

ITEM#:	<u>23</u>
DATE:	<u>01-10-2023</u>
DEPT:	<u>P&H</u>

Staff Report

FRINGE PLAN UPDATE URBAN RESERVE AREAS

January 10, 2023

BACKGROUND:

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 (Attachment A). [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.**

On November 22, 2022 the City Council directed staff to provide a response to the County and Gilbert about their proposed modifications 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 23rd to representatives of the Gilbert and Story County

THE CITY'S NOVEMBER RESPONSE ADDRESSED FIVE KEY ISSUES, AMONG OTHER DETAILS:

1. Including limits for certain conditional uses within the Growth Areas and Urban Reserve Overlay.
2. Allowing for annexation within the Urban Reserve Overlay, when part of a voluntary annexation.
3. Removing fringe Urban Reserve Overlay areas to the southeast of I-35, south of Worle Creek, and north of 190th Street west of the Union Pacific Railroad line.
4. Establishing 180th Street as the boundary for annexation potential between Gilbert and Ames
5. Clarifying the 28E agreement would be for an initial 5-year period with an automatic extension of 5 years, unless cancelled in advance. The agreement would also allow for notice and withdrawal from the agreement by any party.

DECEMBER RESPONSE FROM GILBERT AND STORY COUNTY:

Both Gilbert and Story County provided letters to the City Council responding to the changes.

Gilbert focused on that they did not support annexation by either Ames or Gilbert between 190th and 180th Street. (Attachment A) Under their proposal, this area would

be subject to County regulation. Gilbert desires to have a buffer between Gilbert and Ames. Staff's presumption is that the remainder of the Plan Update details are acceptable based upon Gilbert's letter.

Story County responded by accepting the City's November proposal for changes, including limiting of certain conditional uses, but added requests regarding the mapping of the Urban Reserve Overlay. (Attachment B)

The County maintains within their letter that with agreed upon limitations to certain uses within the Urban Reserve Overlay, it would like to reduce the amount of area mapped as Urban Reserve by:

1. Removing all Urban Reserve Overlay and growth area designation to the southwest (i.e both north and south of Worle Creek, including former Champlin property) and designating it as Ag and Farm Services.
2. Removing all Urban Reserve Overlay between 180th and 190th and designating it as Ag and Farm Services.
3. Consider removing additional undescribed areas from the Overlay to reduce the total acreage within the Overlay.

All of the proposed area changes would be mapped solely as Ag and Farm Services without the Overlay. Ag and Farm Services does not allow for development or for annexation without amending the Plan to another designation. Amendments are subject to approval by all cooperators of the 28E agreement.

OPTIONS:

The City's November response clearly identified the City's priorities for participating in a Fringe Plan Update. The final issue appears to be mapping of the Urban Reserve Overlay. City staff believes that City Council should evaluate options related to Story County's three requests and make a final decision on how, or if, to proceed with the project.

190TH STREET AREA:

Both Gilbert and Story County have reservations about the area north of 190th Street being designated as potentially annexed within the life of the Plan (10 years). The concerns are "buffering" of the two communities, continued use of farmland, and premature annexation of the area without developing in other City designated growth areas. Having the area as Ag and Farm services would essentially preserve the status quo in terms of zoning and subdivisions, but it would not have the Conditional Use limitations previously agreed upon for the Plan if there is no Overlay.

This area is shown as Urban Reserve within Ames Plan 2040 and was considered a Tier 3 development area in the scenario analysis because of needed infrastructure extensions to serve full buildout of the area. **Ensuring that the area is maintained as a viable option for future growth of Ames is an important component of Ames Plan 2040 in terms of flexibility to meet growth demands over time.**

Option 1 - Agree to County Request for No Urban Reserve Overlay North of 190th Street

As discussed above, future annexation or other type of development would require a Map amendment. Agreeing to this this change would ensure that neither Gilbert nor Ames would annex into this area without approval of a map change to another designation. Generally, the status quo would be preserved.

However, if the area is no longer in the Overlay it will not have any specific limitations on conditional uses that would apply to other areas adjacent to the City, it would default to the typical County requirements. Secondly, if the area is designated as Ag and Farm Services, a property owner could propose to change a parcel of land to Rural Residential Expansion, subject to approval by all parties to the agreement. The Urban Reserve Overlay does not allow for consideration of such a map amendment.

Option 2 - No Change to the City of Ames November position and maintain the Urban Reserve Overlay mapping proposal from 190th to 180th

No change would be made from the November proposal where the City excluded only the land west of the railroad. This option preserves the broadest range of City interests. However, it is unclear if Gilbert would continue to participate in the process without a change regarding a “buffer” between the City and Gilbert. Story County may or may not continue with the update if there is no change to mapping the overlay in this area as their letter described this change as an additional request.

Option 3 - Direct staff to investigate an option to partially map the area north of 190th Street as Urban Reserve

The City removed areas to the west of the railroad tracks to focus our intentions for growth planning along Highway 69 and Grant Avenue up to 180th street. If City Council desires to consider if less Urban Reserve area could meet the City objectives within the context of the Fringe Plan, it could direct staff to propose an alternative for Council consideration before making a final decision.

SOUTHWEST AREA:

The County proposes to designate all areas to the southwest as Ag and Farm Services. The City Council previously concurred with removing areas south of Worle Creek, with the exception of the former Champlin property remaining as Growth Area due to proximity of City services adjacent to the site.

Other than the former Champlin property, Ames Plan 2040 identifies this area as Urban Reserve and as a Tier 2 option for growth due the need for a substantial sanitary sewer trunk line extension. Extension of sewer would serve a broader area to the west in Boone County as well as this area. The City does not have any immediate plans for constructing the sewer extension, thereby it is appropriately Urban Reserve within Plan 2040.

The former Champlin property has been identified as Growth Area because it is readily serviceable due to water and sewer extensions existing nearby. Street paving is the primary infrastructure issue needing improvement for it to be developed with residential uses. This one site is situationally different from other properties in this area. County

concerns for this land revolve around public concern about the integrity of the natural area related to Worle Creek. The City would apply storm water management and environmental protections to any future project that may occur on the site.

Option 1 - Agree to County Request for No Urban Reserve Overlay in the Southwest

As is the case with the 190th Street discussion, if the area is Ag and Farm Services no development could occur, but limitations on conditional uses would not apply. Overall, this area is less significant for planning purposes and annexation than the 190th area, if there is no concern about conditional uses.

Option 2 - No Change to the City of Ames November Urban Reserve Overlay mapping proposal

No change would be made from the November proposal where the City excluded only lands south of Worle Creek. This means lands along 240th Street would remain as Urban Reserve. The former Champlin property will maintain its Growth Area designation.

Option 3 – Maintain the former Champlin property as a Growth Area, but agree with the County’s other requested changes in the Southwest regarding Urban Reserve.

Agree with the County’s request, with the exception of the unique condition of the former Champlin property with access to abutting utilities and maintain the Growth Area designation for it.

OTHER URBAN RESERVE OVERLAY CHANGES:

The County is requesting the City to propose reducing the Urban Reserve Overlay for other unspecified areas beyond the Southwest and 190th Street.

Option 1 - Reduce Urban Reserve Overlay areas to the east, southeast, and northwest as part of the final adoption process.

Staff would review options for reducing areas at the periphery of the Urban Reserve and incorporate into a final Plan with the final approval process.

Option 2 - Take no action on this request and maintain the November proposal

No change would be made from the November proposal.

STAFF COMMENTS:

The current Fringe Plan 28E agreement was extended on December 20th until April 30th to allow for time to consider these most recent changes and potentially to proceed with a final plan. If City Council accepts the proposed changes or directs staff to proceed with any of the options described above, staff will work to finalize a plan and write a new 28E agreement with the intent of having both approved by the end of April.

Staff has highlighted in previous reports that implementation of the Fringe Plan Update, as it relates to County zoning, would require ordinance amendments as follow up action

to a new 28E agreement. More precise zoning amendments would be described with the Plan approval process and described with the 28E agreement.

Due to timing, these types of ordinance changes would not occur in April with the 28E agreement approval, but could be planned for later in 2023. Any final agreement would include a clause that if the ordinance changes are not completed within a defined amount of time from approval of the agreement, that the City could withdraw from the agreement. This type of clause would ensure that we are not bound by policies that do not include the other corresponding zoning changes. A general ability, with notice, to cancel or withdraw from the agreement would also be included within the 28E, similar to how it is currently structured.

Staff believes the key issues for Council consideration at this time is the benefits of cooperative planning and management of the Fringe Area over the next ten years and how that balances with the ideals and goals of Ames Plan 2040 for the long term planning of the City. **With a new agreement, the City benefits from joint planning and management of the Fringe Area for the most sensitive areas related to both short and long term interests of the City. Some of the joint management tools, such as limits on rezoning of land and limits on conditional uses, would not occur without such an agreement.**

However, with the December responses from the County and Gilbert it is clear there are concerns about how long-term growth north of the City is depicted in the Plan and if it is allowed during the life of the 28E agreement. **Staff is concerned that limiting the Urban Reserve designation, especially any further north than 190th, could potentially limit land use compatibility protection and future annexation during the life of the Plan as it would be subject to a future map amendment.**

Staff believes December responses from the County and City of Gilbert do not fully achieve the goals of the Ames Plan 2040 related to flexibility and responsiveness to growth needs. However, in an attempt to secure the benefits derived from a Fringe Area Agreement, staff believes it would be beneficial to take the additional time to discuss Option 3 as it relates to the 190th Street and Southwest Areas with the other parties before the City Council is asked to make a final decision.

However, if the City Council prefers to continue to support the terms from the November proposal, then it would choose Option 2 for all areas. In this case, the other parties would have to decide whether to accept the City's proposal or let the Fringe Area Agreement expire in April 2023.



*GRATITUDE IN LOOKING BACK,
EXCELLENCE REACHING TOMORROW*

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

Ames-Gilbert-Story County Fringe Agreement

Proposal dated 23 November 2022
Jon Popp, Mayor of Gilbert

The Fringe Agreement is due to expire at the end of 2022. It is a valuable tool to reduce confusion and help landowners and developers plan for how the land between Ames and Gilbert can be used in the future.

I propose the following be used in the new agreement among these three entities for the space bounded by:

- US Hwy 69 to the East
- George Washington Carver Ave. to the West
- 190th street to the South
- 180th street to the North

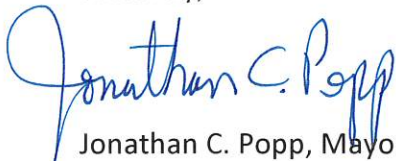
Target areas of agreement:

- Gilbert will not plan to annex any land South of 180th street
- Ames will not plan to annex any land North of 190th street
- Story Co will oversee any developments in this area to be sure it fits with the type of developments already in this area
- Water service is already provided in this area by Zenia Rural Water District
- If water service is needed for fire protection, Gilbert will allow connection to their water system (new facility build in 2021)
- Fire service is already provided in this area by Gilbert Franklin fire district
- Gilbert will confirm it will provide sewer service if a connect is needed (capacity increased in 2020)
- The landowners will be responsible for storm water release at a rate the current drainage districts handle water
- Story County will be responsible for leading efforts to improve safe traffic flows in this area

The following Key benefits of this plan will be:

- This will preserve the funding of the Gilbert Franklin Fire district
- The landowners will be responsible for their land's future use
- The landowners will have a choice in how their land is used
- Gilbert will remain a rural community not contiguous with any other community – this is critical in preserving access to future grants (***Iowa Rural Enrichment Grant*** as example)
- Prime farmland will be preserved into the future

Sincerely,



Jonathan C. Popp, Mayor
City of Gilbert, Iowa

Letter approved during Gilbert City Council meeting; November 28, 2022.

Cc: Kelly Diekmann, Ames Planning and Housing Director
Amelia Schoeneman, Director Planning and Development, Story County



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

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December 13, 2022

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 2nd 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 edits made to the draft Ames Urban Fringe Plan by City of Ames' staff and Gilbert's November 23, 2022, letter regarding the draft Plan. We appreciate both cooperators' time and responsiveness to the changes requested by the Board to the draft Plan.

The Board accepts the City of Ames' changes to the Plan, with the following additional requests for the cooperators to consider. The requests are changes to the draft Land Use Framework Map.

- Remove the Urban Reserve Overlay from the area north of 190th and south of 180th Streets, and the area south of 190th and west of George Washington Carver. See Attachment A for a proposed map for this area. The Board requests this area be mapped as Agriculture and Farm Service only.
- Remove the Urban Reserve Overlay and Urban Growth area south of Highway 30 and west of the Ansley development. Map the area as Agriculture and Farm Service and the areas zoned residential along Meadow Glen Road and State Avenue as Rural Residential – Existing. See Attachment B for the proposed map.
- Finally, the Board asks the City of Ames to propose additional areas to be removed from the Urban Reserve Overlay so that the designation is reflective of a 10-year planning horizon.

The County acknowledges and appreciates Ames' offer to remove the Urban Reserve Overlay south of Worle Creek and west of the railroad tracks (the tracks located east of George Washington Carver) along

190th. However, the County is still generally concerned about the size of the Urban Reserve Overlay. The Ames Urban Fringe Plan is a 10-year plan. The City has expressed that the Urban Reserve is a 50-year concept for city growth. Planning for a 50-year timeframe with a 10-year plan has created concern, especially given the limitations on conditional uses in the Urban Reserve Overlay versus the likelihood of city development.

The Urban Reserve's size in the draft Plan prior to these changes was 17,251 acres. The City of Ames is just over 18,000 acres total in size. The city has annexed a little over 4,000 acres in the past 20 years. The changes proposed by the County will remove approximately 3,500 acres from the Urban Reserve Overlay, still leaving approximately 13,750 acres in the overlay. The County believes further reductions are in order, again, especially given the County's willingness to limit certain conditional uses in the area.

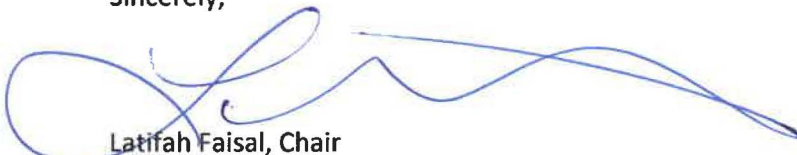
If during the 10-year planning horizon, or during a review of the Plan after five years, the likelihood of development of these areas is higher, the County would be open to a discussion of mapping the areas with the Urban Reserve Overlay. In the interim, there would be the opportunity to request a Land Use Framework Map amendment should development be proposed that was more appropriate to occur inside of a city's corporate limits.

Specifically regarding the area north of 190th, and the area west of George Washington Carver, the County shares the City of Gilbert's concerns—its desire to maintain a separate small-town identity, and the opportunities, including grants, associated. This area also includes high-value agricultural lands that the County wishes to emphasize remain in production for as long as possible. The Board supports Gilbert's request that Ames not annex north of 190th, and that Gilbert not annex south of 180th, during the life of the Plan.

And regarding the area southwest of Ames, beyond the public comments generated about the area's mapping, the environmentally sensitive areas and topography cause the County to question the practicality of developing the area versus other Urban Growth and Urban Reserve Overlay areas. As acknowledged in part by the City in proposing to remove the Urban Reserve Overlay south of Worle Creek, development of the area is further constrained by the properties owned by Iowa State University.

The Board asks the other cooperators to consider these requests and looks forward to continuing to work with Ames and Gilbert toward a mutually beneficial plan. We have acted to extend the current Plan to April 30, 2023, towards this goal and again ask the other cooperators to do the same. If either cooperator feels it beneficial, the County will continue to be open to hosting a work session to seek mutually agreed-upon solutions.

Sincerely,

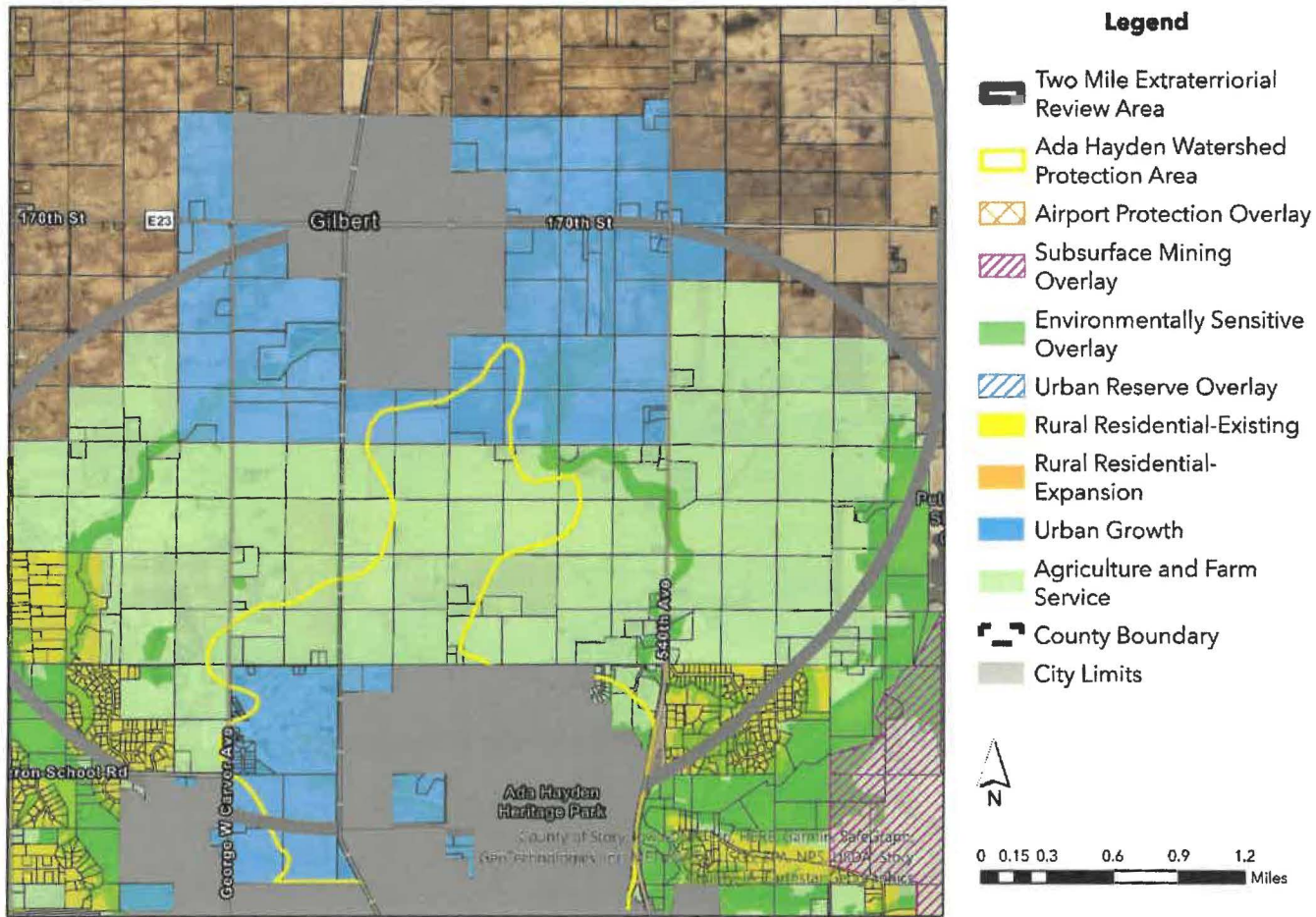


Latifah Faisal, Chair
Story County Board of Supervisors

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

Ames Urban Fringe Plan Draft Land Use Framework Map

Proposed Story County Edits 12/13/22



Ames Urban Fringe Plan Draft Land Use Framework Map

Proposed Story County Edits 12/13/22

