City Planning Commission Communication

Department: City of Council Bluffs -Community Development Department	Resolution No.:	City Council: 1-22-2024

Subject/Title

Staff response regarding citizen to be heard request Andrew (Buck) Morris to waive the Joint City-County Land Use requirement of immediate annexation for subdivision action in a City Growth Area 1B and authorize an annexation agreement to be executed when sanitary sewer is brought within 200 feet of the property or four (4) years, whichever comes first.

Background/Discussion

In August 2023, the City of Council Bluffs and Pottawattamie County each adopted by resolution an amendment to the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)* to incorporate the Joint City-County Land Use Study (Study). The Study provides guidance to both City/County Staff and residents regarding subdivision action within the extra-territorial area within two miles of the City's municipal boundaries. A 28E Agreement was also adopted establishing subdivision standards and conditions for a term of 20 years with an option of three 10-year renewals. The main goal of the Study is to ensure orderly and efficient growth will occur within the two mile limit area of Council Bluffs and provide the ability for development to occur in a non-haphazard manner which does not preclude the City from making major infrastructure extensions within the study area.

In January, Mr. Morris approached the City about a four-lot subdivision of his property located along 192nd Street on the east side of the road. He has initiated the process to rezone the property to through the County in hopes of keeping the county standards as their development standards for pavement and storm water management are less stringent than the City. His hope is to complete his development to their standard and then when annex he will be grandfathered in with the county standards.

The west side of 192nd Street in this area is in the city limits, but the east is located in the county and subject to the 28E Agreement. The Study established four growth areas with corresponding standards. Mr. Morris's property is located in a City Growth Area 1B which are areas:

> *Located within the three-mile study area that is a priority for growth in an urban development pattern. The land is identified as an area having access, or planned access, for services including water, sanitary sewer, storm sewer, emergency services, power, natural gas, communications, and roadways. Areas should be developed to City standards. The area is projected to have access to a roadway network. In many cases this area can be serviced from existing infrastructure with extension and does not require installation of new main service trunk lines. Areas will be annexed and reclassified into the appropriate City zoning district as subdivision or development of individual sites occur.*

192nd Street is an area the City anticipates future growth. This area requires immediate annexation into the City should subdivision action occur. Staff stated that subdividing the property would require Mr. Morris to extend sanitary sewer and develop the lots to city standards. These standards include storm water, paving and lot size requirements.

Mr. Morris referenced the agreement the City entered with the property to the north (Armstrong Development) that was able to execute an annexation agreement with a 10-year time or the extension of sewer, whichever came first. Staff reiterated the standards adopted by the Study and that while the property to the north was able to negotiate an annexation agreement that was prior to the completion of the Study and would not be available.

It is Staff's opinion that protection of this area to ensure orderly growth of the city is imperative. Extensions of sanitary sewer that have to "leapfrog" over already developed areas which makes sanitary extension more expensive with less users to connect. Additionally, allowing development in this area to be built to county standards versus city standards will be accepting substandard development into the City at the time of annexation.

In hopes of a compromise, Staff did share our available tax incentives that could offset some of the development costs for building to city standard. Urban Revitalization would be a great tool that would provide either a 3-year 100% abatement or the 10-year sliding scale abatement on new tax base created.

Recommendation

The Community Development Department recommends denial of Andrew (Buck) Morris's request to waive the Joint City-County Land Use requirement of immediate annexation for subdivision action in a City Growth Area 1B and authorize an annexation agreement to be executed when sanitary sewer is brought within 200 feet of the property or four (4) years, whichever comes first.

Attachments

1. Proposed site location map
2. Growth Area 1B Land Use Study policies

Submitted by: Courtney Harter, Director of Community Development