

Staff Report

REQUEST TO AMEND AMES URBAN FRINGE PLAN REGARDING THE NATURAL AREA DESIGNATION RELATED TO AREA LOCATED AT 4909 W 190TH STREET

August 24, 2021

BACKGROUND:

At the August 3rd City Council meeting, the Council directed staff to place on a future agenda a request regarding an Ames Urban Fringe Plan change received from Thomas & Elizabeth Cackler who are the owners of property at 4909 West 190th Street. City Council has received multiple correspondences on this issue from the Cacklers and their Attorney, Mr. Goodwin. The request involves three parcels of land all owned by the same owner (See Attachment A).

Currently all three parcels are within two miles of the City limits of Ames; the southern two parcels are designated as Natural Area under the Urban Fringe Plan Land use designations and the third property to the north has no land use designation (Attachment B). All three properties are subject to the Ames Urban Fringe Plan and the accompanying 28E agreement between the City and Story County regarding land use designations and subdivisions by virtue of their location within the current 2-mile Fringe Area of the City.

One of the three parcels currently has a home on it (middle parcel). The other two parcels (north and south parcels) are vacant. The owner has been in discussions with Story County and would like to construct two additional homes (one home on each of the current unbuilt parcels).

Per the 28-E agreement, construction of new homes is Story County's sole jurisdiction if there is no change of land use, zoning, or subdivision within 2 miles of Ames. However, per the County's regulations, only one additional home could be constructed without changes related to completing a Residential Parcel Subdivision in the County. The second additional home would require amendments to the Fringe Plan related to Natural Area policies or a Rural Residential Land Use Designation to allow for it to be constructed on the north parcel. Any such change would require review and approval by the City of Ames, Story County, and Gilbert. This is why the Cacklers have made an inquiry to the City of Ames to initiate an Urban Fringe Plan amendment.

In order to accomplish construction of two additional homes as the owner desires, the underlying land use designations must be changed from Natural Area to Rural Residential. Natural Area policies do not permit the division of land for the purposes of constructing new residences. **While the owner has not specifically requested what use they want, County staff with the concurrence of City staff have determined that**

a different land use designation is the only way a land division can be allowed in order to permit the construction of the two new homes. If there are no changes to the land use designation, then only one additional home can be built.

Story County planning staff has indicated in discussions with staff that due to conditions of the property as flood plain and wooded area, changing the land use designation to something other than Natural Area would likely not be consistent with County regulations and policies. Despite this discussion, the Ames City Council must first act on the request before Story County would make a formal determination to initiate the change or not.

OPTIONS:

In discussions with County planning staff and reviewing the Ames Urban Fringe Plan it has been determined that the City Council has the following three options:

Option 1: Designate All Three Properties to Rural Residential

Authorize the Cacklers to apply for a Minor Amendment to designate all three parcels at 4909 West 190th Street from Natural Area to Rural Residential. A Map Amendment would require all three governmental entities to approve the change. To support a change in the land use designation, the applicant would have to address concerns related to the environmental constraints of the site and its suitability for residential development. If this change is approved, it would allow for rural residential development at densities of one unit per net acre. It would allow the owner to proceed with creating three new buildable lots for homes and the possibility of more in the future if adequate land is available.

Option 2: Text Amendment to Modify Policies for Natural Area

If the policies for Natural Areas were changed to allow for consideration of new parcels for construction of a home, it would allow for the cities and Story County to evaluate proposed subdivisions on a case-by-case basis. This type of amendment would apply to all Natural Areas within the Fringe Area. Natural Areas relate primarily to corridors along the Skunk River, Onion Creek, Worle Creek, Walnut Creek, loway Creek, and miscellaneous tributaries. A text amendment is processed the same as a Minor Amendment for a map change described in Option 1 and would require all governmental entities to approve it.

Option 3: Maintain Current Policies

County staff has indicated that one additional home on the south parcel could be constructed per the County regulations. The property owner would work solely with Story County to address their regulations for building one additional home. No action is anticipated to be needed by the City with this option.

STAFF COMMENTS:

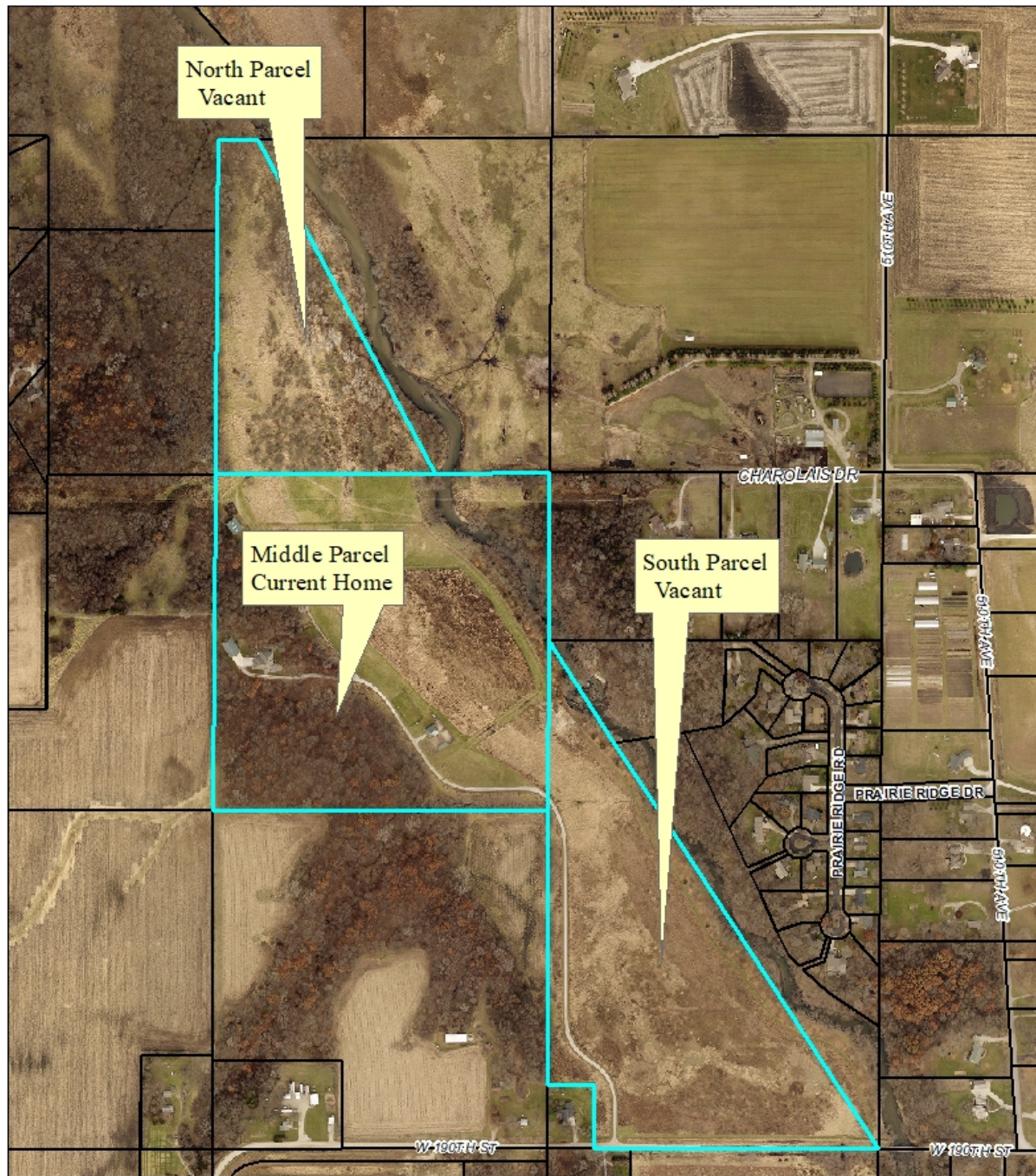
The Natural Area designation is written to preserve woodlands, slopes, floodplains and other natural resources where necessary from new development. The policies for the Natural Area do not allow for new residential development for this reason. The history of requests related to Natural Area changes are very few and to staff's knowledge no new development has been permitted within such a designation since approval of the 28-E agreement in 2010.

The only similar request to this one was for a Map Amendment related to the Whatoff properties along N. 500th Avenue where cropland was removed from the designation near Onion Creek. The land on the properties in question is timberland, floodplain including floodway fringe and floodway, as well as grass land. The eastern edge of the property is creek land and ravine. This type of environment fits the intended purpose of the Natural Area designation.

Staff believes changing to the Rural Residential designation (Option 1) is difficult to support due to the vast majority of the condition of the land on the property fitting a Natural Area designation. Additionally, Rural Residential itself is intended to be applied to broader areas supporting multiple housing unit areas, not just additional divisions of existing properties to create additional homes.

Staff also believes changes to the Natural Area policies (Option 2) to allow for new development would have broad application and require additional scrutiny to understand the potential impacts to a large number of areas in the Fringe and, therefore, does not recommend addressing this issue when there is a pending Fringe Plan Update proposed with the County next year.

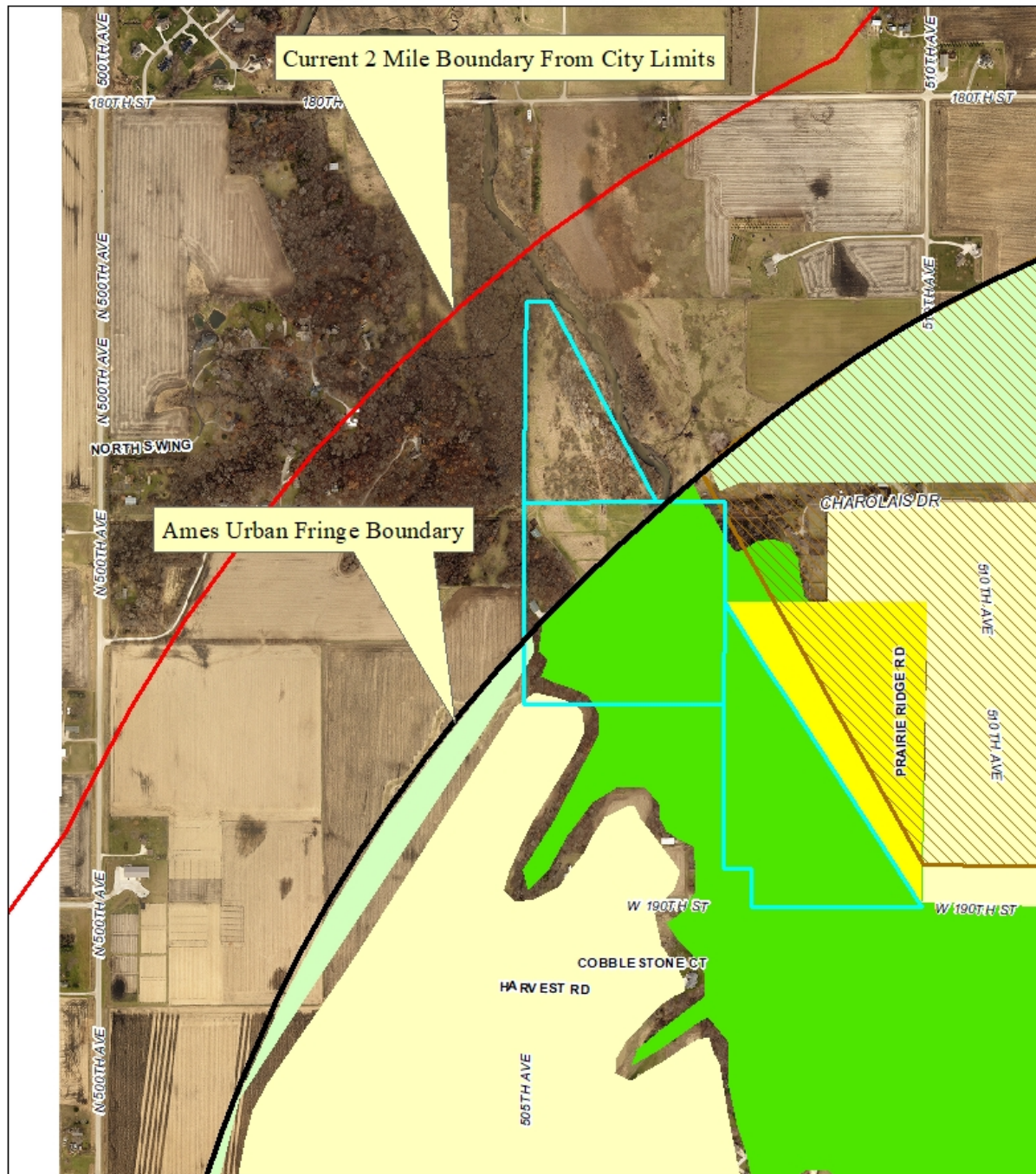
Attachment A- Current Parcels



Cackler Parcels
(Outlined in Blue)



Attachment B- Area Map (Natural Area In Green)



Cackler Parcels
(Outlined in Blue)

