

ITEM #:	<u>23</u>
DATE:	<u>4-11-23</u>
DEPT:	<u>P&amp;H</u>

Staff Report

**FRINGE PLAN UPDATE AND 28E EXTENSION**

April 11, 2023

**BACKGROUND:**

The City of Ames has been working with Story County and the City of Gilbert on formulating an updated Ames Urban Fringe Plan (AUFPP) over the past year. City Council agreed to participate in an update process in February of 2022 and identified City priorities to go along with Story County's goals for updating the Fringe Plan. A Draft AUFPP was made available for public review and comment in May of 2022.

City Council reviewed public comments, responses from Gilbert and Story County, and responded to proposed changes to the draft at three prior meetings, of October 25, 2022, November 22, 2022, and January 10, 2023. **The addendum includes background information from prior meetings and links to those meetings.** In conjunction with these responses to proposed changes to the Draft AUFPP Update, the City Council, Gilbert, and Story County have consented to extending the current 28E agreement for joint administration of the current Fringe Plan until April 30, 2023.

The Board of Supervisors and Gilbert have responded to the City's proposed changes from January with their own proposals (Attachments A and B). The City's January response addressed comments from December 2022 that related primarily to the mapping of the Urban Reserve Overlay for areas north of 190<sup>th</sup> Street and southwest of Hwy 30.

The Urban Reserve Overlay designation is an important component of the AUFPP Update as this designation signals the City's intent for consideration of future annexation, limits rural subdivisions within these areas for development purposes, and most importantly includes provisions for limits on certain conditional uses by Story County.

**The City's January response partially agreed with the earlier County request by removing all Urban Reserve Overlay designation in the southwest area located west of State Avenue, but retained the Growth Area designation and related Natural Area Overlay for the former Champlin property. In response to requests for no Urban Reserve Overlay north of 190<sup>th</sup> by the County and for a buffer with no Overlay by Gilbert, the City reduced the overlay north of 190<sup>th</sup> Street to extend ¾ of a mile north of 190<sup>th</sup> Street and from the railroad tracks east to Arrasmith Trail (east of Hwy 69). The addendum includes maps of the City's response.**

**Based on the attached response letters, neither Gilbert nor Story County has agreed with the City's January proposal.** Both entities suggest a ¼ mile extension of Urban Reserve north of 190<sup>th</sup> Street with the remaining area as Ag and Farm Services. **Story County also responded about the southwest accepting the reduced Urban**

**Reserve Overlay, but requesting again that the former Champlin property be removed from the Growth Area designation and made to be Ag and Farm Services. The County also requests clarification that the Meadow Glen Neighborhood, designated as Rural Residential Existing, would also have the Urban Reserve Overlay removed.**

**Story County also suggested two policies be added to the Fringe Plan, one is to have a policy for directional drilling/boring for utility extensions in the Natural Areas and secondly that the City will not annex into Urban Reserve until Growth Areas and Infill options have been utilized by the City.** The directional boring is a new proposal, while the policy for infill utilization has been brought up by Story County during previous discussions.

**Story County has also approved extending the current 28E until June 30<sup>th</sup> and requested Gilbert and Ames do the same.** Subsequently, Gilbert has approved an extension until June 30<sup>th</sup> as well.

**Story County also describes at the end of their letter a request that the City Council initiate hearings to adopt a AUFPP Update even if we do not concur with their suggested changes to the Draft Plan. If the City Council approves an updated AUFPP, they would then consider City's approved plan and a new 28E agreement.**

#### **POLICY CONSIDERATIONS:**

##### **Map Designations North of 190<sup>th</sup> Street.**

**Staff does not believe the proposed ¼ mile extension of Urban Reserve Overlay north of 190<sup>th</sup> is sufficient for planning for future annexation and consideration of reasonable development proposals in this area.** Staff has no specific mapping option to propose in response to Gilbert and Story County proposal that would differ from January proposal of ¾ of a mile. **Staff would need direction from City Council on their priorities for the area to consider a different proposal than the ¾ mile proposal supported by staff in January.**

##### **Map Designations Southwest**

The former Champlin property has city sewer and water adjacent to the site and it is readily serviceable within the current Growth Area designation. The Draft Plan includes a Natural Area overlay on the property as well which indicates the sensitivity to environmental features on and adjacent to the site. It should be emphasized that the Staff is equally concerned about protecting the natural resources in this area. If the site was annexed and proposed for development, the City has in place established development tools to manage natural resource conservation, storm water management, and other unique issues that could arise with development of the site. **Staff finds no basis to remove the Growth Area designation for this site and has no proposal to modify the designation for this site. City Council would have to indicate to staff what they believe is an appropriate land use designation or policy for this site if there is to be a change from the January proposal.**

The Meadow Glen neighborhood was modified earlier in the process as part of prior comments for it to be mapped as Rural Residential Existing, which delegates authority to the County for subdivision review. This area retained the Urban Reserve Overlay at that time. The City does not anticipate annexation and development within the Meadow Glen neighborhood directly. Due to the decisions to remove the Urban Reserve Overlay for areas to the west, the County would like the Urban Reserve Overlay removed from this area as well due to the unlikely ability of annexation to occur in this area. Removing the Overlay would still allow for use of the 80/20 provision for annexation for property in this area if needed, but would remove potential conditional use permit limitations for this neighborhood, while subdivision review would not change. **Staff does not believe this is a significant change either way for it to be in or out of the Overlay as a developed area. City Council would need to direct staff of how to designate this area.**

#### Construction with Directional Drilling

The City recently extended utilities on the west side of Ames using directional drilling for part of a sanitary sewer connection that was located in an existing natural area and floodway. The Board requests a new policy be added to the Plan preferring such a construction technique. The AUFPP is principally a subdivision and land use policy document that does not address construction specifications. **Staff does not support adding this type of policy preference to the Plan as it relates to yet undesignated or located utility extensions for which staff cannot comment on how it would be applied. City Council would need to give direction if language for a preference of the directional drilling technique is desirable in order to make a decision regarding all future projects.**

#### Infill Development Policy

The final request within the County letter is to include a policy limiting annexation within the Urban Reserve Overlay until development potential is “exhausted” within the designated growth areas of the City and infill opportunity areas. The City has a strong desire to support infill as is evident by Ames Plan 2040; however, the City has maintained throughout the Fringe Plan process that some flexibility related to annexation policies is critical to respond future growth needs and to maintain the integrity of the plan over the next 10 years.

Staff believes adding this policy is problematic to administer and inconsistent with Ames Plan 2040 intent to be flexible and responsive to needs over the next 20 years. **Staff is not in favor of this policy as the City has already reduced the amount of mapped Urban Reserve Overlay and it would render the Urban Reserve Overlay moot in relation to near term annexation flexibility as the City could not fully buildout all of its growth areas and infill potential within the life of the proposed AUFPP of the next 10 years.**

#### Extension of 28E

The three cooperators to the AUFPP are part of an intergovernmental 28E Agreement for joint administration. The current AUFPP has had a 28E agreement in place since 2011. The 28E agreement has been extended three times over the past nine months in

consideration of the AUPF update process. If the 28E expires no one is bound to the policies or provisions of the 28E as they related to the AUPF for rezoning, annexation, or subdivision. The County requests the extension to ensure there is no gap in administration as cooperators work to complete an updated Plan.

Staff notes that the current 28E is based upon the current Fringe Plan, which does not reflect policies of the City's now adopted Comprehensive Plan, Ames Plan 2040. The 28E limits the ability of the City to consider annexations and indirectly planning for the City's growth in a manner consistent with Ames Plan 2040 as Plan 2040 does not match the growth areas of the old Fringe Plan. **Due to the lengthy proceedings to this point in the process and uncertainty of the process moving forward, staff is not in favor of extending the 28E.**

If the City Council moves forward with initiating adoption of a new Plan there will be a short amount of time where there is no 28E, but with a new Plan there would be a new 28E agreement. Staff does not believe that a few months would negatively impact the administration of the Fringe Area for the City as it relates to subdivision and annexation. However, if there is no new Plan the City would not need to abide by the old Fringe Plan. **Staff estimates that City Council would agree to extend the 28E until June 30<sup>th</sup> only if it is concerned about a gap in administration and it believes the new Plan would be adopted by June 30<sup>th</sup>.**

#### **OPTIONS:**

- 1) Accept the County's latest proposal.
- 2) Direct the City staff to prepare a modified proposal to respond to the cooperators.
- 3) Take no action in response to proposals from Story County and City of Gilbert, and let the current 28E agreement expire.
- 4) Direct staff to propose the City's own updated Urban Fringe Plan for Council.

#### **STAFF COMMENTS:**

Having a Fringe Plan with a 28E offers some expanded benefits beyond what the City currently enjoys for management of the 2-mile fringe area through subdivision and annexation authority. The primary benefit would be the commitment of Story County to not rezone property inconsistent with the Plan, e.g. rezone ag areas to commercial, industrial, or residential and County's willingness to limit conditional uses in areas abutting the City that could impact future compatibility with planned urbanization.

**However, City Council must now grapple with whether those benefits are in balance with the request for limitations related to future growth planning and the Urban Reserve Overlay as we have defined our priorities within Ames Plan 2040 for flexibility in growth policies. At this point staff does not believe further changes from the January proposal are desirable to the City in terms of maintaining flexibility to address future growth options over the next 10 years envisioned as**

the life of the AUPF Update and its 28E agreement. If Council agrees that the potential for growth in the next 10 years is balanced with the County's commitments as part of the AUPF it could direct staff to proceed with finalizing a plan in line with the County and Gilbert's requests.

As an alternative to their proposal, Story County addresses at the end of their March letter an option where the City proceeds with hearings to approve an updated Fringe Plan. Staff has reservations about taking on this initiative without concurrence from Story County about what is the final AUPF Update and how to complete a new 28E agreement for its administration. Adopting a Fringe Plan for the City's own use has very limited utility compared to our default policies of Plan 2040 for annexation and subdivision and compared to our current practices for review of rural subdivisions. Staff believes effectively finalizing a new 28E without County or Gilbert involvement would be very difficult and likely protract the AUPF approval even longer as details of a 28E would get discussed even more for implementation. **If City Council is in favor of adopting our own Plan, staff recommends directing staff to propose a final plan for Council consideration at an upcoming meeting. Staff would likely rely on the November draft as the basis for a Final AUPF since it addressed the majority of City interests compared to the January changes.**

Overall, based upon the responses by the current cooperators, staff believes the City Council should take no action related to the recent proposals and allow the 28E agreement to expire.

## Addendum

City Council first considered the detail of a request to partner with Story County and Gilbert on a process to update the Ames Urban Fringe Plan on February 15, 2022. [This report is available here.](#) Staff reviewed the Story County request and their priorities and identified priorities for the City of Ames. City Council voted to proceed with a cooperative update with the goal of formulating a draft plan during the spring of 2022 and the intent of adopting a new plan during the summer of 2022.

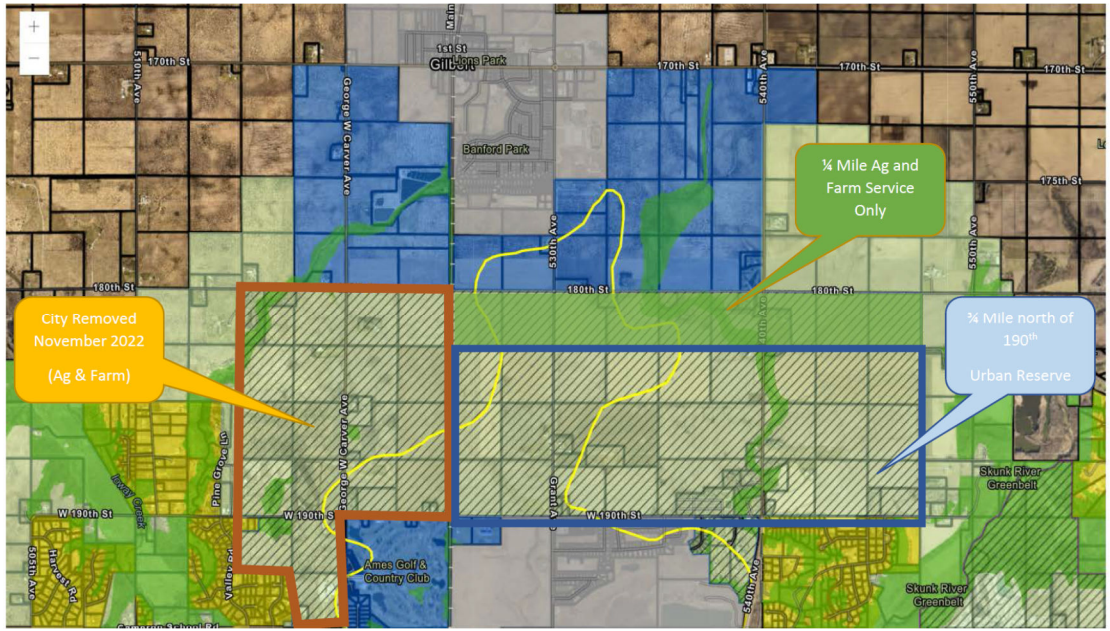
At its October 25, 2022 meeting, the City Council reviewed draft Ames Urban Fringe Plan Update public comments and recommended changes that were received from the Board of Supervisors. The Board of Supervisors response letter was dated September 20<sup>th</sup>. [The original staff report with the public comments is available at this link.](#) At the October meeting, staff discussed how changes to the draft Plan proposed by the Board of Supervisors did not meet many of the City's priorities for a cooperative fringe plan compared to the City's standard subdivision and annexation authority. This included changes to the Urban Reserve Overlay, annexation policies, and consideration of limitations on conditional uses in the county. City Council directed staff to provide edits to the draft plan in consideration of the County's concerns and the City's priorities and return with recommend options. **At that time the current 28E was set to expire on November 7, 2022 and City Council voted to support extending it until January 1, 2023**

On November 22, 2022 the City Council reviewed staff's options for changes to the Draft AUFPP. At that time the City emphasized flexibility in planning for growth and the benefits of limiting some conditional uses in the County while also agreeing to some defined limitations on annexation, removing some periphery area of Urban Reserve to the northwest of the city, and modifying Meadow Glen neighborhood land use designation. City Council directed staff to provide a response to the County and Gilbert about their proposed modifications to the draft plan. [Full details are included with the November report available at this link.](#) City staff provided a letter outlining the City Councils decision and an edited update of the Draft Plan on November 23<sup>rd</sup> to representatives of the Gilbert and Story County.

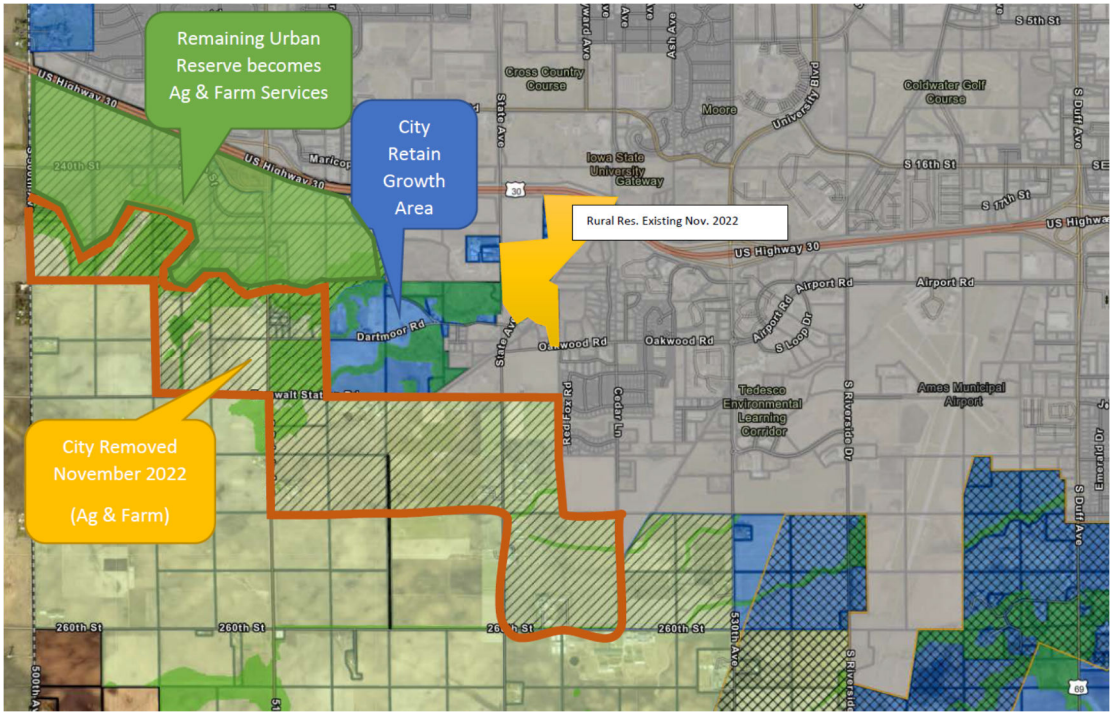
Gilbert and the Board considered the City's proposal and requested an extension of the 28E. The County responded by agreeing to consider some conditional use permit limitations and other details of the proposal, but focused on requesting additional and changes to the Urban Reserve Overlay mapping in general and specifically in the southwest and north of 190<sup>th</sup> Street, Gilbert also desired to not allow any option for growth north of 190<sup>th</sup> Street. **City Council considered the 28E extension request on December 20<sup>th</sup> and voted to extend it until April 30<sup>th</sup>.**

On January 10, 2023, City Council thoroughly review the cooperators responses to the November proposal and responded by agreeing to remove the Urban Reserve Overlay in the southwest and to modify the proposal north of 190<sup>th</sup> street to areas east of the railroad tracks and to leave a ¼ mile buffer between Ames and Gilbert at 180<sup>th</sup> Street. [The full report from January 10<sup>th</sup> is available at this link.](#) City staff promptly provided the response as directed by City Council to the cooperators. Maps of changes are on the next page.





Southwest





**STORY COUNTY  
BOARD OF SUPERVISORS  
LISA K. HEDDENS  
LINDA MURKEN  
LATIFAH FAISAL**

Story County Administration  
900 Sixth Street  
Nevada Iowa 50201  
515-382-7200  
515-382-7206 (fax)

March 28, 2023

Mayor John Haila and Members of the Ames City Council  
City of Ames  
515 Clark Avenue  
Ames, IA 50010

Mayor Jon Popp and Members of the Gilbert City Council  
City of Gilbert  
105 SE 2<sup>nd</sup> Street  
Gilbert, IA 50105

**RE: Changes to the Draft Ames Urban Fringe Plan**

Dear Mayor Haila, Mayor Popp, and City Council Members,

The Board of Supervisors has considered the changes to the draft Ames Urban Fringe Plan Future Land Use Map offered by the Ames City Council on January 10, 2023, and the City of Gilbert's February 24, 2023, and March 20, 2023 responses. We appreciate the cooperators' continued work, and the compromises offered, to facilitate the development of a mutually-agreed upon and beneficial Plan. Toward this goal, the Board makes the following requests for changes:

**Urban Reserve Overlay between Ames and Gilbert**

- Remove the Urban Reserve Overlay from the area one-quarter mile north of 190<sup>th</sup> to 180<sup>th</sup> Street. See Attachment A for a proposed map for this area. This would allow one-quarter mile of Urban Reserve directly north of 190<sup>th</sup>. The Board requests the remaining area be mapped as Agriculture and Farm Service only.

**Urban Growth and Urban Reserve Overlay Mapping Southwest of Ames**

- Remove Urban Growth designation from the Champlin property and adjacent properties, mapping them as Agriculture and Farm Service. See Attachment B for a proposed map.
- Remove the Urban Reserve Overlay from the areas zoned residential along Meadow Glen Road. We believe the mapping of Meadow Glen was an oversight, since with the



removal of the Urban Reserve Overlay from the area southwest of Ames, it would not be possible to annex this area voluntarily. See Attachment B for a proposed map.

**General Policies.**

- Add a policy to the Environmentally Sensitive Area Overlay that a city shall consider directional drilling as the preferred installation method for sewer and other infrastructure when crossing streams or other sensitive areas.
- Add a policy to the Urban Reserve Overlay that the City of Ames will not pursue annexation of any area designated as Urban Reserve until all infill, development and rezoning potential have been exhausted within 2023 city limits and the areas identified as Urban Growth in this plan.

The Board understands the importance and value of the Ames Urban Fringe Plan. However, without these requested changes, which are in response to public comment and the City of Gilbert's concerns, we cannot agree to the content of the final Plan prior to a public hearing process. If the Ames City Council will not accept these changes, the Board would be willing to consider a finalized Plan with Ames' proposed changes at a public hearing and make a final decision on adopting the Plan and entering into a 28E Agreement at that point. The Board requests the City of Ames hold the first public hearings before their Planning and Zoning Commission and City Council prior to the Story County Planning and Zoning Commission's and Board's consideration.

Toward the goal of finalizing the Plan, the Board has also acted to extend the current Plan to June 30, 2023, and asks the other cooperators to do the same.

Thank you for your consideration.

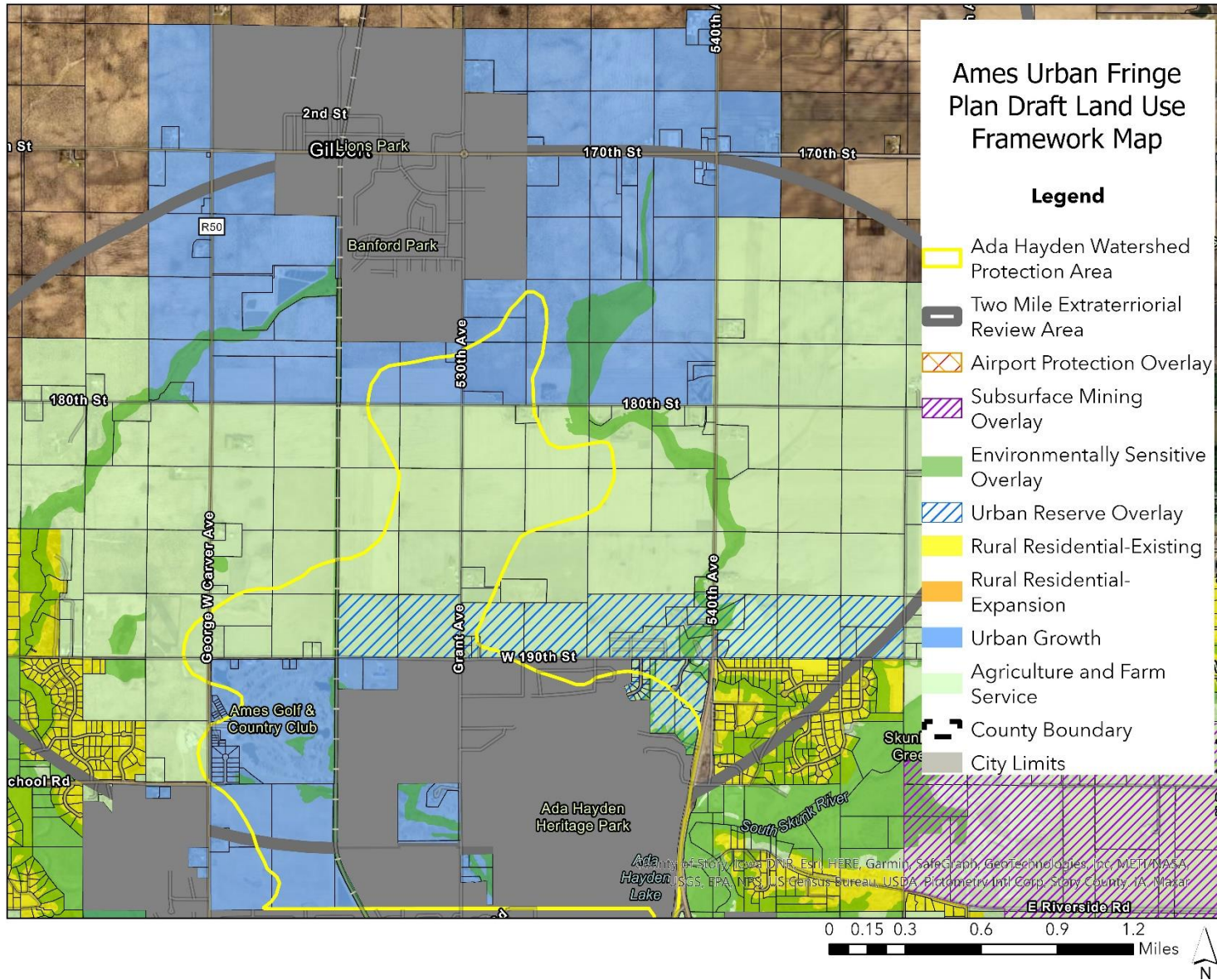
Sincerely,

A handwritten signature in blue ink, appearing to read 'Latifah Faisal', with a stylized flourish at the end.

Latifah Faisal, Chair  
Story County Board of Supervisors

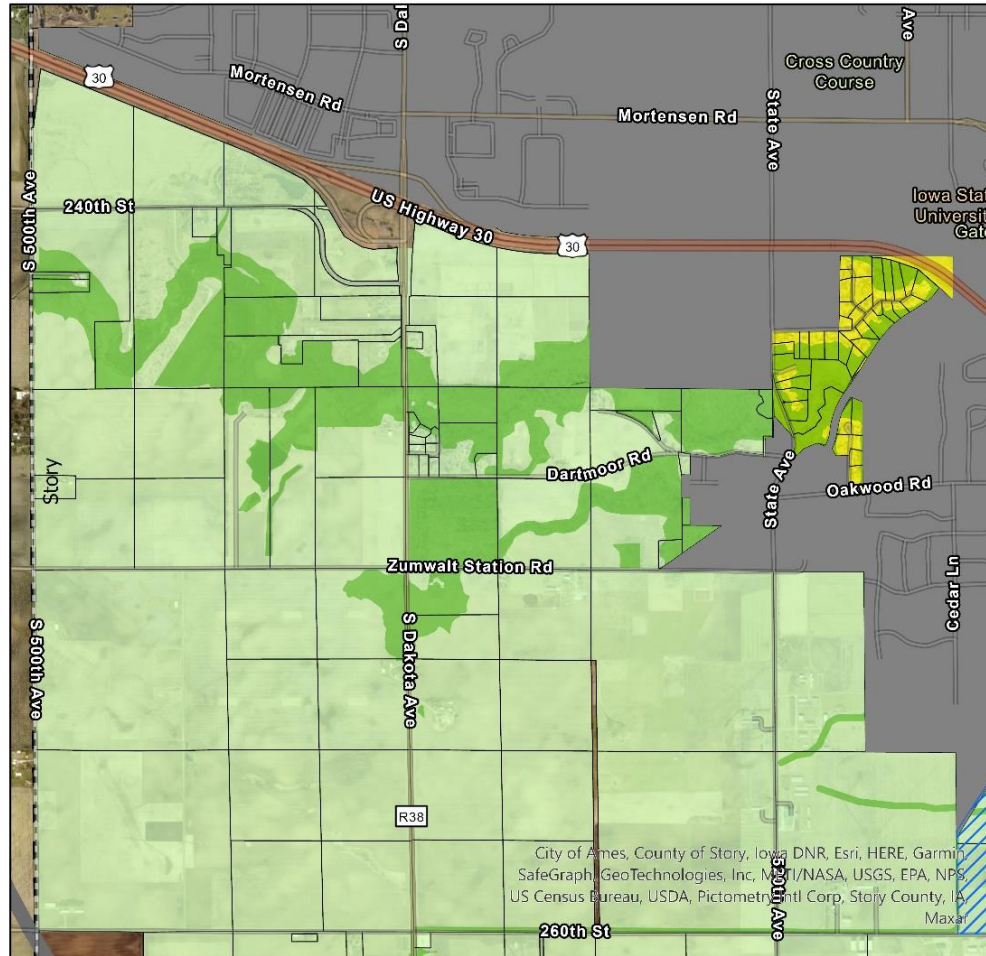
Cc: Kelly Diekmann, Planning and Housing Director, City of Ames  
Sonia Arellano Sundberg, City Clerk, City of Gilbert

# Attachment A



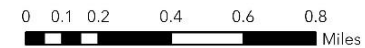
# Attachment B

## Ames Urban Fringe Plan Draft Land Use Framework Map



### Legend

- Two Mile Extraterritorial Review Area
- Ada Hayden Watershed Protection Area
- Airport Protection Overlay
- Subsurface Mining Overlay
- Environmentally Sensitive Overlay
- Urban Reserve Overlay
- Rural Residential-Existing
- Rural Residential-Expansion
- Urban Growth
- Agriculture and Farm Service
- County Boundary
- City Limits







GRATITUDE IN LOOKING BACK,  
EXCELLENCE REACHING TOMORROW

105 SE 2ND ST, BOX 29; GILBERT, IOWA 50105  
PH. (515) 233-2670 FAX. (515) 233-8020

24 February 2023

Latifah Faisal, Chair and Members of the Board of Supervisors  
Story County Board of Supervisors  
900 Sixth St.  
Nevada, IA 50201

Mayor John Haila and Members of the Ames City Council  
City of Ames  
515 Clark Avenue  
Ames, IA 50010

RE: Ames Urban Fringe Amendment – Areas of Primary Importance to the City of Gilbert

Dear Board of Supervisors, Mayor Haila, and Council Members,

The Gilbert City Council appreciates the opportunity to work with the City of Ames and Story County Supervisors to amend the Ames Urban Fringe Plan. The AUFPP has been an essential resource for cooperation among our entities and we wish to see this achievement continue into the future.

We received the letter from Kelly Diekmann dated 12 January 2023. The Gilbert City Council members reviewed and discussed this letter and the details in depth at a council meeting. We have also received multiple correspondence for citizens that agree with the following council positions.

The Gilbert City Council has reviewed the current AUFPP with the Planning Commission and have determined some areas of primary importance. These areas include:

1. Agricultural buffer zone between 180<sup>th</sup> and 190<sup>th</sup>. Maintaining an agricultural separation between the two communities would help to sustain the unique characteristics of each city. This separation also helps us with future grant applications that require Gilbert to be a not-attached City to other cities. Towards this end, we would want wording in the document to limit Ames' growth North of 190<sup>th</sup> Street. I understood this is what was agreed to in previous discussions.

2. The attached map shows a yellow line for the drainage area to Ada Hayden Heritage Park. It is identified as the ***Watershed Protection Area***. Since Ames plans to use Ada Hayden Lake as a backup drinking water source, we feel this is another reason to not have development in this area. Limiting development in this area would better protect this watershed from future contamination.
  
3. Gilbert Franklin Fire District is in the best position to support the area North of 190<sup>th</sup>. Keeping this area out of the City of Ames city limits provides funding to the district in the future.
  
4. Traffic conditions at the following locations:
  - 190<sup>th</sup> and Hyde/Grant
  - 190<sup>th</sup> and GW Carver
  - Cameron School Road and GW Carver

We understand all of three intersections are in the long-term transportation plans to be converted from stop signs to roundabouts. With the increased traffic and developments in those areas, please consider making these improvements as soon as possible.

A traffic study is underway for the 190<sup>th</sup> corridor. We look forward to seeing the results of this study to support the proviso planning for traffic in this area.

We look forward to working with the City of Ames, Story County and possibly the City of Kelley and Boone County to create an amendment with a positive impact on land development for all involved for many years to come. Thank you for supporting an extension to allow all entities the time necessary to create a realistic and impactful plan.

Sincerely,

Jonathan Popp, Mayor  
City of Gilbert

CC:  
City of Gilbert,  
Gilbert City Council members