

Staff Report
David Norris Request
May 11, 2010

At the April 13 City Council meeting, the Council referred to staff the letter from David Norris and specifically requested a written memo clarifying the relevant issues. Mr. Norris owns three parcels, comprising about 89 acres southeast of Ames, and is requesting a Land Use Policy Plan map amendment to designate this land as Rural Residential. The Ames Urban Fringe Plan designates the bulk of this land as Agriculture and Farm Service with the remainder as Natural Areas. The land lies between US 69 and Interstate 35 and is addressed as 55497 265th Street. A location map and aerial photograph of this property is attached.

The land contains an existing farmstead. According to the owner, the land is about “20% timber, 20% pasture, 20% sloping CPR land, 20% flood zone and 20% cropland.” The land lies one-quarter mile north of 265th Street—the nearest public right-of-way. Access is provided by a long driveway from the gravel county road.

The Ames Urban Fringe Plan was instituted in 2006 to, among other things, address the impacts of development on rural and agricultural activities and environmental quality. Boone county, Story County, Ames and Gilbert adopted agreed-upon principles to address these issues¹. To fulfill these principles, a land use map was developed, along with appropriate policies for each land use class.

The Plan describes Agricultural and Farm Service as follows:

“The designation encompasses large areas of highly valuable farmland, with farming and agricultural production as the primary activity. This designation also includes areas where the landowner has chosen not to use the land for agricultural production. The vegetative cover of this land may be native (either original or re-established) or introduced, but not part of the Natural Areas land use designation.”

Natural Areas are described as follows:

“Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.”

¹ These guiding principles are found on pages 11 through 13 of the Plan.

The full policy statements from the Plan for these designations are attached to this report. The following two sections bear particular attention:

“AFS (Agriculture and Farm Service) Policy 4: Limit non-agricultural residences in the Agriculture and Farm Service designation to homes existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting. Otherwise, subdivision for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation. (Relates to RSACA Goals 2.1, 2.5)”

and

“NA (Natural Area) Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting.”

Because a residential development is not consistent with these Plan designations, Mr. Norris is asking that the City Council begin the process of amending the Plan.

In the spring of 2007, Mr. Norris sought a revision to the Urban Fringe Plan to allow for the rezoning and development of this land. Following a staff report to the City Council, the Council directed staff to set a joint meeting with the governing bodies of Boone County, Story County, and Gilbert. That meeting, in April 2008, gave direction and clarified some outstanding issues on the amendment process. However, a process for amending the Plan has not yet been finalized.

In April 2009, Mr. Norris sought the waiver of subdivision standards for his proposed residential subdivision. Mr. Norris withdrew that request prior to City Council consideration on May 26, 2009.

Since the adoption of the Ames Urban Fringe Plan in July, 2006, the Plan has **not** been amended by all of the adopting bodies – Story County, Ames and Gilbert. Staff from the three jurisdictions have been working on an intergovernmental agreement that would prescribe a process whereby the Plan could be amended by all three jurisdictions. However, Ames has amended the Plan once in these four years. That was the recent amendment to designate the north growth area from Priority Transitional Residential to Urban Residential (with a small portion of Rural Transitional Residential). Since the intent of the change was to facilitate the annexation of this area, the Gilbert City Council and Story County Supervisors consented to the change because, once annexed, the land would be subject entirely to the jurisdiction of Ames.



With any change to the Plan by the City on the Norris property, the County would also need to amend the Story County Development Plan to remain consistent with Ames's. As noted, the recent change to the Ames Urban Fringe Plan for the northern growth area was not mirrored by the County since the County recognizes that their jurisdiction would end upon annexation. However, their letter consenting to the change acknowledges that the anomaly exists and, if the annexation were to be delayed, the County would begin the process of amending their Plan.

With this background information in mind, the City Council can consider four options to handle the request from Mr. Norris:

Option 1: Deny the Referral.

The Ames Urban Fringe Plan was developed through a process whereby the various jurisdictions identified and agreed on issues, adopted policies to address those issues, and prepared maps to fulfill those policies. Existing policies address and seek to prevent the very type of development in the rural areas proposed by Mr. Norris.

The request for residential development appears to not be consistent with the Fringe Area Plan and could have adverse impacts to rural development patterns. Residential development at this location could have implications on natural areas and would be contrary to adopted policies to not allow new residential development in natural areas. The lack of services and access to public rights-of-way are also problematic.

If the City Council feels that the designations on the Plan are appropriate and adequately fulfill the policies of the Plan, then the City Council would be upholding the Plan by not initiating a map amendment for Mr. Norris. This action would respect the vision for this area that has been established by the three parties to the Fringe Area Plan.

Option 2: Defer to the County.

Since there is no process currently in place, any change to the Fringe Area Plan must be accomplished through an ad hoc process. If the City Council wishes to amend the Plan, it could **refer the request first to Story County** to see if the County would amend their plan. If Mr. Norris obtained a Plan amendment from the County, then the City Council could initiate the process to amend the Ames Urban Fringe Plan. However, to retain the cooperation of all three parties to the Plan, it is advisable that the City of Gilbert should also be party to the amendment.

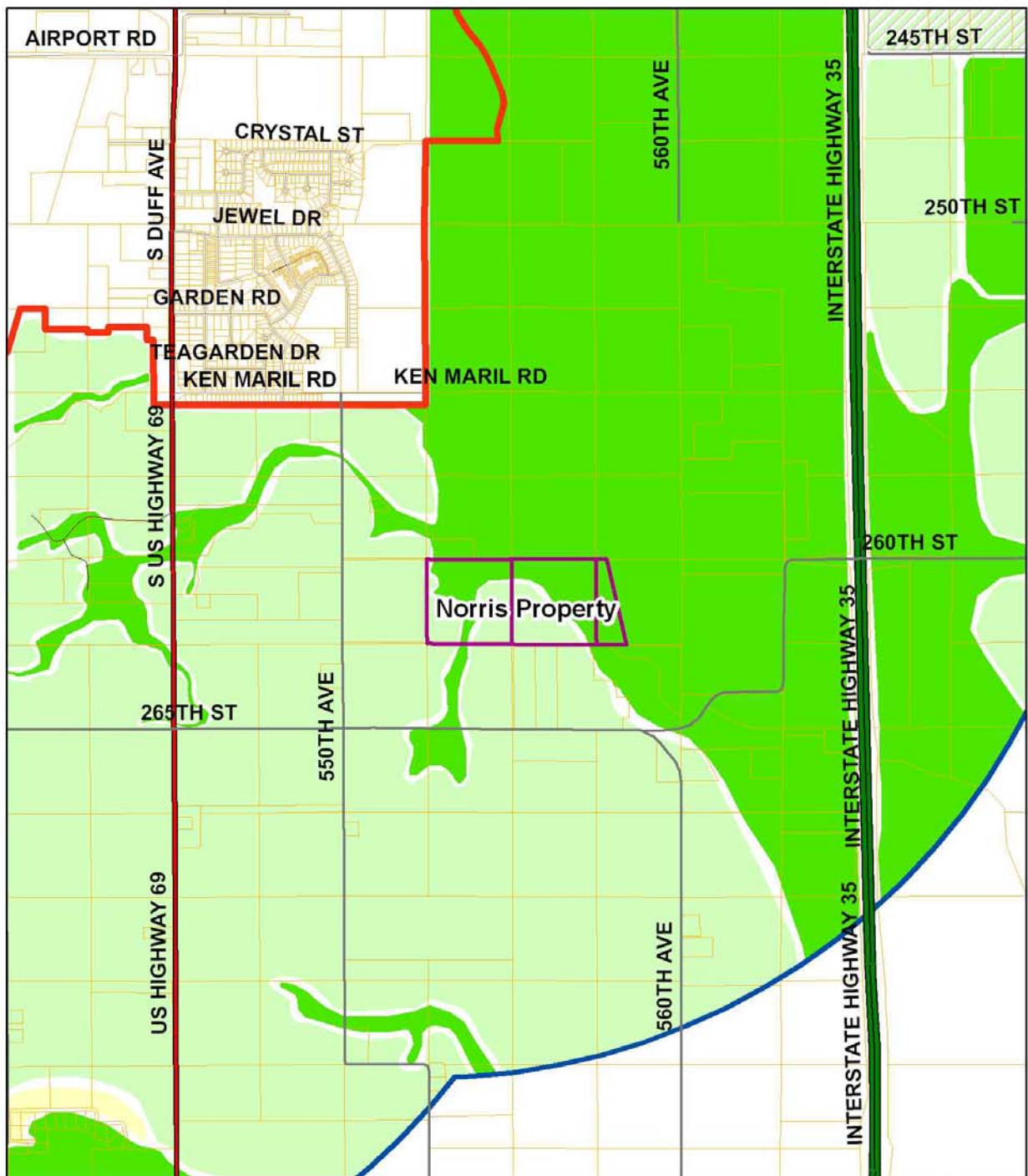
Option 3: Refer the Request to City Staff.

This option would **direct staff to analyze the request** from Mr. Norris to amend the Fringe Area Plan. Regardless of the City's action under this option, Mr. Norris could not proceed with his proposed residential development area until Story County approves the map amendment, rezones the property, and approves the proposed subdivision. In order to retain the cooperation of all three parties to the Plan, it is advisable that the City of Gilbert should also be party to the amendment.



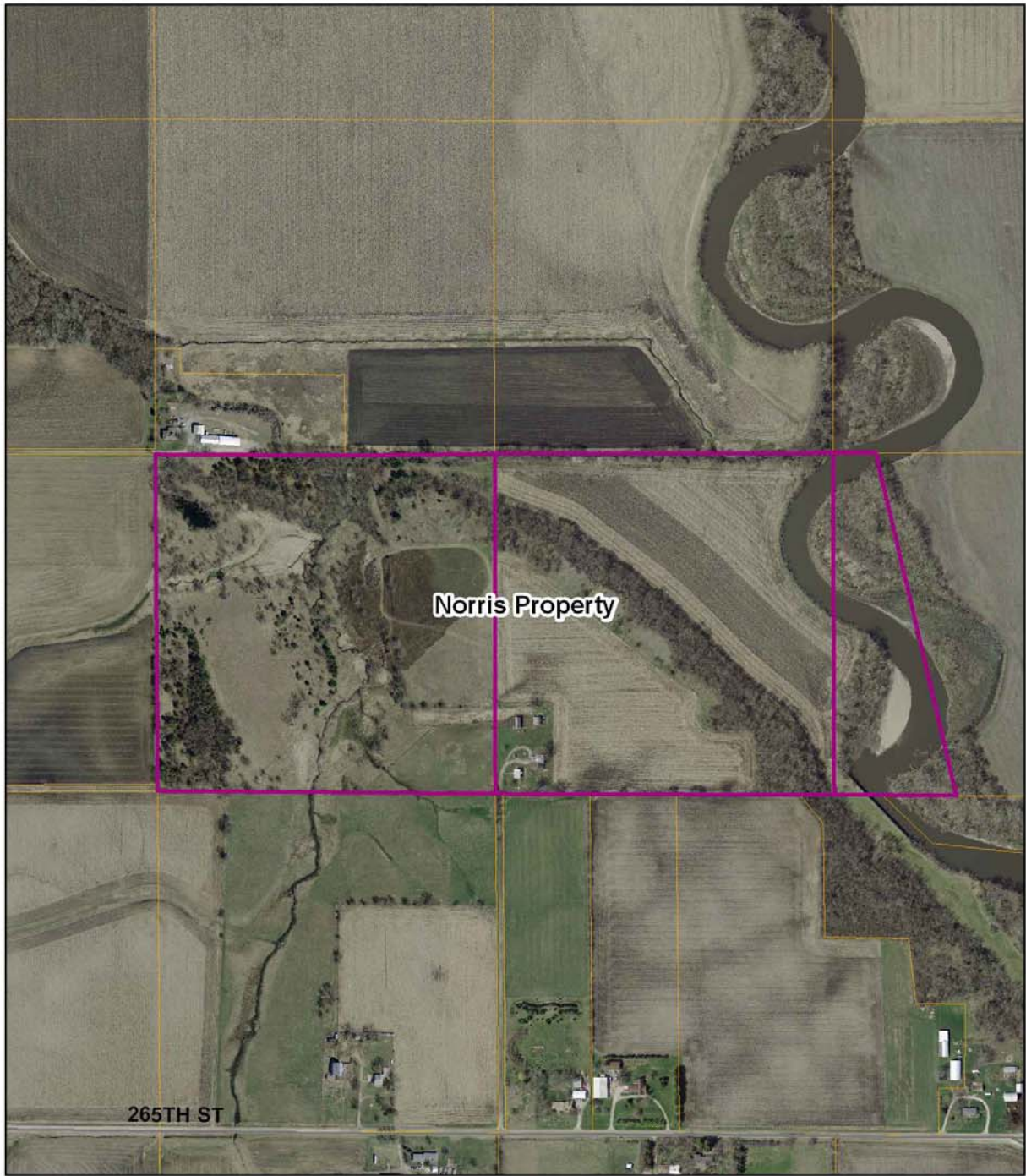
Option 4: **Suspend the Referral.**

This option recognizes that an amendment process has not yet been finalized among the jurisdictions. The recent amendment to accommodate the northern growth area was done through an ad hoc process, as would be done under Options 2 and 3. If the City Council sees value in continuing with the process to develop a 28E intergovernmental agreement, staff can work to bring the governing bodies together to prioritize this issue. Unfortunately, under this option, Mr. Norris's **request would again be placed on hold.**



0 0.2 0.4 0.8 1.2 1.6 Miles





0 0.05 0.1 0.2 0.3 0.4 Miles



AGRICULTURE AND FARM SERVICE (AFS)

The designation encompasses large areas of highly valuable farmland, with farming and agricultural production as the primary activity. This designation also includes areas where the landowner has chosen not to use the land for agricultural production. The vegetative cover of this land may be native (either original or re-established) or introduced, but not part of the Natural Areas land use designation.

AFS Policy 1 Recognizing that agricultural land is a natural resource of the Ames Urban Fringe that should be protected, farming and agricultural production is and will continue to be the predominant land use of areas given the Agriculture and Farm Service designation. Land given this designation has been determined to be moderate to high value agricultural land with regard to one or more of the following general factors: soil productivity, effect of surrounding land uses on agricultural use, and physical characteristics that affect the ease with which the land can be utilized for agriculture. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 2: Recognizing that industrial and commercial land uses dependent on proximity to local agricultural land uses are essential to the continued feasibility of farming in Story County and Boone County, support these services within the Agriculture and Farm Service designation. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 3: Strategically locate such industrial and commercial uses in order to:

- utilize existing adequate access and road capacity and otherwise assure the existence of adequate public facilities;
- protect productive soils and environmental resources;
- support the continued use of these areas for farming and agricultural production.

(Relates to RSACA Goals 2.1, 2.2, 2.3, 2.6)

AFS Policy 4: Limit non-agricultural residences in the Agriculture and Farm Service designation to homes existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting. Otherwise, subdivision for the creation of new residential development lots is not supported within the Agriculture and Farm Service designation. (Relates to RSACA Goals 2.1, 2.5)

AFS Policy 5 Allow the clustering of agricultural-related development at a limited scale where properties have adequate access to a public road. Such development shall be configured and designed to be harmonious with agricultural activities and avoid negative impacts to agricultural operations.



NATURAL AREAS (NA)

Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.

NA Policy 1: Natural Areas are composed of the following features and locales that intermingle with each other.

Environmentally Sensitive Areas – flood-prone areas, wetlands, water bodies, areas of steep slopes and sensitive soil conditions, and other designated areas that should be protected from detrimental impacts from other land uses.

Significant Natural Habitat -- areas surveyed and evaluated based on vegetation type and condition in the "Norris Study." These Significant Natural Habitat Areas may also occur outside of the designated Natural Areas. In such locations, the underlying land use designation applies.

Parks and Open Spaces – facilities, land, and/or structured programs for a variety of public recreational opportunities. The term "Open Space" refers to primarily undeveloped areas; such areas are typically maintained and managed as natural areas for passive recreational uses.

Future Parks -- general areas where future parks are anticipated.

Greenways -- stream ways, parks, improved and unimproved trail systems, and open spaces that provide linkages that in effect create a continuous "greenway" or recreational system. Greenways provide recreational and open space linkages in both rural and urban areas.

Particular features and locales in the Natural Areas often are appropriately described by more than one of the above labels. This is a reflection of the multiple benefits of, and the diversity of landscapes represented in the areas designated Natural Areas. Regardless of type, Natural Areas are protected from negative land use impacts.

NA Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences existing at the time of this Plan or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting.

NA Policy 3: Mitigate negative impacts to Natural Areas, including, but not limited to: agricultural chemical application, animal confinement and feeding, agricultural irrigation, miscellaneous agricultural activities like manure and fuel storage, outdated and non-functioning on-site wastewater systems, underground storage tanks, and nutrient-loaded urban stormwater run-off.

