

**FRINGE AREA POLICY AGREEMENT
BETWEEN JOHNSON COUNTY AND CITY OF SHUEYVILLE**

Date Adopted: January 9, 2020

THIS AGREEMENT is entered into pursuant to Chapter 28E of the Code of Iowa, by and between Johnson County, Iowa, hereinafter referred to as "County," and the City of Shueyville, Iowa, an Iowa municipal corporation, hereinafter referred to as "City," (together, the "Parties") to-wit:

WHEREAS, Chapter 354, Code of Iowa (2019) allows the City to establish an extra-territorial 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 (2019) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, the Johnson County 2018 Comprehensive Plan for unincorporated Johnson County adopted May 17, 2018, calls for the preparation and adoption of development plans and agreements between the County and the City; and

WHEREAS, the Shueyville Comprehensive Plan adopted in 1993, or as amended, outlines the expected urban development; and

WHEREAS, the City of Shueyville has entered into a moratorium agreement with the City of Swisher per Section 368.4, Code of Iowa to refrain from annexing property west of Interstate #380; and

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

WHEREAS, the County and the 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 Shueyville fringe area as authorized by Chapter 354, Code of Iowa (2019).

Purpose:

This Fringe Area Policy Agreement is intended to provide for orderly and efficient development patterns appropriate to a non-urbanized area, to protect and preserve the fringe area's natural resources and environmentally sensitive features, to direct development to areas with physical characteristics that can accommodate development, and to 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 Shueyville fringe area (i.e. that unincorporated area outside the corporate limits of the City but within two (2) miles of the existing City limits, designated the "City / County Fringe Area") and determined that development within the boundaries of the City / County Fringe Area, as shown on the Fringe Area Development Map attached to this Agreement as Appendix A and incorporated by this reference, is to occur in accordance with the development policies contained in this Agreement. Development should conform to the Johnson County Comprehensive Plan¹ and Future Land Use Map², and/or the Shueyville Comprehensive Plan, and all City and County development regulations, as applicable.

Future Land Use Map:

The Future Land Use Map attached to this Agreement as Appendix B, and as amended from time-to-time, illustrates the County's intended land use patterns within the two-mile extraterritorial area.

Development Standards:

The following general standards apply to development in the unincorporated City / County Fringe Area.

- Development that conflicts with the goals of the Johnson County Comprehensive Plan and/or stated intent of the Future Land Use Category designation on the Future Land Use Map for the area in which a property is located is discouraged.
- Development that preserves environmentally sensitive areas and farm land, results in compact development requiring less infrastructure, and is more efficient for provision of services is encouraged.

¹ Found online as of the date of this Agreement at:
https://www.johnson-county.com/dept_zoning.aspx?id=4921

² The Future Land Use Map, attached to this Agreement as Appendix B, illustrates the County's intended land use patterns within the two-mile extraterritorial area as of the date of this Agreement.

- Where City review or approval is required as provided below, an applicant shall file a development application with the County and simultaneously forward a copy thereof to the City. Applicants' pre-application coordination with, and approval by, the City of development proposals is encouraged. The City shall be deemed to have waived its right to review or approve a given development application in the event the City does not provide the County comments or approval (or denial) within (forty-five) 45 days of the submission of an application to the City, which period may be extended upon coordination with County planning staff.

Area 1 – City Growth Area:

The Parties agree to apply the following policies when considering development applications in the City Growth Area:

Location:

- The City Growth Area, or Area 1, is adjacent to the current City corporate boundary and extends beyond that boundary in varying degrees, from 1/8 mile to over 1 mile, as shown on the attached Fringe Area Development Map (Appendix A).

Recommended Uses:

- Recommended uses within Area 1 are those uses allowed in the zoning district(s) considered appropriate for a given site as set forth in the County and City's Comprehensive Plans and maps.
- Uses should be developed in accordance with all City development standards.

Subdivisions and Site Plans:

Subdivisions of three (3) lots or less within Area 1:

- Unless the City declines to review an application, City review and comment on an application is required prior to any public hearing by the County Planning & Zoning Commission. Any city comment shall be provided to the County in the form of a letter signed by the Mayor containing the City Council's comments unless such authority is delegated to staff via resolution of the Council.
- Subdivisions must conform to the Code of Iowa and all County subdivision standards and approval processes. All County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply.

Subdivisions of four (4) lots or more within Area 1:

- Unless the City declines to review an application, City review and approval of an application is required prior to any public hearing by the County Planning and Zoning Commission. An approved resolution from the City Council showing City approval is required.

- Subdivisions must conform to the Code of Iowa and all County subdivision standards and approval processes, as well as any standards established by the City. All County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. The application must also meet the minimum requirements of the City's development regulations.
- For any application that is denied by the City, the City shall provide a memo to the Board of Supervisors detailing reasons for denial and citing the sections of the City's plans and/or development regulations the application fails to comply with.

Site Plans:

- All site plans within Area 1 must conform to County Site Plan standards as well as the standards set forth by the City. Unless the City declines to review an application, City review and approval of a proposed site plan is required prior to any public hearing by the Board of Supervisors. An approved resolution from the City Council showing City approval is required.
- All County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. The application must also meet the minimum requirements of the City's development regulations.
- For any application that is denied by the City, the City shall provide a memo to the Board of Supervisors detailing reasons for denial and citing the sections of the City's plans and/or development regulations the application fails to comply with.

Zoning:

- Should an applicant seek to rezone property within Area 1, City review and comment on an application is required prior to any public hearing by the County Planning and Zoning Commission unless the City declines to review an application. Any city comment shall be provided to the County in the form of a letter signed by the Mayor containing the Council's comments unless such authority is delegated to staff via resolution of the City Council.
- Proposals to rezone should conform with both the County and City Comprehensive Plans, the Code of Iowa and all County standards and approval processes related to rezoning.

Annexation:

- The potential for Annexation exists for all properties currently adjacent to City limits. The City will follow all State Code requirements for providing notice of proposed annexations to the County per Iowa Code section 368.

- The City will also deliver a request to the Chairperson of the County Board of Supervisors, at least 14 days prior to providing any official written notice to the County under Iowa Code subsection 368.7(1)(b)(1), to discuss any contemplated voluntary annexation during an upcoming informal County Board of Supervisors meeting.
- The City will also deliver a request to the Chairperson of the County Board of Supervisors, at least 14 days prior to providing any official written notice or letter of intent to the County under Iowa Code subsection 368.11(4), to discuss any contemplated involuntary annexation during an upcoming informal County Board of Supervisors meeting.

Future Land Use Map Amendment applications to amend the County Future Land Use Map

- Should an applicant seek to amend the County's Future Land Use Map within Area 1, City review and comment on an application is required prior to the scheduling of any public hearing before the County Board of Supervisors unless the City declines to review an application. Any City comment shall be provided to the County in the form of a letter signed by the Mayor containing the Council's comments unless such authority is delegated to staff via resolution of the City Council.

Area 2 – County Area Development Policies:

The Parties agree that the County shall have sole jurisdiction and to otherwise apply the following policies when considering development applications in the County Area:

Location:

- The County Area, or Area 2, is outside of Area 1 as shown on the attached Fringe Area Development Map (Appendix A).

Recommended Uses:

- Recommended uses within Area 2 are those uses allowed in the zoning district(s) considered appropriate for a given site as set forth in the County's Unified Development Ordinance and Comprehensive Plans and maps.
- Uses should also develop in accordance with all County development standards.

Subdivisions and Site Plans:

- Subdivisions must conform to the Code of Iowa and all County subdivision standards and approval processes.

Site Plans:

- All site plans within Area 2 must conform to County Site Plan standards and approval processes.

Zoning:

- Proposals to rezone should conform to the County's Comprehensive Plans and maps, the Code of Iowa, and all County standards and approval processes related to rezoning.

Notice:

- The County shall provide written notice to the City of the filing of any application for subdivision, site plan, or rezoning approval for properties located in Area 2, at least fifteen (15) days prior to the initial public hearing on such applications before the Johnson County Planning & Zoning Commission.

SECTION II. AGREEMENT REVIEW

This Agreement shall be reviewed every five (5) years. At any time between five (5)-year reviews, either the Chair of the County Board of Supervisors or the Mayor of the City may initiate review of the policies of this Agreement by contacting the other party to this Agreement. Alternatively, either party may re-affirm the current agreement in writing, at which point both Parties may agree to waive review of this Agreement. Both Parties to this Agreement shall consider modifications of this Agreement in good faith.

Either party may terminate this Agreement by providing written notification to the other party, accompanied by an approved resolution of the governing body directing such termination, sent by registered mail. Such termination shall be effective no earlier than ninety (90) days after the mailing date of the notification.

Annexation of property by the City does not automatically adjust the boundaries of the Areas 1 and 2 established by this Agreement. Such boundaries, and the applicability of this Agreement to unincorporated territory of Johnson County, may only be changed or extended by modifying this Agreement by mutual agreement of the Parties.

Both the City and County should provide timely notice to one another of any amendments to future land use maps or related planning documents proposed by either entity, to the extent they affect land within the City / County Fringe Area. Respective comments should be provided prior to review by the applicable Planning and Zoning Commissions.

SECTION III. EFFECTIVE PERIOD

This Agreement shall become effective upon acceptance and execution by all Parties, and shall be in effect for ten (10) years after the date of execution of this Agreement, with review after five (5) years or at the request of the Chair of the Johnson County Board of Supervisors or the Mayor of the City of Shueyville. This Agreement may be modified or extended by the written mutual consent of both Parties.

SECTION IV. CONFLICT RESOLUTION

If it is readily apparent that the City and County will disagree regarding approval of a proposed subdivision, rezoning, or site plan application, a review committee, comprised of members of the City Council, Board of Supervisors, and staff, to be appointed by the Board and City Council (so as not to have the entire Board and City Council), shall be established upon the request of either jurisdiction to attempt to resolve the conflict without undue delay. In the event good faith negotiations fail to align the positions of the City and County with respect to a particular development application, ultimate authority to deny a proposed subdivision, rezoning, or site plan application shall remain with the County.

SECTION V. 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 (2019).

Dated this 9th day of January, 2020.

JOHNSON COUNTY

By: Rod Sullivan
Chairperson, Board of Supervisors

Attest: Travis Weipert
County Auditor

Dated this 17th day of December, 2019.

CITY OF SHUEYVILLE

By: Mickey Coonfare
Mayor

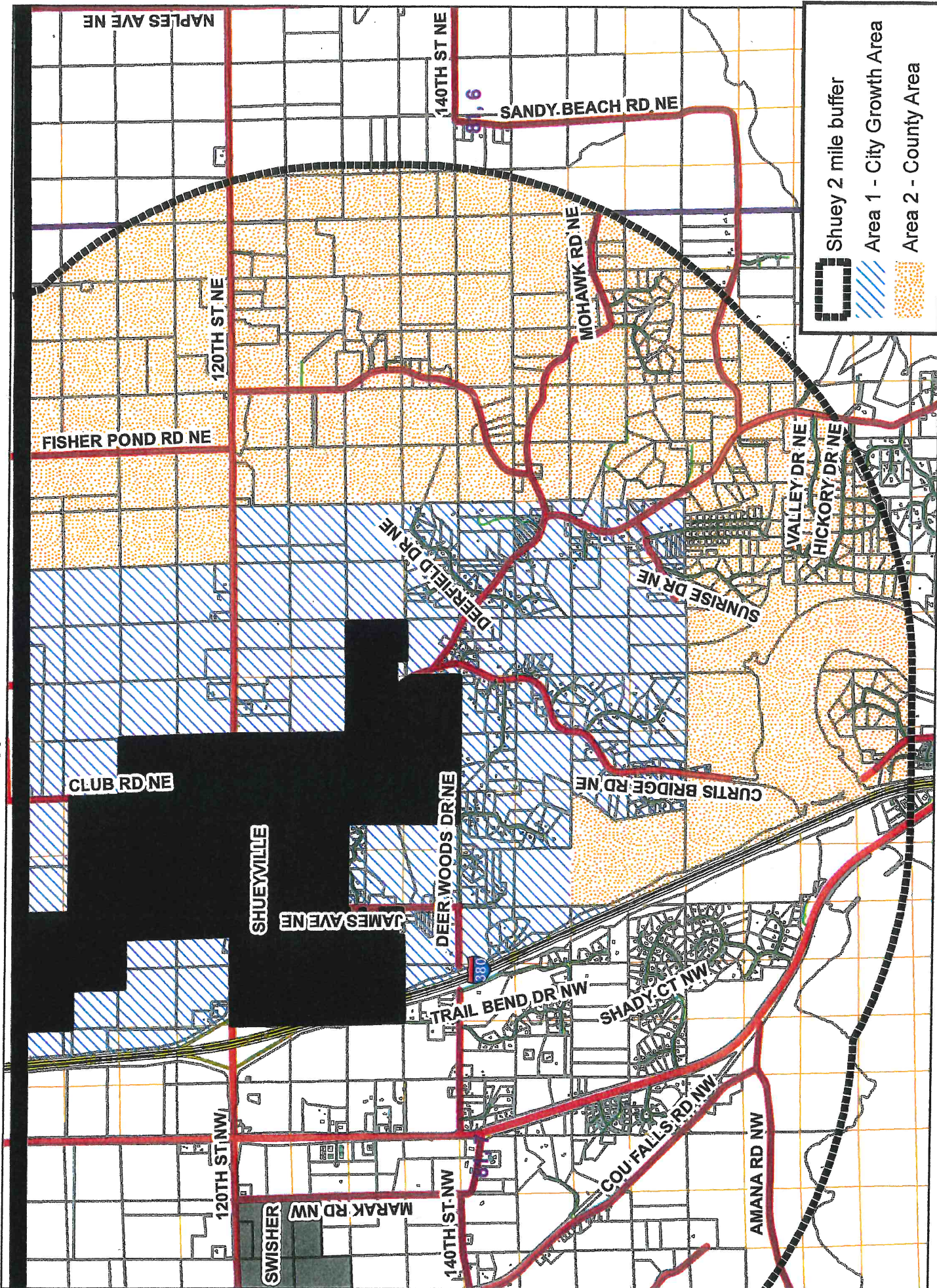
Attest: Tim Train
City Clerk

APPENDICES:

- A. Johnson County / Shueyville Fringe Area Development Map (2019)
- B. Johnson County Future Land Use Map
- C. Johnson County / Shueyville Fringe Area Development Map detail of City Growth Area (Area 1) (2019)

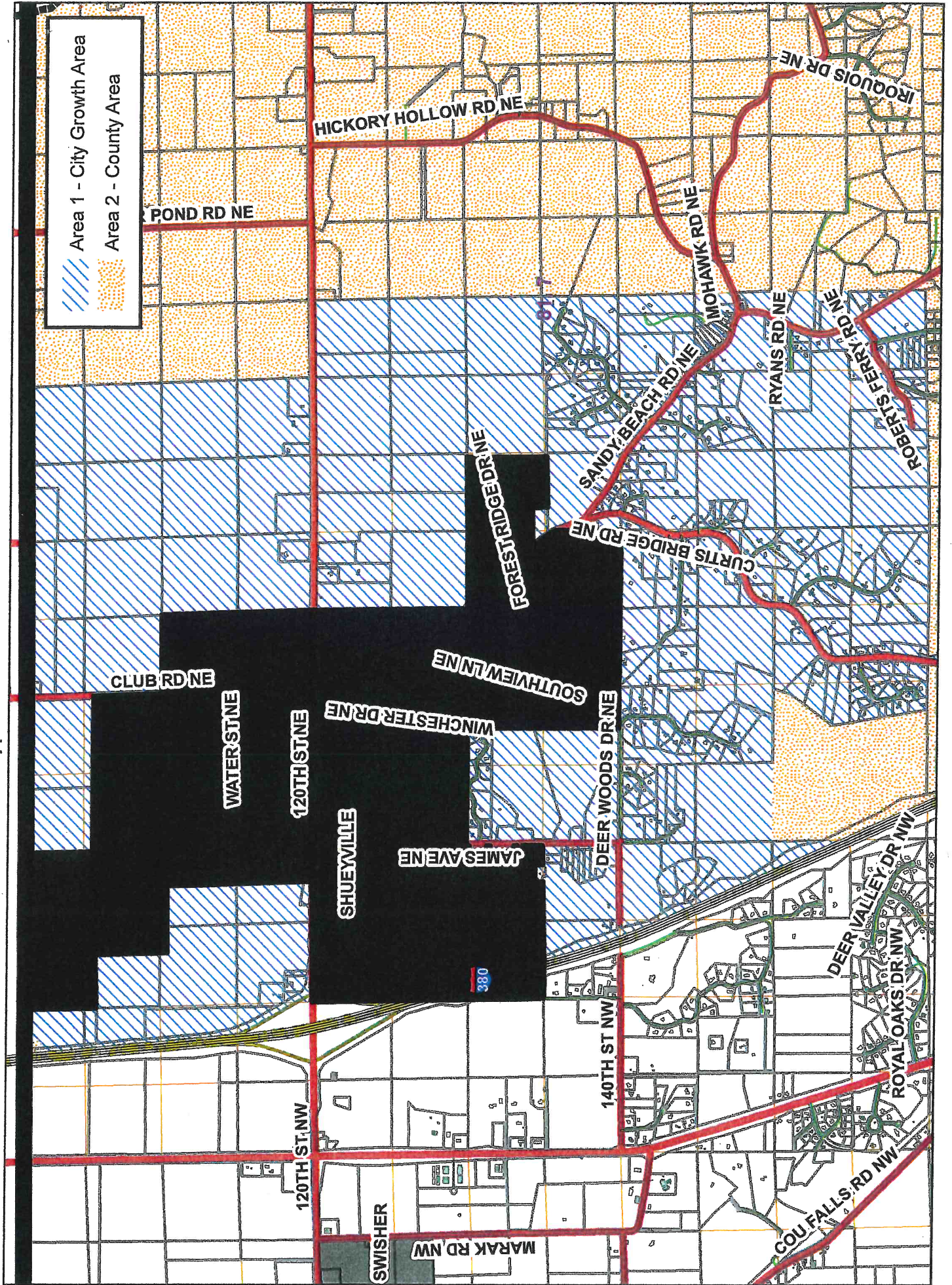
Johnson County / Shueville Fringe Area Map

Appendix A



Fringe Area Development Map of City Growth Area (Area 1)

Appendix C

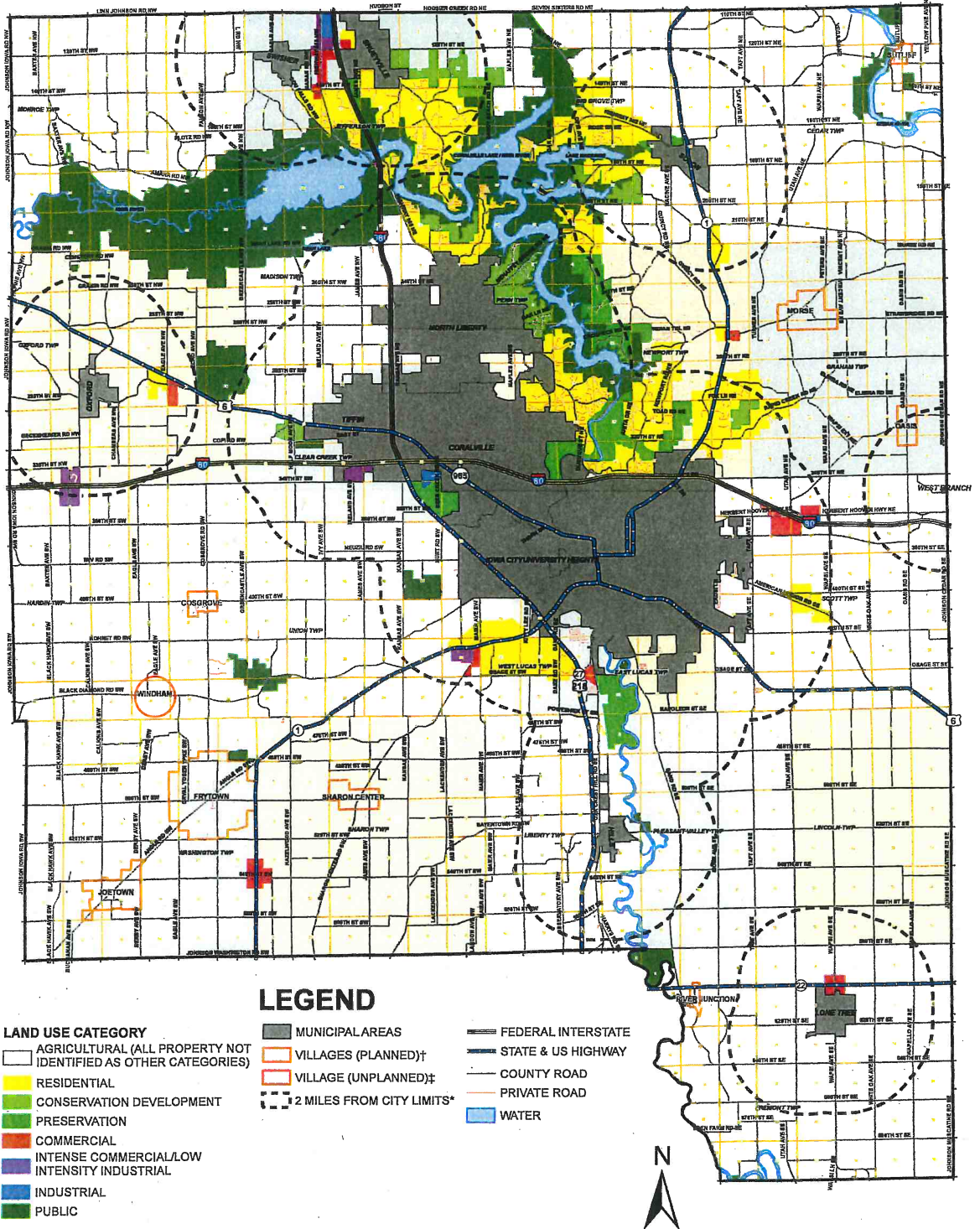




Future Land Use Map

Johnson County 2018 Comprehensive Plan

Adopted: May 17, 2018 Updated: October 24, 2019



LEGEND

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| <p>LAND USE CATEGORY</p> <ul style="list-style-type: none"> AGRICULTURAL (ALL PROPERTY NOT IDENTIFIED AS OTHER CATEGORIES) RESIDENTIAL CONSERVATION DEVELOPMENT PRESERVATION COMMERCIAL INTENSE COMMERCIAL/LOW INTENSITY INDUSTRIAL INDUSTRIAL PUBLIC | <ul style="list-style-type: none"> MUNICIPAL AREAS VILLAGES (PLANNED)† VILLAGE (UNPLANNED)‡ 2 MILES FROM CITY LIMITS* | <ul style="list-style-type: none"> FEDERAL INTERSTATE STATE & US HIGHWAY COUNTY ROAD PRIVATE ROAD WATER |
|--|--|---|

* Development applications on property within 2 miles of cities may be subject to additional standards and require city review. For properties in these areas, please see adopted fringe area agreement for each respective city.

† For property within each village boundary, please see the adopted village plan for development policies.

‡ The Village of Windham does not currently have a village boundary. The area shown is the approximate location of the village.

