

Staff Report

Request for LUPP Amendment for Oaks Golf Course

March 6, 2012

The City Council recently received a letter from Chuck Winkleblack concerning development opportunity for the Oaks Golf Course, located outside the City limits. His request seeks designation of the area for residential development. **This report provides background information to help the Council determine whether it desires to give formal consideration to this request. Should Council decide to proceed further, a determination would then be needed as to whether the proposal is a major or a minor amendment to the Land Use Policy Plan (LUPP).**

By way of overview, this proposed amendment to the LUPP would involve changing this land use designation from Parks and Open Space to Rural Residential in order to allow development of residential estate lots. Council may want to give consideration to such factors as the City's ability (or inability) to provide utilities to the area, impact on the City's watershed (particularly Ada Hayden Lake), impacts on the viewshed from Ada Hayden Memorial Park, and general consistency with the Council's adopted goals and policies. Mr. Winkleblack also proposed trading a portion of his property currently being used for park access in exchange for a portion of Ada Hayden Heritage Park along Grant Avenue. If Council desires to consider that exchange, advice from the Parks and Recreation Commission should be sought.

BACKGROUND

The Oaks Golf Course is currently zoned A-1 by the County (with a small I-2 Heavy Industrial zone at the south near the service entrance to Ada Hayden Park).

The Ames Urban Fringe Plan designates this site as Parks and Natural Area with a small portion to the south that is designated Natural Area. **The Parks and Natural Area designation is a subclass of the Rural Service and Agricultural Conservation Area. To accommodate the large lots that Mr. Winkleblack is proposing, the site would need to be designated as Rural Residential, also a subclass of the Rural Service and Agricultural Conservation Area.** A discussion with Mr. Winkleblack indicates that he is proposing about four lots of 10 to 12 acres each. There is also an area to the extreme south of the golf course that the Urban Fringe plan designates as Natural Area.

The site is not in an Allowable Growth Area of the Land Use Policy Plan. In 2008, it was at first placed within the North A area for purposes of the Targeted Growth Study. However, due to the impracticability of extending sanitary sewer service to this area, it was ultimately excluded from the North Growth Area. **Since Mr. Winkleblack is not seeking annexation, a change to the LUPP Allowable Growth Designation is not needed.**

An amendment to the Urban Fringe Plan is, by extension, a change to the Land Use Policy Plan and, therefore, would be subject to the amendment process and considerations that were recently adopted by the City Council. This process describes two types of amendments (major and minor) and includes criteria for the City Council to use to determine which type is requested. The definitions are below. The full text of the process and the consideration for LUPP amendments can be found at <http://www.cityofames.org/modules/showdocument.aspx?documentid=6625>.

II. AMENDMENT TYPES

Amendments of the LUPP are defined as major or minor, more specifically defined as follows:

1. **Major Amendments.** These include any amendment that is either a *change* to current goals and policies, or that is *inconsistent* with current goals and policies.
2. **Minor Amendments.** These include changes determined by the Council to be of minor consequence. Examples might include:
 - a. Shifting the boundary of a land use designation to account for existing site conditions and/or lot configurations.
 - b. Changing a land use designation to a related type of land use designation, as follows:
 - i. Residential to next level intensity residential.
 - ii. Non-neighborhood commercial to another type of commercial.
 - iii. Commercial node to another type of commercial node.
 - iv. Industrial to next level intensity industrial.
 - v. Any change which the Council determines necessary to address an immediate public need or to provide broad public benefit, and which is determined by the City Council to further the current vision, goals and objectives of the Land Use Policy Plan.

The determination of whether the amendment is major or minor is important in determining the process for seeking approval. A major amendment has a greater public input process than does a minor amendment. Following the determination of whether it is a major or minor amendment, the City Council may choose to either consider the amendment immediately, or else to defer any action on the proposed amendment until the next scheduled review of the entire LUPP. The LUPP states that the Plan should have a comprehensive review approximately every five years.

Under the procedures enacted to facilitate changes to the Ames Urban Fringe Plan, two of the three jurisdictions (Ames, Gilbert or Story County) need to agree to consider the request. All three jurisdictions would then need to approve the change for it to take effect. The Ames Urban Fringe Plan Amendment Process can be found in Attachment C of the 28E agreement approved in July, 2011, and is also posted on the City's website at <http://www.cityofames.org/modules/showdocument.aspx?documentid=4634>.

MAJOR OR MINOR AMENDMENT:

To determine whether the proposed change is a major or a minor amendment to the Land Use Policy Plan, the City Council should consider whether the proposal is a change to or is inconsistent with current goals and policies.

The policies of the Rural Service and Agricultural Conservation Area (RSACA) are quoted below, followed by staff comments in *italics*.

RSACA Policy 1: Maintain farming and agricultural production as the predominant characteristic of the Rural Service and Agricultural Conservation (RSACA) Area.

This area is not farmed. The site has been a golf course for a considerable time.

RSACA Policy 2: Prohibit urban-scale growth and development in the Rural Service and Agricultural Conservation Area. (Relates to RSAC Goal 2.1)

The proposed development will not be urban. As Rural Residential, the maximum density would be one dwelling unit per acre.

RSACA Policy 3: Within the Rural Service and Agricultural Conservation Area, minimize conflicts between agricultural and non-agricultural land uses by educating residents and potential residents on the realities of rural living and by requiring adequate buffers between land uses. (Relates to RSAC Goal 2.1)

Both the Natural Park and Open Space designation and the low-density Rural Residential designation can serve as an effective buffer between the agricultural uses lying north of 190th Street and the city park to the south.

RSACA Policy 4: Permit agricultural/farmstead and strategically located rural residential development (areas at a large distance from municipal services) to use well water or other water systems in conformance with the standards of the Iowa Department of Natural Resources and respective County Boards of Health. (Relates to RSAC Goal 2.6)

As Rural Residential, development on this site could use a rural water system or could be served by private wells.

RSACA Policy 5: Permit agricultural/farmstead and strategically located rural residential development (areas at a large distance from municipal services) to use on-site wastewater treatment systems where soils provide adequate drainage and filtration in conformance with the standards of the Iowa Department of Natural Resources and respective County Boards of Health. (Relates to RSAC Goal 2.6)

As Rural Residential, development on this site could use on-site septic systems. The proposed large lots should allow for safe installation of such systems. However, the southern portion of this area lies within the Ada Hayden Heritage Parks watershed for which great interest in its protection has been demonstrated by the community. Conditions could be placed on the approval of a LUPP amendment to safeguard the lake.

RSACA Policy 6: Limit development in areas that would create a need for the upgrade of roads before they are scheduled in the appropriate jurisdiction's capital improvements program. Where proposed development will potentially increase the traffic volumes in excess of the current road capacity, provide for the cost of road improvements at the time of development. (Relates to RSAC Goal 2.2)

It is not expected that homes that are built to the proposed densities would have a greater impact on the transportation system than the golf course, at least during peak season.

The policies of the Rural Residential (RR) Area are quoted below, followed by staff comments in *italics*.

Residential land uses within Rural Residential designated areas are developed at a rural density and in areas where urban infrastructure may not be in place for a time period beyond the Ames Urban Fringe Plan. The Rural Residential designation recognizes a residential market segment seeking large lots in a rural setting, benefiting from agricultural activities on a small scale

RR Policy 1: This land use designation includes all single-family residential land uses/developments that involve maximum average net densities of one unit per acre.

The proposed development will meet this standard.

RR Policy 2: Full urban infrastructure standards are not required. (Relates to RSACA Goal 2.6)

*If the Plan is changed to Rural Residential, the development will be expected to meet the subdivision standards of Story County. The County will ensure compliance with the Plan. **Therefore, any special infrastructure needs identified by the City to protect the Ada Hayden watershed should be a condition of the Plan change.***

RR Policy 3: Decentralized wastewater treatment facilities and wells shall meet IDNR, county, and city standards. (Relates to RSACA Goal 2.6)

This is required already.

RR Policy 4: Encourage clustering of residential sites within these land areas to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services. (Relates to RSACA Goal 2.6)

RR Policy 5: Make provisions to protect environmental resources, environmentally sensitive areas and adjacent Natural Areas. (Relates to RSACA Goal 2.3, 2.4)

*A portion of this site lies with the watershed of Ada Hayden Heritage Park. However, since subdivision authority in this location falls on Story County, any requirements beyond that should be **a condition of a Plan amendment.***

The site is also within the watershed of Ada Hayden Park. Therefore, development of the site could impact the park's visual qualities.

RR Policy 6: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge from Rural Residential land uses according to IDNR and county standards. . (Relates to RSACA Goal 2.3)

If the Plan were amended, conditions can be approved which the County would incorporate in their review of the subdivision.

RR Policy 7: Protect the rural character of the Rural Service and Agricultural Conservation Area through residential density requirements, buffering requirements between conflicting land uses and other appropriate transitions from urban to rural areas. (Relates to RSACA Goal 2.1)

As noted above, this low-density residential use may provide an appropriate buffer between the park to the south and the agricultural lands to the north. Immediately to the west of the site is a denser rural residential subdivision. To the west of that is agricultural land that is expected to be annexed and developed at more urban densities (Quarry Estates). This subject site might have been designated for annexation and more dense development if it weren't for the topography of the site which greatly increases the cost of providing sanitary sewer service.

RR Policy 8: Limit rural residential development on prime agricultural land. Assure that the development on prime agricultural land is farm-related and has adequate access to road systems and potable water. Development should not interfere with agricultural-related activities. (Relates to RSACA Goal 2.1, 2.2, 2.5, 2.6).

This area is not currently used for agriculture.

RR Policy 9 Minimize the impact of non-agriculture development in rural areas on existing agricultural operations. (Relates to RSACA Goal 2.1, 2.5)

The development of this area will not have an impact on existing agricultural operations.

The existing land use designation of this site (Parks and Recreational Areas) and the proposed designation (Rural Residential) are both subclasses of the Rural Service and Agricultural Conservation Area (RSACA). The RSACA designation does not anticipate annexation into the City in the foreseeable future and would allow development consistent with the rural character. **The RSACA designation, in accordance with the 28E agreement with Gilbert and Story County, requires subdivision approval only from the County so if the City would wish to apply any additional standards to protect the Ada Hayden Heritage Park, these would need to be conditions of the Plan amendment.**

However, although the RSACA includes, among other designations, Parks and Open Space and Rural Residential, these two designations differ in the expected amount of development. The existing golf course, an allowed use in the Parks and Open Space designation, does not include a large number of buildings but the impacts on the land are great. These impacts may include chemical fertilizers, soil conditioners, and

pesticides to maintain the golf fairways and greens. In this instance, however, the owner has indicated that he has been given information on techniques to reduce such chemical usage and has incorporated these techniques into the operation of the golf course. Rural Residential can include lots of no less than one acre average. These impacts can also be significant depending on landscape and maintenance practices, and the function and condition of on-site septic systems. On this site there could be as many as 35 or so lots, although the applicant has indicated he seeks just four lots.

This analysis excludes consideration of changes to the existing Natural Area that buffers the golf course from the city park. Since the Natural Area is not within the same RSACA class of land use, the change of this designation would be more significant in determining whether this is a major or minor amendment. If the requested change were limited to just the Parks and Open Space designation, it would more readily meet the criteria for a minor amendment. If the golf course were converted to residential development, the Natural Area (NA) could serve as one component of the necessary buffer between the two uses. The policies of the Natural Area are quoted below, followed by staff comments in *italics*.

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.

Any environmentally sensitive or significant habitat areas adjacent to Ada Hayden Heritage Park should be retained. A change from Natural Area to Rural Residential would be a significant change of expected land use types.

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.

As a Natural Area, this site, even if retained by the current owner, would need to be excluded from any development activities. Again, if the Urban Fringe Plan designation were changed to Rural Residential, that protection would be removed, and would be a major change of expected future land uses.

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.

If the City Council and the partner jurisdictions agree to change the designation of the area north of the Natural Area to Rural Residential, the City should condition that change on an agreement to minimize the impacts of development on Ada Hayden Heritage Park. These conditions are anticipated by this policy statement.

COUNCIL DETERMINATIONS

The goals and policies of the Land Use Policy Plan noted above provide background for Council's initial decision on whether or not to formally consider this request. If Council decides it merits further consideration through a formal application, it must next determine whether the application will be processed as a major or as a minor amendment.

In doing so, the City Council should first review the goals and policies of the Ames Urban Fringe Plan and of the Land Use Policy Plan noted above. The City Council should consider the goals and policies of the two Urban Fringe Plan designations on the subject site (Parks and Open Space and Natural Area) and whether the change of just one designation or both designations to Rural Residential merits further consideration.

If the Council determines that the proposed amendment changes those goals or is inconsistent with those goals, it should designate the proposal as a major amendment. It may, nonetheless, designate the proposal as a minor amendment if the City Council determines the change is necessary to address an immediate public need or to provide broad public benefit, which the Council determines will further the current vision, goal, and objectives of the LUPP. Alternately, the City Council could decide to defer action until the next scheduled review of the LUPP.

If the City Council chooses to allow an application now, Mr. Winkleblack will also need a similar referral of his request from either Gilbert or Story County, since this is a change to the Ames Urban Fringe Plan.

The second part of Mr. Winkleblack's request is to consider a trade of a tract of his land lying south of the golf course in exchange for City-owned land on Grant Avenue. City staff discussed the implications of such a trade on Hayden Park. Although staff is thoroughly appreciative of the offer, the City can find an alternate access to the maintenance grounds and, therefore, does not need this particular parcel. Further, with the overwhelming support by the community of the Ada Hayden Heritage Park, which includes the lake as well as the uplands to the north and west, staff needs to be sensitive to the expectations of that supportive community if the City were to consider divesting itself of any portion of the existing park.

However, if Mr. Winkleblack wishes to proceed with his proposal for a land trade, he could make a formal request to the Parks and Recreation Commission for their consideration. The Commission would then make a recommendation to the City Council, which is the ultimate arbiter of the disposition of City-owned land.

LETTER FROM CHUCK WINKLEBLACK

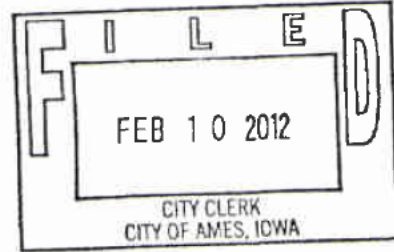
*Pkts. 2-10-12
Copy: Steve O.*

Date: February 10, 2012

To: Honorable Mayor and City Council members

From: Chuck Winkleblack *W*

RE: Northern growth and changes to the LUPP

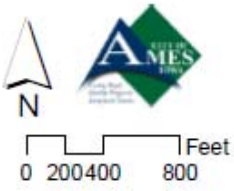
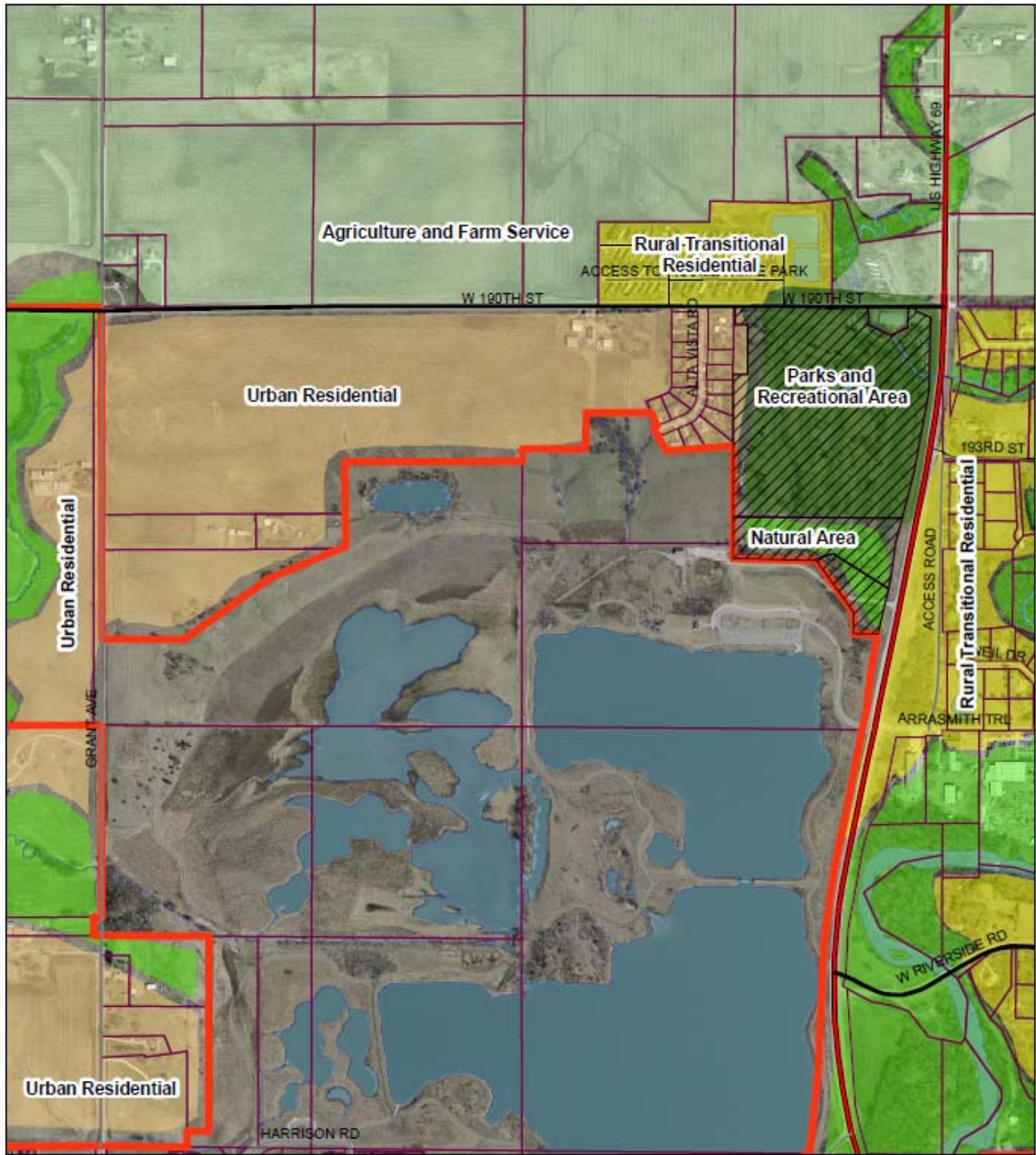


I respectfully request that the city council consider changing the LUPP for the land that is currently being used as the Oaks Golf Course. The underlying zoning is currently A-1 agricultural on some of the land and I-2 Heavy Industrial on the rest of the land owned by the Oaks Development Company. The intent would be for the LUPP to be changed to a residential classification that would allow large lots that would protect Ada Hayden Park.

The Southern portion of this land that is owned by the golf course and is accessed off of HWY 69 is also used by the City of Ames for access to their maintenance building at the park. The land owners would consider trading an equivalent number of those acres for some of the city owned land that is adjacent to Grant Ave. This land trade would secure the city access to their maintenance building as well relieve the city from some of the city obligations to improve Grant Ave. This would also limit the amount of development potential for the land that is closer to the park. This potentially could save the city thousands of dollars in cost and improve the function of the park.

Thank you in advance for your consideration of this request.

LOCATION MAP



Legend

- Subject Site
- Ames City Boundary

