

ITEM #: 6
DATE: 10-20-10

COMMISSION ACTION FORM

DATE PREPARED: October 12, 2010

REQUEST: Land Use Policy Plan (LUPP) Land Use Framework Map Amendment to change the land use designation of a portion of the Urban Fringe Plan from Agriculture and Farm Service to Rural Residential

GENERAL LOCATION: 55497 265th Street

BACKGROUND INFORMATION:

At the May 11 City Council meeting, the Council referred to staff a letter from David Norris. 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 are attached.

The land contains an existing farmstead on the eastern 40-acre parcel. There appears to have been a former farmstead on the western 40-acre parcel and most traces seem to have been removed. Another 9-acre parcel lies to the east and consists mostly of the Skunk River and flood plain. 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 and one-quarter mile east of 550th Avenue. Access to the property is provided by two quarter-mile long driveways: a 28-foot wide driveway to 265th Street to the south and a 25-foot wide driveway to 550th Avenue to the west. 265th Street and 500th Avenue are gravel, the south driveway is dirt, and the west driveway is unimproved grass.

The Ames Urban Fringe Plan was instituted in 2006 to, among other things, address the impacts of development on rural and agricultural activities, on the costs of providing government services, and on 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

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

(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.”

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 amend the Plan.

Mr. Norris has been interested in this project for some time. 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 to discuss a process for amending the Plan. That meeting, in April 2008, gave direction and clarified some outstanding issues on the amendment process. However, a process for amending the Plan is not yet 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.

In May 2010, Mr. Norris submitted a request to change the Urban Fringe Plan designation for this property. That request was referred by the City Council and has proceeded forward.

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. Staffs 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.

REQUESTED CHANGE:

Mr. Norris has asked for changes to the Plan to accommodate 10 lots for residential uses. He has submitted extensive information describing the history and physical characteristics of the property. These are included with this report. As Mr. Norris notes, the area is not actively farmed except for a small area that is being row-cropped. He further states, "It is a picturesque area and ideal for a natural habitat residential setting..." Mr. Norris argues that there is a demonstrated need for "large residential lots in a rural setting." Mr. Norris has submitted a sketch of "Unusual Characteristics of the Farm" with his application materials. These features include an old gravel quarry, virgin prairie, a creek, the Skunk River, pine groves, and a copse of deciduous trees. Manmade features include an old house foundation, underground phone cable, and the City's sanitary sewer trunk line to the treatment facility.

Mr. Norris includes, also, a proposed lot layout of the property. This information indicates these lots would range from 6.5 acres to 13.5 acres. The lots are spread evenly, more or less, through the 85 acres. There is extensive flood plain on the property, as shown on the FEMA maps. It appears that the lot layout allows building sites outside these flood-prone areas.

Before describing the series of events that would be necessary in order for Mr. Norris to develop his land with ten residential lots, it may be useful to describe what can be done with the land under the current Plan designation.

The county zoning of this parcel is A-1 Agricultural. This zoning district is consistent with the current Plan designation. Under this zoning, Mr. Norris could divide the existing

farmstead (on the eastern 40-acre parcel) and the former farmstead (on the western 40-acre parcel) from their larger 40-acre parcels to create a total of **four** lots. The existing and former farmsteads would need to be on lots no less than one acre in size and no larger than five acres. The remainder of the parcels must be at least 35 acres.

Mr. Norris would also need subdivision approval from the City and County. Mr. Norris might seek a waiver from the City of Ames of the infrastructure and design standards of the subdivision regulations. If granted, this would allow him to prepare a preliminary plat for the City and County that meets only the County's design and infrastructure standards. Approval of the preliminary plan from both jurisdictions would be required before Mr. Norris could submit a final subdivision plat. Even if the City waived its subdivision standards, the County would require a 50-foot right-of-way access to these lots. This is problematic since Mr. Norris has only a 28-foot access from 265th Street and a 25-foot access from 550th Avenue.

Both the City and County would need to approve the final subdivision plat before it can be recorded and lots sold. This process would result in four residential lots.

The following describes the changes that would need to occur in order to accommodate Mr. Norris's desire to plat 10 lots for residential development.

URBAN FRINGE PLAN

For this land to be developed as Mr. Norris wishes, Ames, Gilbert, and Story County would all need to approve an amendment to the Urban Fringe Plan to change the areas designated as Agriculture and Farm Services Area to Rural Residential. Currently, there is no formalized procedure in place for all three jurisdictions to change the Plan. However, the City Council directed staff to further analyze Mr. Norris's request to amend the Urban Fringe Plan. If the City Council were to change the Plan, City staff would work with Mr. Norris to obtain the necessary concurrence from Gilbert and Story County for the Plan amendment. This concurrence would need to be obtained prior to Mr. Norris seeking any rezoning or subdivisions of the property. Mr. Norris envisions a lot layout over the entire site notwithstanding the Natural Area identified on the Plan. Staff would urge that the Natural Area on the Plan be retained and if any changes were to be considered, that they be limited to the areas identified as Agriculture and Farm Service. If this change were made, a lot layout would need to respect the Natural Areas by allowing the buildable portion of each lot to lie within the proposed Rural Residential designation.

ZONING

Following approval of the change to the Urban Fringe Plan by Ames, Gilbert and Story County, Mr. Norris would then seek a change in the zoning from the County Board of Supervisors. In evaluating a recommendation on rezoning of any property, the County looks at the Urban Fringe Plan designation as well as its Land Evaluation and Site Assessment (LESA) system. Based on correspondence from the County, their opinion is that the LESA score would support a change in the zoning.

SUBDIVISION

If the zoning change were successful, Mr. Norris could then seek subdivision approval from the City and the County. The process and issues are the same as described above. However, regarding the inadequate right-of-way width, the R-C Residential Conservation

overlay district could apply. This would allow for 20-foot rights-of-way for access but only if used for one-way traffic. The site would have to be designed so that the two driveways could serve the development as one-way driveways.

BACKGROUND ON THE PLAN:

When the various jurisdictions began the quest to establish a joint land use plan for the two-mile fringe around Ames, the jurisdictions recognized that unplanned growth in the rural areas would have a number of impacts, especially the impact of development on agricultural activities and providing services to scattered residential development. The Guiding Principles for Cooperative Planning are found on pages 11 through 13 of the Ames Urban Fringe Plan. It is useful to note a few excerpts from these pages.

- Growth should be predictable, sustainable, and foster and protect the quality of life of all citizens.
- Boone County, Story County, City of Ames and City of Gilbert seek to work together to preserve agricultural lands and protect rural lands from unplanned, rural single-family development and other forms of inefficient urbanization.
- Boone County, Story County, City of Ames and City of Gilbert will work together to ensure that future development will be directed and targeted towards identified growth areas, as identified in a shared fringe area land use plan.

The Ames Land Use Policy Plan has determined a population projection for the year 2030. To accommodate that population, areas of development and intensification were identified and placed on the LUPP map. The outcome is a reasonable determination of where the areas needed to accommodate that future population are located.

The areas held in reserve until annexed are shown as Urban Residential. Areas that should develop as if they will soon come into the City are Priority Transitional Residential. Areas that will accommodate a less dense population but may also be annexed into the City at some later date are shown as Rural Transitional residential. Areas within the two-mile fringe where very low density development is allowed are shown as Rural Residential. The Plan deliberately places these areas where such development patterns already exist or where there is convenient access to a paved road. The remaining rural areas of the fringe are to be maintained as agriculture or to protect the eco-system.

With this background information in mind, the staff presents three options to address the request from Mr. Norris:

ALTERNATIVES:

1. The Planning & Zoning Commission can recommend denial of the proposed change to the Urban Fringe Plan. This option retains the land use designations applied in 2007 when the Plan was adopted. Mr. Norris's property was not initially identified as Rural Residential due to its distance from a paved road (over a mile) and the fact that, except for scattered farmsteads, there is little other residential development nearby.

The rolling hills, wooded areas and grasslands certainly make for attractive home sites. But it is also their features that provide excellent habitat for wildlife. While Mr. Norris has not intensively farmed this area and has placed some of it in conservation reserve, there are agricultural uses other than row-cropping that would be suitable for the area. While Mr. Norris presents a case for why this area would make for attractive home sites and serve a housing need for which there has been recent demand, there is no evidence that this would be a benefit to the City or County. In fact, there would be a drain on resources (fire protection, road maintenance, etc.) in trying to develop such an isolated development, especially as it is proposed to be accessed through a private drive a quarter-mile in length. There are other places within the fringe that have been identified as appropriate for this type of residential development. These Rural Residential areas generally exist, not in isolation, but adjacent to existing development as a more scattered development pattern is less efficient for providing services.

Because of the wooded areas, riparian corridors, and other natural resources of rural Story County, the adopted Plan seeks to maintain the integrity and diversity of the wildlife within the area. There are many areas within the Urban Fringe Area where Agricultural and Farm Services abut Natural Areas which would make for attractive housing development. However, as noted earlier, the principles upon which the Plan are based include preserving agricultural resources, protecting wildlife areas for habitat, and ensuring efficient, planned growth. Mr. Norris has not presented a compelling argument to amend the Plan to accommodate his desire.

While this option does not allow for the development of 10 home sites, the current Plan designation allows Mr. Norris to divide his land into a total of four lots for residential purposes. While not exactly the density Mr. Norris wishes, it might be all that is appropriate at the end of a quarter-mile 28-foot wide driveway.

2. The Planning and Zoning Commission can recommend amending the Ames Urban Fringe Plan Map for those areas identified as Agriculture and Farm Service. The amendment would designate them as Rural Residential.

This alternative would only be effective once the three jurisdictions of Ames, Gilbert, and Story County have adopted the map change. If approved, Mr. Norris would have an additional step of seeking a rezoning from the County.

Mr. Norris would then seek subdivision approval from the City and County. During the subdivision review process, the City and County would recommend appropriate protections of the Natural Areas, including the flood plain, virgin prairie, and woodlands. Mr. Norris would need to provide full City infrastructure and meet City design standards unless a full or partial waiver were granted. If Mr. Norris were to seek a waiver, City and County planning staff would make a recommendation as to what requirements should be met, what could be deferred, and what could be waived. Following approval of a final plat by the City and the County, Mr. Norris could then sell lots.

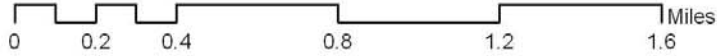
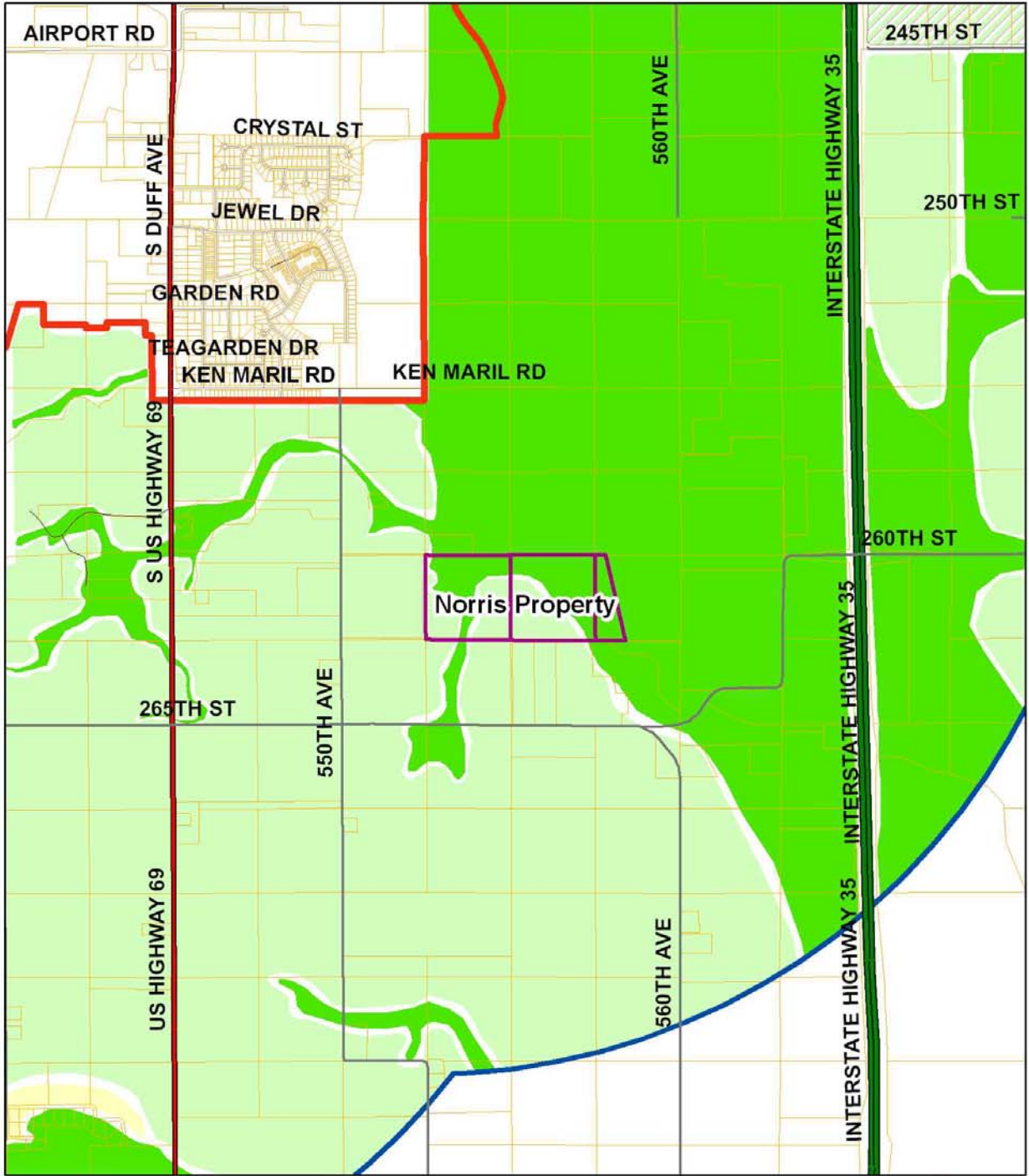
3. The Planning and Zoning Commission can refer this item back to staff or the applicant for further information.

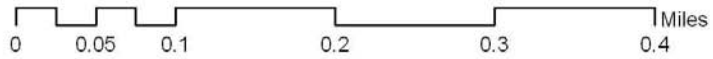
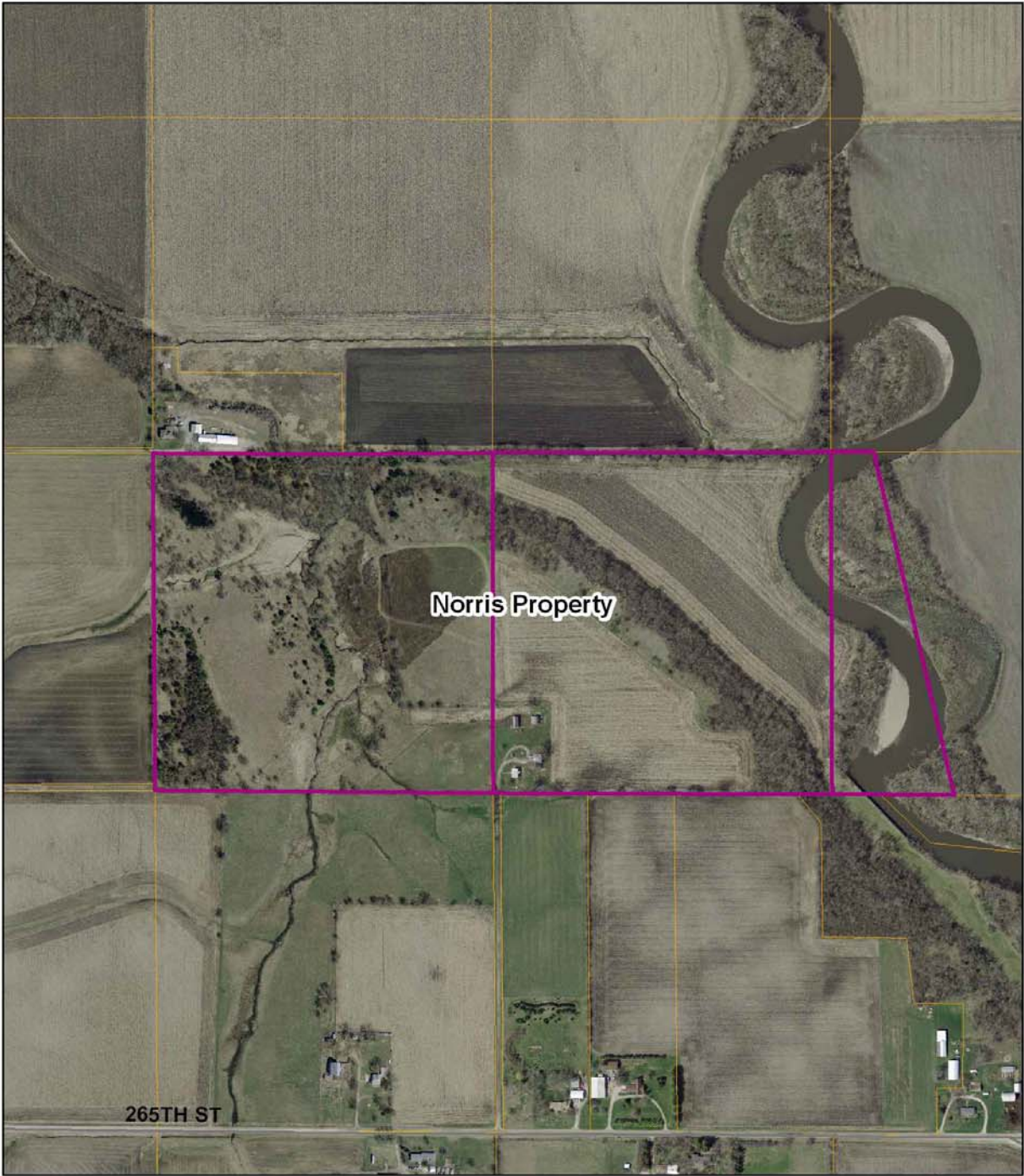
RECOMMENDED ACTION:

It is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission recommend Alternative #1 to the City Council, denying the request of the applicant and retaining the current Urban Fringe Plan land use designations.

As discussed above, the site certainly would provide a pleasant residential development with abundant natural resources in a picturesque setting. However, the Plan seeks to preserve this natural inventory, protect our agricultural resources, and lessen the impact our limited City and County resources.

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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 storm water run-off.

RURAL RESIDENTIAL (RR)

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.

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

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

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)

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

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)

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).

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)