

APPENDIX C
LAND USE POLICY PLAN
AMENDMENT PROCESS

AMENDMENT PROCESS & CONSIDERATIONS

I. PURPOSE OF THE LAND USE POLICY PLAN

Cities may adopt regulations pertaining to the use and development of land under *Code of Iowa* Chapter 414. Such regulations “shall be made in accordance with a comprehensive plan” and “with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.” They must also be made with consideration of the smart planning principles under section 18B.1 and include information specified in section 18B.2, subsection 2.

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.

III. SCHEDULED REVIEW

The Land Use Policy Plan is based upon the best information available at the time of its adoption. The Plan should be reviewed regularly to ensure that information, assumptions of future conditions, and needs align with conditions as they actually unfold over time and with community values as they may change over time.

1. **Five-Year Review Cycle.** The Plan should be reviewed approximately every five years to consider:

- a. The broader goals and objectives of the Plan and their relevance in light of new information, new methods and technologies, changes in local and regional conditions, and changing values of the community.
 - b. Progress in implementing adopted goals and objectives.
 - c. Whether development and growth is occurring in line with projections and estimates within the Plan.
2. **Major Amendment.** The scheduled review would be processed as a major amendment because it may involve changes to, or that are inconsistent with, the vision, goals, and objectives of the Land Use Policy Plan. It would also be major because it would take a broader, more collective look at the plan and the interrelationship between goals and policies within the plan. As a major amendment, it would entail a higher level of public outreach and participation.
 3. **Major Amendment Public Input Process.** The following public input steps should be utilized for the five-year scheduled review and for all major amendments.

Step 1 - Development of Review Focus. The first step in the five-year scheduled review process is a meeting among City Council members to determine the general parameters and scope of the scheduled review. The parameters and focus may be as broad or restrictive as the Council deems appropriate, based upon any factors or circumstances that may be relevant at the time of the review.

Step 2 - Request for Public Input to Finalize Review Focus. Once the Council develops the general parameters and scope of the five-year review, the public would be invited to submit any suggested review items that fall within the Council's review parameters. City staff and the Planning & Zoning Commission may likewise submit any suggested review items. Based upon input received, the City Council would develop a final scope of review based upon its consideration of input received during the scoping period.

The final scope may include any amendments previously proposed by private parties that the Council may have previously deferred to the five-year review process.

Step 3 - Initial Open House. The public process begins with an open house to introduce the Council's approved review items to the public, receive input, identify potential alternatives, and to facilitate questions and answers. The open house is intended to facilitate casual exchange and dialogue and to identify issues and potential approaches that would be addressed during the next step of the process. The open house is conducted by Planning staff. Planning & Zoning Commission members may attend and observe the proceedings of the open house, but should generally not participate in the proceedings.

Step – 4 Workshop. The next step following the open house is to conduct public workshops. These are more structured in terms of information

presented, ideas to be explored, and information to be gleaned. They are intended to facilitate focused discussion with, and participation of, interested parties. Workshops include work stations where the public may focus on items of particular interest. They may be as casual or structured as the issue and public interest dictate. Stations are manned by staff, but participants may help with follow-up research and assignments.

A workshop should proceed as follows:

- a. A workshop is held at least 30 days prior to formal public hearing before the Planning and Zoning Commission. If participants have suggestions or questions that require additional research and/or additional time in workshop settings, follow-up workshops may be scheduled. However, additional workshops should not delay review by the Planning & Zoning Commission more than 90 days from the date of the initial workshop to the date of Commission review.
- b. A workshop summary is prepared by Planning Staff, outlining the issues discussed during workshops, the information acquired, and the alternatives identified.
- c. Based upon the workshop summary, Planning Staff will prepare a list of potential amendments that would be prepared for Planning and Zoning Commission consideration and submittal to the City Council.

Step 5 - Review by the Planning and Zoning Commission. From input received at the workshop, the Planning staff and Commission will develop a list of recommended amendment options to submit for City Council consideration.

Step 6 - Initial Review by City Council. The Planning & Zoning Commission's recommended options will be forwarded to the City Council for its initial review. This provides the Council an opportunity to comment on the recommended amendment options and to determine if they are within the parameters Council established for the major update. The Council's comments are forwarded back to the Planning & Zoning Commission to help the Commission develop a formal draft of amendments for public input.

Step 7 - Public Hearing Before the Planning and Zoning Commission. The Commission conducts a formal public hearing on the draft amendments, and develops a final draft that is then forwarded to the City Council.

Step 8 - Public Hearing Before the City Council. The Council considers the final draft of the Planning & Zoning Commission's recommended amendments to the LUPP.

4. **Public Notice.** Notice for the scheduled five-year review (which is applicable to all major amendments), applies to all steps in the process, and proceeds as follows:

- a. An initial press release describing the anticipated scope of the update, and encouraging public participation (Section 3, Steps 3 and 4).
- b. Follow-up press releases as appropriate to update the public on the various steps of the update process, and again encouraging public participation.
- c. Notice through all media techniques, including Channel 12, the City's website, and City Slickers.
- d. Broader public notice for two scheduled public hearings (Steps 7 and 8) includes:
 - i. Mailed notice to owners of properties within 300 feet of a site affected by the amendment. This would be applicable to any site specific land use change, and also to any text change intended to facilitate a specific development proposal.
 - ii. Increased timing of legal notice from the standard 7 days prior to a hearing to 10 days prior to a hearing.
- e. Notice would also include e-mails sent to the following:
 - i. All registered Neighborhood Associations located within the City or its Urban Fringe.
 - ii. The Chamber of Commerce and Ames Economic Development Council (AEDC).
 - iii. Any groups or individuals included on a City-established list of individuals requesting notification of hearings and special meetings.
 - iv. Members of the Ames Historic Preservation Commission.
 - v. Iowa State University.

- 5. Council Action.** To ensure that the Council has sufficient time and opportunity to consider public input on the scheduled review, the Council should not take action on the date of public hearing. Action should occur at a later date.

IV. NON-SCHEDULED AMENDMENTS

Amendments to the LUPP are not restricted to the five-year amendment cycle. Amendment requests can be considered at any time, and the Council can choose to process at any time both major and minor amendments.

- 1. Request for Referral.** Before submitting an application to amend the Land Use Policy Plan, a written request should first be submitted to the City Council that describes generally the proposed amendment and explains why the amendment is needed. The Council shall consider the request and determine if the proposal should be further considered, in which case the Council shall:
 - a. Determine if the amendment is a major or minor amendment, and
 - b. Notify the applicant that he or she may submit a formal application for the major or minor amendment.
- 2. Deferral Option.** Any request for an LUPP amendment the City Council deems to merit future consideration may, at the sole discretion of the Council,

be deferred to the next regularly scheduled planned update of the Land Use Policy Plan. If a request is so deferred, no further request is needed to have the item reviewed at the next scheduled review, but the Council could at that time choose to eliminate the amendment from further consideration.

3. **Submittal of Application.** Applications for amendments are submitted on forms provided by the Planning & Housing Department, which shall, at a minimum, require the following information:
 - a. A description of suggested changes or desired outcome, including proposed land use designations and locations to which the amendment would apply.
 - b. A statement as to why the amendment is needed.
 - c. A statement describing what has changed since the plan (or the pertinent section of the plan) was adopted or last updated that would merit amending the plan to account for changed conditions.
 - d. Applicable fees.

4. **Minor Amendment Public Input Process.** The following public input steps should be utilized for all minor amendments.

Step 1 – Public Hearing Before the Planning and Zoning Commission. The Planning staff reports to the Planning & Zoning Commission its findings pertaining to a proposed amendment, including any identified impacts resulting from a proposal, and possible means of mitigation. Staff may also suggest alternative means of achieving the desired outcome as described in the amendment application.

The Commission conducts a formal public hearing on the draft amendments, and develops a final recommendation that is then forwarded to the City Council.

Step 2 – Council Review and Action. A Hearing is not required before the City Council for minor amendments. However, the Council may take public testimony on the proposal. The Council may take action to approve the amendment, modify the amendment within the scope of what was reviewed by the Planning & Zoning Commission, or refer the amendment back to the Commission for modification and additional hearings.

5. **Notice, Hearings, and Public Participation.** The level of public notice and opportunity for participation shall vary depending on the type of amendment. Major and Minor amendments shall follow the notice procedures of Section 20.11 of the Ames Municipal Code, and also include the following additional notice:
 - a. Major amendments follow the notice and public participation process described for the Five-Year Scheduled Review.
 - b. Minor amendments shall include mailed notice to owners of properties within 300 feet of a site affected by the amendment. This would be applicable to any site specific land use change, and also to any text change intended to facilitate a specific development proposal.

V. REVIEW CONSIDERATIONS

When reviewing major and minor proposed amendments to the Land Use Policy Plan, consideration should be given to whether or not the proposed amendment is consistent with the *Goals for a New Vision* described in the Land Use Policy Plan. These goals, and the related objectives below each goal, should apply to review of both minor and major amendments. In addition to these, it is also helpful to consider for major amendments:

1. City resources, including staff, budget, utilities, transportation, parks and/or schools, necessary to implement the proposed amendment.
2. The City's ability to provide the full range of public facilities and services at the planned level of service, or if the proposal will consume public resources otherwise needed to support comprehensive plan implementation strategies.
3. How the proposal relates to current land use allocations and growth projections that are the basis of the comprehensive plan.
4. Compatibility of development allowed under the proposal amendment with neighboring land uses and surrounding neighborhoods, if applicable.
5. Affects of the proposed amendment on historic resources or neighborhoods, or the City's general sense of place.
6. The cumulative impacts of the proposed amendment, in combination with other proposed or recently approved amendments.

VI. CONSOLIDATED APPLICATIONS

Land Use Policy Plan amendments are legislative actions that should not be consolidated with, or concurrently processed with, other quasi-judicial actions such as rezones, subdivision approval, or site plan review. Applicants are encouraged not to submit rezones, site plans, subdivisions or similar quasi-judicial applications concurrent with an application for a Land Use Policy Plan amendment. If an applicant nonetheless chooses to submit these applications concurrently, he or she shall submit with the application written authorization to waive any codified or statutory deadlines applicable to their application, and to hold their application inactive until the effective date of a decision on the Land Use Policy Plan amendment.

VII. LUPP DESIGNATION UPON ANNEXATION

To ensure consistency of the Land Use Policy Plan with the Ames Urban Fringe Plan, the Urban Fringe Plan's Urban Services Area and adjacent Natural Areas designations shall be retained upon annexation with the following exceptions, unless the City Council, at the time of initial receipt of an annexation petition, shall require that the applicant seek an LUPP map amendment to a different category:

1. Areas designated as Urban Residential in the Urban Fringe Plan shall be designated as Village/Suburban Residential upon annexation,
2. Areas designated as Natural Area in the Urban Fringe Plan shall be designated as Environmentally Sensitive Lands upon annexation.