner Kuester advised that the next step will be to finalize the language of the 28E Agreement and take it back to the jurisdictions for approval.

ADJOURNMENT: 8:14 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor