



Doc ID: 020688210013 Type: GEN
 Recorded: 10/13/2006 at 09:52:41 AM
 Fee Amt: \$0.00 Page 1 of 13
 Johnson County Iowa
 Kim Painter County Recorder

BK **4092** PG **399-411**

RESOLUTION NO. 10-12-06-24

**RESOLUTION APPROVING THE AMENDMENTS
 OF THE FRINGE AREA AGREEMENT
 BETWEEN IOWA CITY, IOWA, AND
 JOHNSON COUNTY, IOWA**

WHEREAS, Chapter 28E of the Code of Iowa (2005) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, it is in the interest of Johnson County and Iowa City to establish policies for the orderly growth and development within the City's extraterritorial jurisdiction; and

WHEREAS, Johnson County and Iowa City mutually agree that such policies are necessary to more effectively and economically provide services for future growth and development and to protect and preserve the extraterritorial area's natural resources and its environmentally sensitive features.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA:

1. That the Johnson County Board of Supervisors hereby accepts and agrees to the amendments of the Fringe Area Agreement.
2. That the Chairperson be directed to sign said Agreement.

It was moved by Stutsman and seconded by Sullivan the Resolution be adopted.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAIN</u>	
<u>✓</u>	_____	_____	_____	Harney
<u>✓</u>	_____	_____	_____	Neuzil
<u>✓</u>	_____	_____	_____	Lehman
<u>✓</u>	_____	_____	_____	Stutsman
<u>✓</u>	_____	_____	_____	Sullivan

Dated this 13th day of October, 2006

ATTEST:

Mike Lehman
 Mike Lehman, Chairperson
 Board of Supervisors

Tom Slockett
 Tom Slockett, Auditor
 Johnson County, Iowa

CORPORATE SEAL

10-03-06
OK

Prepared by: Robert Miklo, PCD, 410 E. Washington St., Iowa City, IA 52240 (319) 356-5232

RESOLUTION NO. 06-318

RESOLUTION AMENDING THE IOWA CITY/JOHNSON COUNTY FRINGE AREA POLICY AGREEMENT

WHEREAS, Chapter 28E of the Code of Iowa (2005) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, Iowa City and Johnson County entered into an agreement in 1996 (Resolution No. 96-239) establishing policies for the development of land within the extraterritorial area of Iowa City; and

WHEREAS, the Comprehensive Plan includes the Fringe Area Policy Agreement; and

WHEREAS, it is in the interest of Johnson County and the City of Iowa City to update Fringe Area policies for the orderly growth and development within the City's extraterritorial jurisdiction; and


WHEREAS, Johnson County and the City of Iowa City mutually agree that such policies are necessary to more effectively and economically provide services for future growth and development and to protect and preserve the extraterritorial area's natural resources and its environmentally sensitive features.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA, THAT:

1. The City Council of the City of Iowa City, Iowa hereby accepts and agrees to the amended policies regarding annexation, zoning and subdivision review for the various designated areas included in the attached Fringe Area Policy Agreement between Johnson County, Iowa and Iowa City, Iowa; and
2. The City Council of the City of Iowa City hereby incorporates the amended Fringe Area Policy Agreement into the Iowa City Comprehensive Plan; and
3. The City Council of the City of Iowa City, Iowa hereby authorizes the Mayor to sign and the City Clerk to attest to the attached 28E Agreement between Johnson County and Iowa City establishing land use policies for the two-mile extraterritorial jurisdiction of Iowa City, for recordation as provided by law upon execution by Johnson County.

Passed and approved this 3rd day of October; 2006.

CORPORATE SEAL


MAYOR

ATTEST: Marian K. Kaw
CITY CLERK

Approved by

 9/27/06
City Attorney's Office

It was moved by Bailey and seconded by Vanderhoef the Resolution be adopted, and upon roll call there were:

AYES:

X
X
X
X
X
X
X

NAYS:

ABSENT:

_____ Bailey
_____ Champion
_____ Correia
_____ Elliott
_____ O'Donnell
_____ Vanderhoef
_____ Wilburn

**FRINGE AREA POLICY AGREEMENT
BETWEEN JOHNSON COUNTY AND IOWA CITY**

WHEREAS, Chapter 354, Code of Iowa (2005) allows the City of Iowa City to establish an extraterritorial area, known as the fringe area, within two miles of the city boundaries for the purpose of reviewing and approving subdivisions; and

WHEREAS, Chapter 354 further grants the City the authority to require that subdivisions within the fringe area adhere to the City's subdivision standards and conditions, unless the City establishes alternative standards and conditions for review and approval of subdivisions via a 28E agreement between the City and the County; and

WHEREAS, Chapter 28E of the Code of Iowa (2005) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, the Johnson County Land Use Plan adopted December 31, 1998 calls for the preparation and adoption of development plans and agreements between the County and the City regarding the municipality and its environment; and

WHEREAS, the Iowa City Comprehensive Plan Update adopted in December, 1997 outlines the extent of urban development expected within the next 20 years; and

WHEREAS, it is in the interest of Johnson County (the "County") and the City of Iowa City (the "City") to establish policies for the orderly growth and development within the City's fringe area; and

WHEREAS, Johnson County and the City of Iowa City mutually agree that such policies are necessary to more effectively and economically provide services for future growth and development and to protect and preserve the fringe area's natural resources and its environmentally sensitive features.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION I. FRINGE AREA DEVELOPMENT POLICIES

The parties accept and agree to the following development policies regarding annexation, zoning, and subdivision review for the Iowa City fringe area as authorized by Chapter 354, Code of Iowa (2005).

Purpose:

The Fringe Area Policy Agreement is intended to provide for orderly and efficient development patterns appropriate to a non-urbanized area, protect and preserve the fringe area's natural resources and environmentally sensitive features, direct development to areas with physical characteristics which can accommodate development, and effectively and economically provide services for future growth and development.

In light of these objectives, the City and the County examined the development capabilities of the Iowa City fringe area and determined that development within this fringe area is to occur in accordance with a) the Land Use Plan attached to this Agreement, b) development standards contained in Section B of this agreement, and c) the fringe area development policies contained in Section C of this Agreement. The development policies of this Agreement are intended to be consistent with the policies of the adopted Johnson County Land Use Plan and the Iowa City Comprehensive Plan.

A. Land Use Plan

The Land Use Plan, attached to this Agreement as Attachment 1, illustrates the land use patterns for the fringe area.

B. Development Standards

The following general standards apply to unincorporated development in the fringe area.

1. Discourage development in areas which conflict with the Johnson County Land Use Plan which considers CSR (Corn Suitability Rating), high water table, wetlands, floodplain, non-erodible soil, and road suitability.
2. Protect the public health by requiring developers to meet or exceed minimum standards for water and wastewater systems in all developments within the Iowa City Fringe Area pursuant to Johnson County Public Health Department Regulations.
3. Encourage cluster development which preserves large tracts of open space including environmentally sensitive areas and farm land, results in compact development which requires less infrastructure, and is more efficient for provision of services.

C. Fringe Area Development Policies

The parties agree to apply the following fringe area development policies.

FRINGE AREA A

1. Land within Iowa City's Growth Area. Land in Area A which is presently zoned for residential development, and within Iowa City's growth area, may develop in conformance with existing zoning, provided subdivisions and development projects shall conform to City Urban Design standards contained in Title 14, Chapter 7 of the City Code of Iowa City, including but not limited to City specifications for streets and roads, sanitary sewer lines, stormwater management facilities and water lines. Developments which are approved prior to annexation shall be required to be served by a package sanitary sewage treatment plant and common wells, with sanitary sewer and water collection and distribution systems which are constructed to City standards and can be connected to municipal systems upon annexation.

Subdivisions and development projects which are approved prior to annexation shall be required to be cluster developments with a minimum of 50% of the development designated as an outlot for open space, agriculture, or future development upon annexation.

Prior to annexation, any zoning changes in Iowa City's projected growth area shall be consistent with the City's adopted land use plan.

2. Land outside Iowa City's Growth Area but in the County's North Corridor. Residential uses are the preferred use in this area. Any re-zonings in this area will be considered on the basis of conformity with the Johnson County Land Use Plan and other related policies. On a case-by-case basis, proposals to rezone land in this area to RS-3 (one dwelling unit per three acres of lot area) may be considered. RS zoning will be considered if the application to rezone includes a concept plan showing a minimum of 50% of the property designated as an outlot for open space or agriculture. Development must comply with City Rural Design standards contained in Appendix A. On the balance of land outside the North Corridor, agricultural uses are preferred.

3. Any development on property governed by the Iowa City/Coralville Agreement Providing for Future Annexations and Extraterritorial Review of Subdivision Plats (Sept. 1999) shall be consistent with said agreement. Such agreement shall take precedence over this Fringe Area Policy Agreement.
4. If land is annexed within Fringe Area A, the City agrees that it will not automatically extend its fringe area authority to review and approve all subdivisions, which it exercises pursuant to Iowa Code §354.9 and Title 14, Chapter 7 of the City Code of the City of Iowa City, Iowa. The City will review the extension of its fringe area as a result of annexation on a case-by-case basis in consultation with Johnson County.

FRINGE AREA B

As set forth in Iowa City's adopted growth policy, the City will likely annex land within one mile of Iowa City to the east and within two miles of Iowa City to the south in the short-range. It is therefore consistent with the purpose of this agreement that rural subdivisions within these areas of high annexation potential be required to meet City Urban Design Standards contained in Appendix A.

1. Land within Iowa City's Growth Area. As applications are received to develop land contiguous to and within the growth limits of the city, the City will give favorable consideration to the voluntary annexation of this land and its development at an urban density in conformance with the City's adopted land use plan.

Prior to annexation, any zoning changes in Iowa City's projected growth area shall also be consistent with the City's adopted land use plan.

Subdivisions and development projects within Iowa City's projected growth area shall conform to City Urban Design Standards contained in Title 14, Chapter 7 of the City Code of Iowa City, including but not limited to City specifications for streets and roads, sanitary sewer lines, stormwater management facilities and water lines. Developments which are approved prior to annexation shall be required to be served by a package sanitary sewage treatment plant and common wells with sanitary sewer and water collection and distribution systems which are constructed to City standards and can be connected to municipal systems upon annexation.

Subdivisions and development projects which are approved prior to annexation shall be required to be cluster developments with a minimum of 50% of the development designated as an outlot for open space, agriculture, or future development upon annexation.

2. Land outside Iowa City's Growth Area. On the balance of land in Area B that lies outside Iowa City's projected growth area, agricultural uses are preferred. Until otherwise changed by amending this agreement, this area shall be restricted to those uses consistent with a Rural/Agricultural area as indicated in the Johnson County Land Use Plan, and as designated for a Rural/Agricultural area in chapter 8:1.6. Class A District of the Johnson County Unified Development Ordinance as amended. Farmstead splits are permitted per Chapter 8:1.6.1.4.c of the Johnson County Unified Development Ordinance.

Given the existence of commercially zoned property and the demand for commercial uses at the I-80/Herbert Hoover Highway interchange, rezonings to County CH-Highway Commercial District of property abutting the interchange, as shown on the attached fringe area map, will be considered. However, the only uses that will be allowed will be: Auto and truck oriented uses,, Hotels, motels, and convention facilities, Office buildings and

studios, restaurants, and any accessory use normally associated with the permitted principal use. All existing commercially zoned property and any properties rezoned to CH-Highway Commercial shall be subject to the City's and the County's Site Plan Review Requirements with the most restrictive standards applying in instances where the two standards differ.

3. Upon annexation of land within Fringe Area B, the City agrees that it will not automatically extend its fringe area authority to review and approve all subdivisions, which it exercises pursuant to Iowa Code §354.9 and Title 14, Chapter 7 of the City Code of the City of Iowa City, Iowa. The City will review the extension of its fringe area as a result of annexation on a case-by-case basis in consultation with Johnson County.

FRINGE AREA C

1. Land within Iowa City's Growth Area. Land in Area C, which is presently zoned for residential development and within Iowa City's growth area, may develop in conformance with existing zoning, provided subdivisions and development projects shall conform to City Urban Design standards contained in Title 14, Chapter 7 of the City Code of Iowa City, including but not limited to City specifications for streets and roads, sanitary sewer lines, stormwater management facilities and water lines. Developments which are approved prior to annexation shall be required to be served by a package sanitary sewage treatment plant and common wells with sanitary sewer and water collection and distribution systems which are constructed to City standards and can be connected to municipal systems upon annexation.

Subdivisions and development projects which are approved prior to annexation shall be required to be cluster developments with a minimum of 50% of the development designated as an outlot for open space, agriculture, or future development upon annexation.

Upon annexation to Iowa City, commercial and/or industrial development is encouraged south and southwest of the Iowa City Municipal Airport as shown on the attached Land Use Plan and in the portion of Section 20 of West Lucas Township that is located in the east and south quadrants of the Highway 1 and Highway 218 interchange. It is consistent with the purpose of this agreement not to approve commercial and/or industrial developments within this area prior to annexation. As stated in the Johnson County Land Use Plan, commercial and/or industrial development will be encouraged to locate in the interchanges of paved roads. Commercial and/or industrial development will be discouraged in all other areas of Fringe Area C.

As applications are received to develop land contiguous to Iowa City and within this portion of the City's growth area, the City will give favorable consideration to the voluntary annexation of this land and its development for uses consistent with the City's Comprehensive Plan.

2. Land outside Iowa City's Growth Area. In the portions of Area C which are not within Iowa City's growth area and which are zoned for non-farm development, development may occur in conformance with Johnson County's Unified Development Ordinance and City Rural Design Standards. Until otherwise changed by amending this agreement, this area shall be restricted to those uses consistent with a Rural/Agricultural area as indicated in the Johnson County Land Use Plan, and as designated for a Rural/Agricultural area in Chapter 8:1.6 Class A District of the Johnson County Unified Development Ordinance as amended. Farmstead splits are permitted per Chapter 8:1.6.I.4.c of the Johnson County Unified Development Ordinance.

3. Upon annexation of land within Fringe Area C, the City agrees that it will not automatically extend its fringe area authority to review and approve all subdivisions, which it exercises pursuant to Iowa Code §354.9 and Title 14, Chapter 7 of the City Code of the City of Iowa City, Iowa. The City will review the extension of its fringe area as a result of annexation on a case-by-case basis in consultation with Johnson County.

SECTION II. PROTECTING AGRICULTURAL OPERATIONS

Any regulations in the Fringe Area Agreement will not interfere with the Right to Farm, as contained in the Code of Iowa Chapter 335.2, Farms Exempt; and as noted in the Johnson County Zoning Ordinance, Chapter 8.2, Protecting Agricultural Operations.

SECTION III. ADMINISTRATIVE POLICIES

As a rule, zoning regulation is the county's prerogative if a county has adopted a zoning ordinance. The City, however, exercises authority over subdivision regulation in a city's fringe area. Annexation is also primarily under exclusive rule of cities. Each of these activities, however, affects both jurisdictions and produces a clear need for coordination and joint administration. To that end, the City of Iowa City and Johnson County agree to the following procedures for administration of land use regulations.

A. Zoning Regulation:

1. Zoning regulation for all unincorporated territory will remain under the authority of the Johnson County Zoning Ordinance and the provisions of Chapter 335, Code of Iowa (2005), the enabling legislation for the County's zoning powers.
2. Pursuant to Section 8:1.23 of the Johnson County Unified Development Ordinance, any person may request a variance to the lot area regulations of the zoning ordinance or appeal the decision of any officer of the County as that decision relates to enforcement of the Zoning Ordinance.
3. The County will forward each request for rezoning of property within the Fringe Areas specified in this Agreement to the City for review and comment prior to the public hearing before the County Planning and Zoning Commission. Any zoning change will conform with the policies identified for the Area in which the property is located.
4. Properties zoned for a classification which is inconsistent with this Agreement, at the time this Agreement is executed, shall retain the rights under that zoning, unless and until such zoning is changed through due process.

B. Subdivision Regulation:

1. Subdivision of land within Iowa City's fringe area will be required to conform to either City Rural Design Standards or the City Urban Design Standards in accordance with the policies specified in this Agreement.
2. Persons wishing to subdivide land within the fringe area specified in this Agreement shall be required to simultaneously file a subdivision application with both the City and the County. The City and the County shall coordinate the processing of the application to ensure concurrent review by both the City Planning and Zoning Commission and the County Planning and Zoning Commission.
3. Subdivisions of land into fewer than three lots will continue to be regulated by the County.

C. Development projects not requiring subdivision:

Any development projects larger than 2 acres within the City's growth area shall be subject to review by both the City and the County in accordance with the procedural requirements of each jurisdiction.

D. Annexation:

1. Iowa City will annex territory only in accordance with the policy statements specified in this Agreement.
2. The City will, upon receipt, forward applications requesting annexation or severance (de-annexation) of property within the fringe area specified in this Agreement to the County for review and comment prior to consideration by the Iowa City Planning and Zoning Commission.
3. As appropriate and necessary, the City may extend the two-mile extraterritorial subdivision plat review area. Prior to any such extension, the City will forward to the County a proposal which includes the extension of the City's plat review authority for any distance up to the two mile limit provided by State law. The County will have a specified time within which to respond in affirmative agreement, negatively or with an alternative proposal. The City will take the County's response under advisement when determining the extension of extraterritorial review.

E. Conflict Resolution:

If the City and County are in conflict over a proposed subdivision, rezoning application, or annexation that may violate this agreement, a review committee, comprised of members of the City Council, Board of Supervisors and staff, shall be established to negotiate a resolution prior to final action being taken by either body to subdivide, rezone, or annex property.

SECTION IV. AGREEMENT REVIEW

At any time during the term of this Agreement, either the Chair of the Johnson County Board of Supervisors or the Mayor of the City of Iowa City may initiate review of the policies of this Agreement by contacting the other party to this Agreement. Both parties to this Agreement shall consider modifications of this Agreement, as appropriate.

SECTION V. EFFECTIVE PERIOD

This Agreement shall become effective upon acceptance and execution by the parties, and shall be in effect for five (5) years after the date of execution of this Agreement. This Agreement shall be automatically renewed unless the County or the City objects to such renewal prior to the renewal date.

SECTION VI. RECORDATION

This Agreement shall be filed with the Secretary of the State of Iowa, and with the Johnson County Recorder in compliance with Chapter 28E, Code of Iowa (2005).

Dated this 12th day of October, 2006.

JOHNSON COUNTY

By: Mike Lehman
Chairperson, Board of Supervisors

Approved by:
A. B. Cypert
County Attorney's Office

Attest: Tom Shick
County Auditor

Dated this 13th day of October, 2006

CORPORATE SEAL

CITY OF IOWA CITY

By: Paul Wilson
Mayor

Attest: Marian K. Haw
City Clerk

CORPORATE SEAL

Approved by:
Michael [Signature] 10/3/06
City Attorney's Office

ATTACHMENTS:

1. Proposed Land Use Map for the Iowa City Fringe Area.
2. Appendix A: Definition of Standards