

COUNCIL ACTION FORM

SUBJECT: EXTENSION OF AMES URBAN FRINGE PLAN 28E AGREEMENT

BACKGROUND:

Under state law the City has extended subdivision review authority within two miles of the City of Ames. Ames approved a Fringe Plan in 2006 to guide land use and subdivision policies within the two-mile Fringe Area. Ames has entered into a 28E cooperative agreement for administration of the Fringe Plan between Story County, Ames, and Gilbert. The initial agreement was adopted in July 2011 and had a ten-year term.

On June 9, 2020, Ames City Council agreed to extend the 28E Agreement until July 11, 2022. The extension was intended to allow time for the City to complete Ames Plan 2040 and to then proceed with an update to the Fringe Plan. The City of Ames approved Plan 2040 in December 2021. One implementation measure of Plan 2040 is to update the Fringe Plan to align with Ames Plan 2040.

At its February 15, 2022 meeting, the City Council reviewed priorities for a Fringe Plan update based upon growth areas and urban reserve designations of Plan 2040 as well as priorities outlined by Story County Board of Supervisors. City Council directed staff to work with Story County to prepare an update to the Ames Urban Fringe Plan based upon both sets of priorities.

City and County staff worked together to prepare a draft Ames Urban Fringe Plan and staff presented an overview of the draft Plan and Land Use Map to City Council on April 24.

The Draft Plan was made available for public review on May 16th. Information about the draft Plan can be found on the [Story County website](#). County and city staff attended three public comment meetings regarding the draft Fringe Plan Update. Story County also hosted an online map comment tool. The public comment window for the Draft Plan closed on June 14.

The initial public meeting at the Ames Library and via Zoom had over 125 attendees. Two follow up workshops (Gilbert and South Ames) had over 50 attendees as well. County staff is cataloguing the specific comments about the draft Plan and related land use map.

With the initial review of comments, staff has identified five primary themes to the public comments:

1. Concerns about protection of environmental areas along Worle Creek
2. Concerns from Meadow Glen neighborhood being forced to annex to the City
3. Concerns that Urban Reserve Overlay has too restrictive of standards for divisions
4. Concerns that Story County would limit conditional uses with the Urban Reserve Overlay to preserve future compatibility when annexed.
5. Concerns about annexation policies within the Urban Reserve Overlay

Staff will provide all written comments received during the public input process to the City Council for their review at later meeting this summer. Specific policy questions and direction on changes to the draft Plan itself will be discussed at the future meeting. Story County Board of Supervisors will also review the comments and make recommendations for changes to the draft at a later date this summer.

In addition to the public comment, a letter from the Mayor of Gilbert was emailed to Story County on June 22 requesting changes to the draft Map that would designate lands north of 190th Street as exclusively area to be annexed to Gilbert. This area in the Draft Plan was designated as Urban Reserve Overlay and could be annexed by either Ames or Gilbert. However, the position expressed by Gilbert would be inconsistent with Ames Plan 2040, since the area between 190th and 180th Streets is shown in Ames Plan 2040 as Urban Reserve, intended as area for future growth of Ames.

28E AGREEMENT EXTENSION:

At the outset of the project to update the 28E agreement, staff was optimistic that the update could be accomplished before the expiration of the current Plan on July 11 or shortly thereafter. **Based upon tentative schedules to review public comments late in July and to revise the Plan for final approval later this summer, it will not be possible to agree to a new 28E prior to the expiration of the current agreement.**

Extending the 28E means that annexation policies and subdivision policies of the current Fringe Plan would continue to apply within Story County. It would not implement the policies of Ames Plan 2040. Therefore, new areas identified for growth within Plan 2040 would not be eligible for annexation if a petition for annexation was submitted to the City.

An extension must also be agreed upon by all three cooperators to the 28E agreement. If City Council chooses to approve an extension, the Board of Supervisors would also consider an extension at its July 5 meeting, and Gilbert City Council is scheduled to meet on July 11. The 28E would be effective as of the date of the last signature, but would need to be filed with the Secretary of State within 30 days.

County staff and city staff estimates that three to four months, or until November 2, 2022, are still needed to complete all the remaining next steps as shown below:

Remaining Next Steps

1. Review Public Comments
2. Direct staff on changes to the Draft Plan to proceed with a Final Plan
3. Update of Plan to reflect direction given to staff
4. Hold hearing with Planning and Zoning Commission to adopt the Plan
5. Hold a hearing with the Governing Body to adopt the Plan and approve a new 28E agreement

If any of the parties declines to approve the extension of the 28E agreement, it would expire on July 11, 2022. In that instance, Ames would rely upon its Ames Plan 2040 Growth and Land Use Element to guide land use decisions and annexations. The 2006 Fringe Plan would no longer be relevant. Work on an update of the Fringe Plan could continue as described above, assuming the other parties intend to continue to participate in the update. **In the meantime, the City would apply its subdivision authority to all division within two miles of the City.**

City authority over divisions would mean the City would either apply our subdivision code standards to a project or waive our standards on case-by-case basis. City review authority would apply to all boundary line adjustments, plats of survey, and subdivisions within two-miles of Ames. This would likely result in a handful of additional Plat of Survey reviews for the City that are currently reviewed solely by Story County. This process would be the same as the City uses to review subdivisions occurring in Boone County, where Ames and Boone County do not have an agreement.

ALTERNATIVES:

1. Adopt a resolution:
 - a. Approving an amendment to the 28E Agreement, modifying the expiration date to November 2, 2022
 - b. Requesting that Story County and Gilbert also approve the agreement to extend the 28E agreement
 - c. Submitting the signed agreement to the Iowa Secretary of State by August 10, 2022.
2. Allow the 28E Agreement to expire, but direct staff to continue to work on a Fringe Plan Update as described within the Next Steps of this report.
3. Approve an extension of the 28E to a different time than November 2, 2022.
4. Allow the 28E Agreement to expire, and direct staff to discontinue work on an update with Gilbert and Story County.

CITY MANAGER'S RECOMMENDED ACTION:

Extending the Fringe Plan 28E for a limited amount of time could limit consideration of annexation proposals that would be consistent with Ames Plan 2040. However, staff is also not aware of any pending annexation petitions that are planned to be submitted within one of the new growth areas of Plan 2040 that would otherwise be inconsistent with the Fringe Plan. Staff does not favor a lengthy extension due to these potential limitations.

Therefore, it the recommendation of the City Manager that City Council adopt Alternative #1, as described above.