

COMMISSION ACTION FORM

REQUEST: Hunziker Annexation of 20.55 gross acres for six properties at 3535 S. 530th Avenue.

LOCATION: In Section 16 of Washington Township in Story County, generally located west of S. 530th Avenue and south of the Ames corporate limits. (See Attachment B)

BACKGROUND:

The City of Ames has received a Voluntary Annexation Petition for properties south of the Ames corporate limits and west of S. 530th Avenue (University Boulevard). The proposed annexation includes six parcels of land. Five of these parcels are under the control of Hunziker Development Company LLC as consenting properties, and one is a non-consenting island property controlled by Holly Plagmann. The total land area of the requested annexation is 20.55 gross acres. (See Attachment A – Annexation Plat, and Attachment B – Location Map).

Since the annexation request would create an island of unincorporated land, the non-consenting owner has been added to the territory as allowed by Code of Iowa, Section 368.7(a), where up to 20% of the area of an annexation may include non-consenting property owners. **As currently proposed, 97.13% of the total territory proposed for annexation is consenting and 2.87% is non-consenting.** A location map of the proposed annexation is included as Attachment B. It identifies the parcels owned by consenting owners as well as non-consenting owners.

Land Use Policy: The Land Use Policy Plan (LUPP) identifies these parcels as currently located within the “Southwest II Allowable Growth Area” (See Attachment C – LUPP & Ames Urban Fringe Map). If annexed, the LUPP designation would be “Village/Suburban Residential”, allowing for a broad range of residential development types. Land is automatically zoned as “Agriculture” upon annexation. The developer intends to seek rezoning of the property to “F-PRD” (Planned Residence District) to consider a future multi-family development.

Infrastructure: The City does not plan to extend new infrastructure with this voluntary annexation. It is adopted City policy that, before development can occur, the developer must extend City infrastructure to the area. Capacity is available to allow for proper extension of utilities to the properties.

Notably, the City has not identified this site as being within the Xenia Rural Water District territory. However, it will be necessary that a signed agreement is in place for the consenting property owner, prior to consideration of the proposed annexation by City Council, regarding that any necessary buyout of service territory and disconnection of service prior to development is the responsibility of the property owner. This is a standard requirement of the City of Ames for all annexations of land intended for

development. Non-consenting owners are under no obligation to withdraw from Xenia service territory unless they subsequently seek to develop some or all of their land.

Non-Consenting Property: State law allows for up to 20% of the property within a requested voluntary annexation to be non-consenting for the purpose of creating logical and efficient boundaries or to eliminate islands. This is often referred to as the 80/20 rule. In this case the 80/20 rule is applied to avoid creating an island that is prohibited under state law. Non-consenting property owners are subject to the ordinances of the City, but they do not have any automatic changes to use of their property, such as removal of non-conforming uses or structures or connections to City water or sewer lines. Further explanation of the effects of annexation is included in Attachment D – Questions Regarding Annexation.

The proposed voluntary annexation area includes one non-consenting property owner in order to avoid creating a jurisdictional island. The areas denoted in this report represent an 80/20 calculation of acreage for the annexation based on the gross acreage of the properties. Upon City Council approval of an 80/20 annexation, state law requires that the state's City Development Board also conduct a hearing on the annexation and take action to approve the annexation before it can be finalized and recorded with the county.

Consenting Owners:	Property Address/Legal Description	Gross Acres
Hunziker Development Co.	3535 S. 530 th Avenue, Story County Parcel "B"	18.61
Hunziker Development Co.	No Address Assigned Parcel "C"	0.526
Hunziker Development Co.	3535 S. 530 th Avenue, Story County Parcel "G"	0.346
Hunziker Development Co.	No Address Assigned Parcel "M"	0.139
Hunziker Development Co.	No Address Assigned Parcel "N"	0.336
Total Consenting:		19.96
Non-Consenting: Holly Plagmann	No Address Assigned Section 16, Township 83, Range 24 SE, SE 50' of Railroad Right-of-Way West of Center Line	0.59
Total Acres (Gross):		20.55
Total Acres (Roadway):		0.33
Total Acres (Net):		20.22

Outreach: As part of the state-mandated process for annexations, city staff held a consultation with the Franklin Township Trustees and the Story County Supervisors on April 13, 2015. The Washington Township Clerk attended and did not indicate any issues or recommendations for altering the proposed annexation.

Staff has contacted the Holly Plagmann, owner of the non-consenting property, as part of the public hearing notice for the Planning and Zoning meeting. The applicant has informed the City that they have offered to purchase the non-consenting parcel; however, the owner, Ms. Plagmann, has no interest in selling at this time, and has not signed as consenting to the voluntary annexation.

ALTERNATIVES:

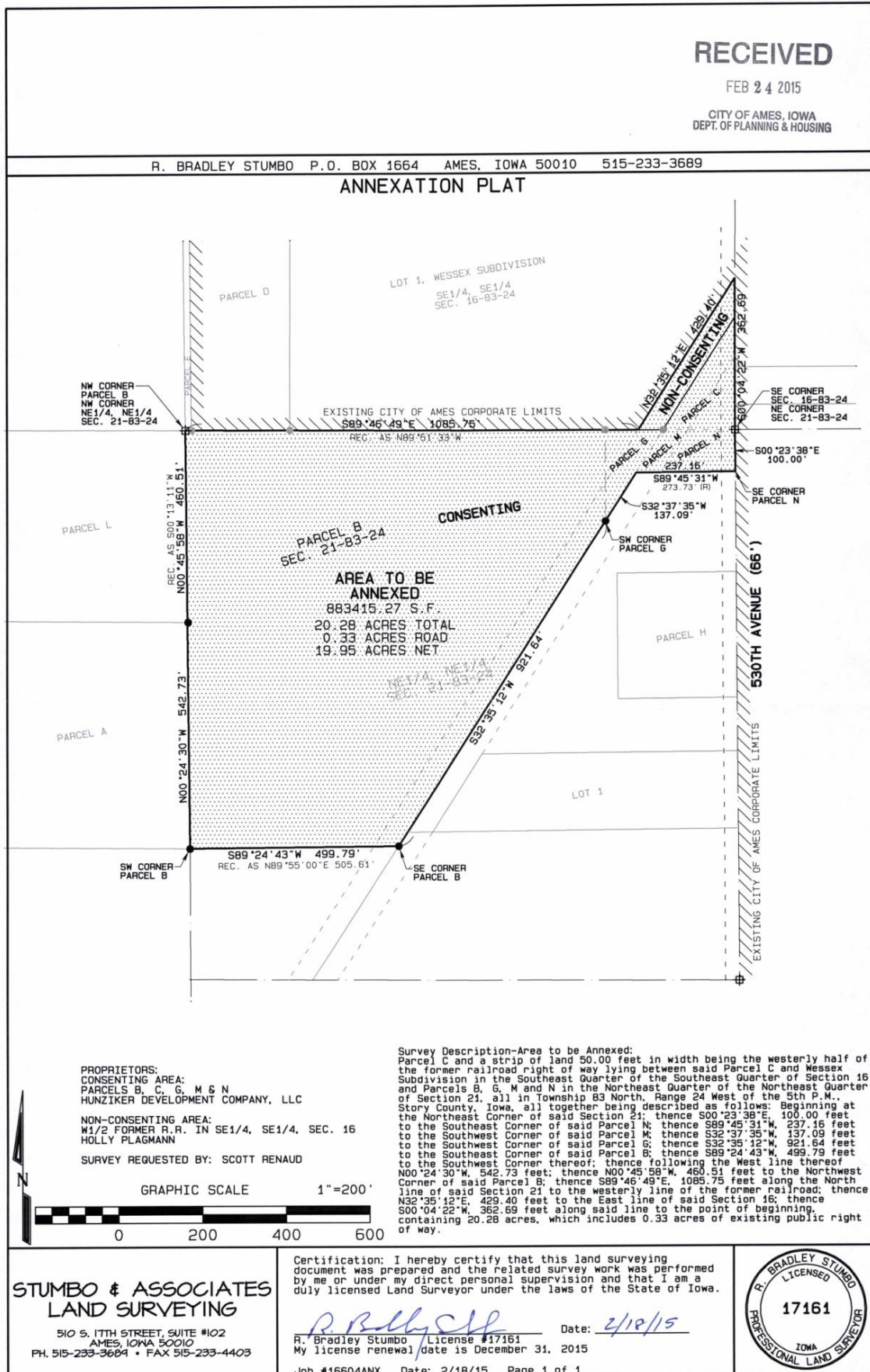
1. The Planning and Zoning Commission can recommend that the City Council approve the request to annex 20.55 gross acres, all in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan.
2. The Planning and Zoning Commission can recommend that the City Council annex a smaller area of land, consistent with state law and the City of Ames Land Use Policy Plan and Urban Fringe Plan.
3. The Planning and Zoning Commission can recommend that the City Council deny the request to annex the 20.55 gross acres, all in Section 16 of Washington Township, Story County by finding that the Land Use Policy Plan is not consistent with the Land Use Policy Plan and Urban Fringe Plan.

DEPARTMENT RECOMMENDATION:

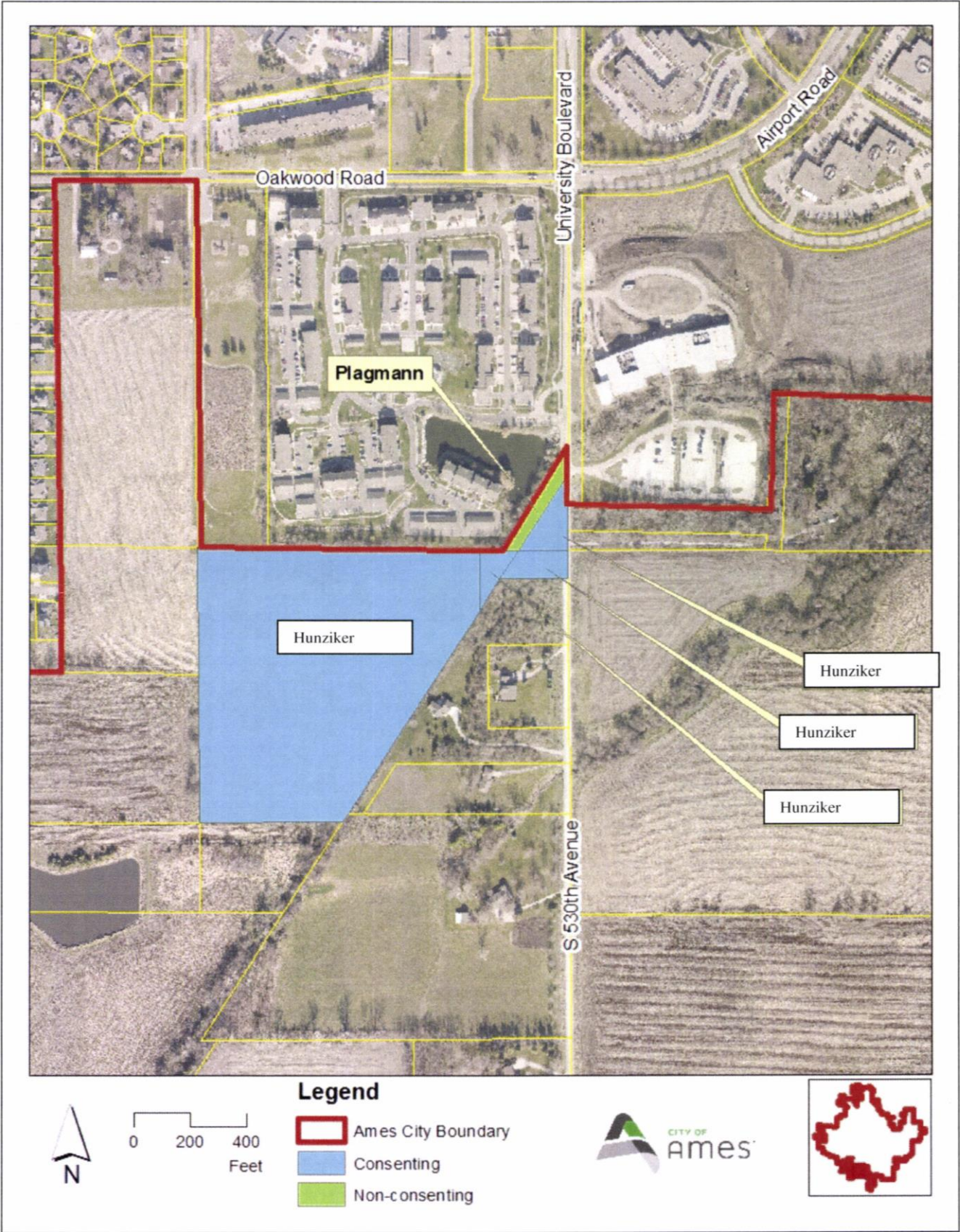
The propose annexation is consistent with the LUPP in that it is part of the Southwest Growth Area intended for future City expansion. Utilities are generally available to serve the site. Based on the annexation efforts from last year for this same area, there does not appear to be a broader interest in annexation and staff does not believe waiting for additional interest would allow for a larger or more complete annexation to further the development of the this part of the Southwest Growth Area.

It is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative #1. This would recommend to the City Council approval of an annexation of 20.55 gross acres in Section 16 of Washington Township, Story County by finding that the proposed annexation is consistent with the Land Use Policy Plan and the Urban Fringe Plan.

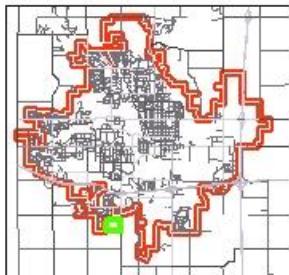
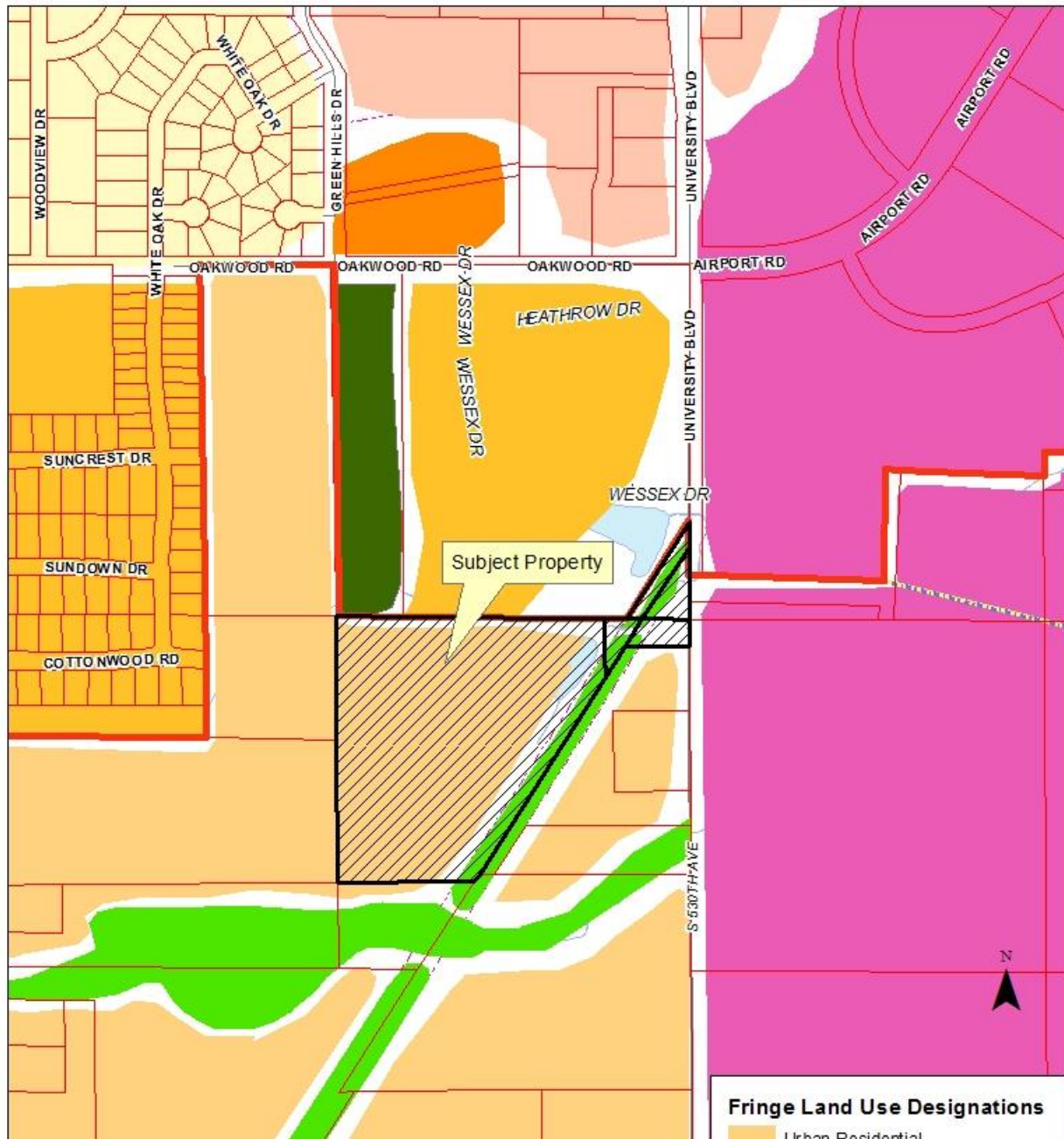
ATTACHMENT A: ANNEXATION PLAT



ATTACHMENT B: LOCATION MAP & OWNERSHIP OF PARCELS



ATTACHMENT C: LUPP & AMES URBAN FRINGE MAP



LUPP & AUF Map
3535 S. 530th Avenue

Fringe Land Use Designations

- Urban Residential
- Natural Areas

City Land Use Designations

- Low-Density Residential
- High-Density Residential
- Village/Suburban Residential
- Highway-Oriented Commercial
- Planned Industrial
- Parks and Open Space

ATTACHMENT D:

QUESTIONS REGARDING ANNEXATION

What will be the zoning of my property after annexation and what does that mean? Will it have to change?

Upon annexation, a property is automatically zoned A-Agriculture. It will remain A-Agriculture until action by the City Council to change the zoning map. According to Ames City Code, the property owner, the Planning and Zoning Commission, or the City Council can initiate a zoning map change.

The property will be subject to all the zoning requirements of the City. For any specific question about how the requirements impact a particular property, please contact the Planning Division. However, a residential property in the A-Agriculture zoning district would be allowed to maintain that use indefinitely. If damaged or destroyed, a residential use could be re-established subject to the zoning requirements regarding setback, height, etc. There may be greater restrictions than the county would have on accessory and out buildings.

Inside the City, there are other restrictions that are often not found in the county. For example, discharging a firearm (except on agricultural land) and the burning of garbage is prohibited.

Am I required to disconnect from Xenia and hook up to water service when it comes near my property? Will there be connection fees? Can I connect to the new water main with my existing service line? What inspections will I need?

There is no requirement to connect to city water upon annexation unless you are subject to a covenant with the City of Ames to connect and pay the costs associated with the buyout of rural water. You may continue to use a well or, if you are already an existing Xenia customer, you may continue to purchase water from Xenia. If you choose to connect to the City of Ames water system, you may have to pay the costs of buying out water service territory from Xenia. New connections to Xenia will not be possible.

If you choose to connect to the public water system, you may be subject to an inspection of your plumbing system to determine whether the system has adequate venting and backflow protection to protect the public water system. You will need to correct any deficiencies found in that inspection prior to connecting to the public water system. It may be possible to use your existing service lines if it can be verified that they are made of approved materials and are in a safe condition. Any connection will need a plumbing permit and an inspection. Unless you are subject to a previous agreement with the City, there is a water connection fee, subject to change, per linear foot of frontage.

ATTACHMENT D: CONT.

Am I required to hook up to the sanitary sewer when it comes near my property? Will there be connection fees? What inspections will I need?

A connection to the City sanitary sewer system is required only if the existing system needs to be repaired and it is within 200 feet of a public sanitary sewer. The owner will need to obtain a plumbing permit and the connection is subject to review by the Inspections Division. Unless you are subject to a previous agreement with the City, there is a sewer connection fee, subject to change, per linear foot of frontage.

The Story County Environmental Health Department does not determine if the septic system is functioning at the time of annexation, nor does the City. The County does inspect on-site septic systems when a house with a septic system is sold, whether it is in the city or out in the county.

If an on-site septic system is abandoned, the septic tank shall be pumped, the tank lid crushed into the tank, and the tank filled with sand or soil. The Story County Environmental Health Department can provide further information.

How will my taxes change after annexation?

After annexation, your property will be subject to the City of Ames levy, but no longer subject to the Rural Service Basic levy. Other levies, for example school district and county, will remain. The total levy for properties in Ames and in the Ames Community School District (for taxes payable July 1, 2014 through June 30, 2015) is \$32.25490 per \$1,000 of taxable valuation. This compares with \$25.36096 per \$1,000 of taxable valuation for property owners in Franklin Township in the Ames Community School District. The new levy will not be applied immediately upon annexation but will appear in your property tax statements about 20 months after the first day of the year that the City assessor revalues the property. The Story County web site has a tool to help you estimate your taxes, based on the city and school district in which your property is located. It can be found through a link on the City of Ames Assessor's site at <http://www.cityofames.org>. Click on Our Government, then Departments, then City Assessor. There is a link on the left-hand side of the page for "Estimate your Property Taxes".

Can I continue to heat using LP gas? Am I required to connect to natural gas? If so, when will that be brought to my property?

There are no prohibitions on LP tanks in the A-Agriculture zoning district. If you were to seek a change in zoning to some other residential district, there may be restrictions and be subject to the approval of the Ames Fire Department.

The City's natural gas provider is Alliant Energy. Under the terms of the franchise agreement, the provider must provide natural gas to the property line of anyone

ATTACHMENT D: CONT.

who requests in writing to Alliant Energy, to be served. If you wish to connect to natural gas, you will need a permit from the City and have the work inspected.

Under what circumstances can I get a burn permit for trees and brush? Are there fees?

The burning of yard waste is prohibited unless you apply for and obtain a burn permit from the Ames Fire Department. When evaluating an application for a burn permit, the Shift Commander will look at a number of factors, such as hydrant location, fire department access, proximity to combustibles, weather conditions, etc. There is no guarantee that a permit will be issued but the department will always do their best to work with you to find a solution. There is no fee for a burn permit.

I have a building under construction. If I am annexed prior to finishing it, will I need permits to complete it?

The County and the City have different permitting requirements and every project is unique. Please coordinate directly with the Ames Inspection Division to determine permitting needs. Also, please contact the Planning Division to determine zoning requirements for your project.

Important Numbers:

Planning Division	515-239-5400
Inspections Division	515-239-5153
Fire Department.....	515-239-5108
Story County Environmental Health Department.....	515-382-7241