

**FRINGE AREA POLICY AGREEMENT  
BETWEEN JOHNSON COUNTY, THE CITY OF SWISHER, AND THE CITY OF CEDAR RAPIDS**

**Date Adopted:** February 22, 2024

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

WHEREAS, Chapter 354, Code of Iowa (2023) allows a city to establish an extra-territorial area, known as the fringe area, within two miles of a city's boundary for the purpose of reviewing and approving subdivisions; and

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

WHEREAS, Chapter 354 directs cities which have established overlapping areas of review outside their boundaries to establish reasonable standards and conditions for review of subdivisions within the overlapping area; and

WHEREAS, Chapter 28E of the Code of Iowa (2023) 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; and

WHEREAS, the City of Swisher Comprehensive Plan adopted in 2023, or as amended, outlines the expected urban development; and

WHEREAS, the City of Cedar Rapids Comprehensive Plan adopted in 2015 and subsequently updated in 2021, or as amended, outlines the expected urban development; and

WHEREAS, the City of Swisher has entered into an annexation moratorium agreement with the City of Shueyville per Section 368.4, Code of Iowa (2023); and

WHEREAS, the City of Swisher has entered into an annexation moratorium agreement with the City of Cedar Rapids per Section 368.4, Code of Iowa (2023)

WHEREAS, it is in the interest of the County, the City of Swisher, and the City of Cedar Rapids to establish policies and review subdivision, zoning, and site plan applications to ensure the orderly growth and development within each City's fringe area; and

WHEREAS, the County, the City of Swisher, and the City of Cedar Rapids 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, site plan, future land use map amendment, and subdivision review for the identified fringe areas of the City of Swisher and the City of Cedar Rapids as authorized by Chapter 354, Code of Iowa (2021).

#### **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 Parties have examined the development capabilities of the fringe area (i.e. that unincorporated area outside the corporate limits of each city, but within two (2) miles of 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 Johnson County / Swisher / Cedar Rapids 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 Plan and Future Land Use Map; the City of Swisher Comprehensive Plan, as applicable; the City of Cedar Rapids Comprehensive Plan, as applicable; and all other city and County development regulations, as applicable.

#### **Future Land Use Map:**

- The Johnson County 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 City / County Fringe Area.
- The City of Cedar Rapids Future Land Use Map attached to this Agreement as Appendix C, and as amended from time-to-time, illustrates the City of Cedar Rapids' intended land use patterns within the City / County Fringe Area.
- The City of Swisher Future Land Use Map attached to this Agreement as Appendix D, and as amended from time-to-time, illustrates the City of Swisher's intended land use patterns within the two City / County Fringe 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 County's Future Land Use Map for the area in which a property is located is discouraged.
- 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.
  - At a city's discretion, applicants may also be required to file a formal application with the city in addition to forwarding a copy of the County application.

- A 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 (sixty-five) 65 days of the receipt of the application by the city from the applicant, which period may be extended upon coordination with County planning staff.

**General Provisions:**

- Zoning Text Amendments: Applications to amend the text of the Johnson County Unified Development Ordinance shall solely be reviewed and approved or denied by the County.
- References to “buildable lots” in this agreement shall mean numbered lots, as shown on the subdivision plat with the application, which can be developed for primary uses in the district in which they are located. It shall not include “outlots” as defined by the Johnson County Unified Development Ordinance.
- Where this agreement provides for comments to be submitted by a city, the Board of Supervisors shall consider such comments in their formal review of the application. Comments shall be advisory only and non-binding upon the Board’s final disposition of the application. Where this agreement requires approval by a city, said approval shall be in the form of a resolution from the city or letter signed by the mayor that reflects the city council’s position. The specific requirements under Areas 1, 2, 3 and 4 of this agreement outline whether comments or an approval is applicable for development within that specific portion of the City / County Fringe Area.
- Reference to “lots” in this agreement shall refer to both numbered lots and lettered outlots.

**Area 1 – Swisher Growth Area Development Policies:**

In Area 1, “City” refers to the City of Swisher. The City of Cedar Rapids waives all review in Area 1. The City of Swisher agrees to apply the following policies when considering development applications in the Swisher Growth Area:

**Notice:**

- The City of Swisher shall provide written notice to the City of Cedar Rapids of the filing of any County application for subdivision or rezoning approval for properties located in Area 1 within 30 days of receipt of any application from the County. The City of Cedar Rapids agrees to provide comment back to the City of Swisher within 30 business days.

**Location:**

- The Swisher Growth Area, or Area 1, is adjacent to the current city corporate boundary and extends beyond that boundary in varying degrees, from one-eighth (1/8) of a mile to over one (1) mile, but no farther north than the Linn County Boundary or the boundary between Area 1 and Area 4 as shown on the attached Fringe Area Development Map (Appendix A).

**Subdivisions:**

Subdivisions within Area 1:

- Unless the City of Swisher 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 of Swisher up to and including the minimum requirements of the City's development regulations, as determined appropriate by the City. This includes the City's subdivision ordinance, floodplain development ordinance, and all technical infrastructure standards as deemed appropriate by the city. A development agreement may also be required by the City for the future installation of any infrastructure. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. Where there is disagreement between City and County standards, the more stringent regulations shall apply

- For residential subdivisions south of and adjacent to Linn Johnson Road NW in Area 1, every effort shall be made to protect said adjacent residential development from potential nuisance connected to future potential commercial or industrial subdivisions in Linn County, including the provision of a 50-ft buffer strip along the Linn Johnson Road NW public right-of-way. The 50-ft strip shall be part of the platted lots and shall be designated on the subdivision plat as land reserved for future screening.
  - Where the City of Swisher determines that a Developer's Agreement is necessary, the Board of Supervisors shall not issue final disposition on the application until such time as a copy of the approved developer's agreement – signed by the Developer and the City – is forwarded to the County for inclusion with the required legal documents.
  - Any Developer's Agreement required by the City of Swisher shall be included with the list of required legal documents on the County's Resolution of Approval. Said agreement shall be included in, and recorded with, the legal documents and plats of the approved subdivision.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Site Plans:**

- Unless the City of Swisher 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 site plans within Area 1 must conform to County Site Plan standards as well as any standards established by the City of Swisher, up to and including the minimum requirements of the City's development regulations. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. Where there is disagreement between City and County standards, the more stringent regulations shall apply.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Zoning Map Amendments:**

- Unless the City of Swisher declines to review an application, City review and approval of a proposed zoning map amendment 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.
- Proposals to rezone should conform with the County Comprehensive Plan and Future Land Use Map, the Code of Iowa, and all County standards and approval processes related to rezoning. Additionally, proposals to rezone should also conform to the City of Swisher Comprehensive Plans Future Land Use Maps, and as determined appropriate by the City.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Annexation:**

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

**Applications to amend the County's Future Land Use Map.**

- Should an applicant seek to amend the County's Future Land Use Map (FLUM) within Area 1, the County will provide notice of the application to the City of Swisher within five business days from the County's annual filing deadline for project-specific Future Land Use Map amendments. The City may review and comment on the application. Any City comment shall be provided to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, and shall be 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. The Board shall consider the comments as part of their formal review.
  - In the event the City of Swisher does not provide comments to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, the County Planning & Zoning Commission, at its discretion, may hold public hearing and make recommendation to the Board of Supervisors without having received official comment from the City of Swisher. The City may still provide comments for consideration provided said comments can be forwarded to the Board of Supervisors prior to the close of the public hearing.

**Area 2 – County Area Development Policies:**

In Area 2, “City” refers to the City of Swisher. The City of Cedar Rapids waives all review in Area 2. The City of Swisher agrees to apply the following policies when considering development applications in the Swisher Growth Area:

**Location:**

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

**Notice:**

- The County shall provide written notice to the City of Swisher of the filing of any application for subdivision or rezoning approval for properties located in Area 2 as soon as practical after the filing deadline. Notice shall be provided at least fifteen (15) days prior to the initial public hearing on such applications before the Johnson County Planning & Zoning Commission.

**Subdivisions:**

Subdivisions of four (4) lots or more within Area 2:

- Unless the City of Swisher 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 of Swisher up to an including the minimum requirements of the City’s development regulations, as determined appropriate by the City. This includes the City’s subdivision ordinance, floodplain development ordinance, and all technical infrastructure standards as deemed appropriate by the city. A development agreement may also be required by the City for the future installation of any infrastructure. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. Where there is disagreement between City and County standards, the more stringent regulations shall apply.
  - Where the City of Swisher determines that a Developer’s Agreement is necessary, the Board of Supervisors shall not issue final disposition on the application until such time as a copy of the approved developer’s agreement – signed by the Developer and the City – is forwarded to the County for inclusion with the required legal documents.
  - Any Developer’s Agreement required by the City of Swisher shall be included with the list of required legal documents on the County’s Resolution of Approval. Said agreement shall be included in, and recorded with, the legal documents and plats of the approved subdivision.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City’s plans and/or development regulations with which the application fails to comply.

**Site Plans:**

- Site Plans shall conform to the Code of Iowa and all County standards and approval processes. Applications to Site Plan land in Area 2 shall solely be reviewed and approved or denied by the County. No review or comment by the city is required.

**Zoning Map Amendments:**

- Unless the City of Swisher declines to review an application, City review and approval of a proposed zoning map amendment 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.
- Proposals to rezone should conform with the County Comprehensive Plan and Future Land Use Map, the Code of Iowa, and all County standards and approval processes related to rezoning. Additionally, proposals to rezone should also conform to the City of Swisher Comprehensive Plans Future Land Use Maps, and as determined appropriate by the City.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City’s plans and/or development regulations with which the application fails to comply.

**Applications to amend the County’s Future Land Use Map.**

- Should an applicant seek to amend the County’s Future Land Use Map (FLUM) within Area 2, the County will provide notice of the application to the City of Swisher within five business days from the County’s annual filing deadline for project-specific Future Land Use Map amendments. The City may review and comment on the application. Any City comment shall be provided to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, and shall be 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. The Board shall consider the comments as part of their formal review.
  - In the event the City of Swisher does not provide comments to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, the County Planning & Zoning Commission, at its discretion, may hold public hearing and make recommendation to the Board of Supervisors without having received official comment from the City of Swisher. The City may still provide comments for consideration provided said comments can be forwarded to the Board of Supervisors prior to the close of the public hearing.

**Area 3 – County Economic Development Area Policies:**

In Area 3, “City” refers to the City of Swisher. The City of Cedar Rapids waives all review in Area 3. The Parties agree to apply the following policies when considering development applications in the County Economic Development Area:

**Notice:**

- The City of Swisher shall provide written notice to the City of Cedar Rapids of the filing of any County application for subdivision or rezoning approval for properties located in Area 3 within 30 days of receipt of any application from the County. The City of Cedar Rapids agrees to provide comment back to the City of Swisher within 30 business days.

**Location:**

- The County Economic Development Area, or Area 3, is east of the City of Swisher and is along both sides of Highway #965 NW as shown on the attached Fringe Area Development Map (Appendix A).

**Subdivisions:**

- Unless the City of Swisher 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 Swisher / Johnson County Economic Development Area Subdivision and Site Design Standards as listed in Appendix E of this agreement. All County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall apply.
- The Swisher / Johnson County Economic Development Area Subdivision and Site Design Standards were created to specify subdivision and site development regulations that would be mutually beneficial to both the City of Swisher and the County in Area 3. The Standards will create a framework that will allow for economic development in the County without impacting future growth plans of the City of Swisher.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations the application fails to comply.

**Site Plans:**

- Unless the City of Swisher declines to review an application, City review and approval of a proposed Site Plan is required prior to any approval by the Board of Supervisors. An approved resolution from the City Council showing City approval is required.
- All Site Plans within Area 3 must conform to County Site Plan standards as well as any standards established by the Swisher / Johnson County Economic Development Area Subdivision and Site Design Standards as listed in Appendix E of this agreement. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply.
- The Swisher / Johnson County Economic Development Area Design Standards were created to specify subdivision and site development regulations that would be mutually beneficial to both the City and the County in Area 3. The Standards will create a framework that will allow for economic development in the County without impacting future growth plans of the City of Swisher.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations the application fails to comply.

**Zoning Map Amendments:**

- Unless the City of Swisher declines to review an application, City review and approval of a proposed zoning map amendment 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.



- Proposals to rezone should conform with the County Comprehensive Plan and Future Land Use Map, the Code of Iowa, and all County standards and approval processes related to rezoning. Additionally, proposals to rezone should also conform to the City of Swisher Comprehensive Plans Future Land Use Maps, and as determined appropriate by the City.
- For any application that is denied by the City of Swisher, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Annexation:**

- The potential for Annexation exists for all properties currently adjacent to City of Swisher corporate 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).
- 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).

**Applications to amend the County's Future Land Use Map.**

- Should an applicant seek to amend the County's Future Land Use Map (FLUM) within Area 3, the County will provide notice of the application to the city within five (5) business days from the County's annual filing deadline for project-specific Future Land Use Map amendments. The City of Swisher may review and comment on the application. Any City comment shall be provided to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, and shall be 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 City Council. The Board shall consider the comments as part of their formal review.
  - In the event the City of Swisher does not provide comments to the County prior to the regularly scheduled August County Planning and Zoning Commission meeting, the County Planning & Zoning Commission, at its discretion, may hold public hearing and make recommendation to the Board of Supervisors without having received official City comment. The City may still provide comments for consideration provided said comments can be forwarded to the Board of Supervisors prior to the close of the public hearing.

**Area 4 – City of Cedar Rapids Growth Area Development Policies:**

In Area 4, "City" refers to the City of Cedar Rapids. The City of Swisher waives all review in Area 4. The Parties agree to apply the following policies when considering development applications in the City of Cedar Rapids Growth Area:

**Notice:**

- The City of Cedar Rapids shall provide written notice to the City of Swisher of the filing of any County application for subdivision or rezoning approval for properties located in Area 4 within 30 days of receipt of any application from the County. The City of Swisher agrees to provide comment back to the City of Cedar Rapids within 30 business days.

**Location:**

- The City of Cedar Rapids Growth Area, or Area 4, is located west of Interstate 380, south of the Linn County boundary, and approximately ¼ mile north of 120<sup>th</sup> Street NW, as shown on the attached Fringe Area Development Map (Appendix A).

**Subdivisions:**

- Unless the City of Cedar Rapids 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 of Cedar Rapids up to and including the minimum requirements of the City's development regulations, as determined appropriate by the City. Applicants will be required to connect to City utilities. A development agreement may also be required by the City. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. Where there is disagreement between City and County design standards, the more stringent regulations shall apply.
  - Where the City of Cedar Rapids determines that a development agreement is necessary, the Board of Supervisors shall not issue final disposition on the application until such time as a copy of the approved developer's agreement – signed by the Developer and the City – is forwarded to the County for inclusion with the required legal documents. Any final disposition issued in violation of this provision shall be considered void.
  - Any development agreement required by the City of Cedar Rapids shall be included with the list of required legal documents on the County's Resolution of Approval. Said agreement shall be included in and recorded with the legal documents and plats of the approved subdivision.
- For any application that is denied by the City of Cedar Rapids, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Site Plans:**

- Unless the City of Cedar Rapids 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. The City of Cedar Rapids will provide comments through their Development Services' staff via a staff report.
- All Site Plans within Area 4 must conform to County Site Plan standards as well as any standards established by the City of Cedar Rapids, up to and including the minimum requirements of the City's development regulations, as determined appropriate by the City. All applicants will be required to connect to City utilities. Additionally, all County regulations including, but not limited to, stormwater, soil erosion and sediment control, and sensitive areas shall otherwise apply. Where there is disagreement between City and County design standards, the more stringent regulations shall apply.
- For any application that is denied by the City of Cedar Rapids, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Zoning Map Amendments:**

- Unless the City of Cedar Rapids declines to review an application, City review and approval of a proposed zoning map amendment 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.
- Proposals to rezone should conform with the County Comprehensive Plan and Future Land Use Map, the Code of Iowa, and all County standards and approval processes related to rezoning. Additionally, proposals to rezone must also conform to the City of Cedar Rapids Comprehensive Plans Future Land Use Maps, and as determined appropriate by the City.
- For any application that is denied by the City of Cedar Rapids, the City shall provide a memo to the Zoning Administrator detailing reasons for denial and citing the sections of the City's plans and/or development regulations with which the application fails to comply.

**Annexation:**

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

**Applications to amend the County's Future Land Use Map:**

- Applications to amend the Johnson County Future Land Use Map in Area 4 shall solely be reviewed and approved or denied by the County. No review or comment by the city is required.

**SECTION II. EFFECTIVE PERIOD AND AGREEMENT REVIEW**

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, the Mayor of the City of Swisher, or the Mayor of the City of Cedar Rapids. This Agreement may be modified or extended by the written mutual consent of all Parties.

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, the Mayor of the City of Swisher, or the Mayor of the City of Cedar Rapids may initiate review of the policies of this Agreement by contacting the other Parties to this Agreement. Alternatively, the Parties may re-affirm the current agreement in writing, at which point the Parties may agree to waive review of this Agreement. The Parties to this Agreement shall consider modifications of this Agreement in good faith.

The City of Swisher, City of Cedar Rapids, or the County may terminate this Agreement by providing written notification to the other Parties, 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 of Swisher or the City of Cedar Rapids does not automatically adjust the boundaries 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.

**SECTION III. CONFLICT RESOLUTION**

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

**SECTION IV. 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 (2023).

SIGNATURES BELOW

Dated this 31 day of January, 2024.

JOHNSON COUNTY

By: Rod Sullivan  
Chairperson, Board of Supervisors

Attest: Travis Nease by Travis Nease Deputy  
County Auditor

Dated this ~~22<sup>nd</sup>~~ day of January, 2024.  
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CITY OF SWISHER

By: [Signature]  
Mayor

Attest: [Signature]  
City Clerk

Dated this 22 day of February, 2024.

CITY OF CEDAR RAPIDS

By: Angie Charipar  
Angie Charipar, Acting City Manager

Attest: Alissa Van Sloten  
City Clerk

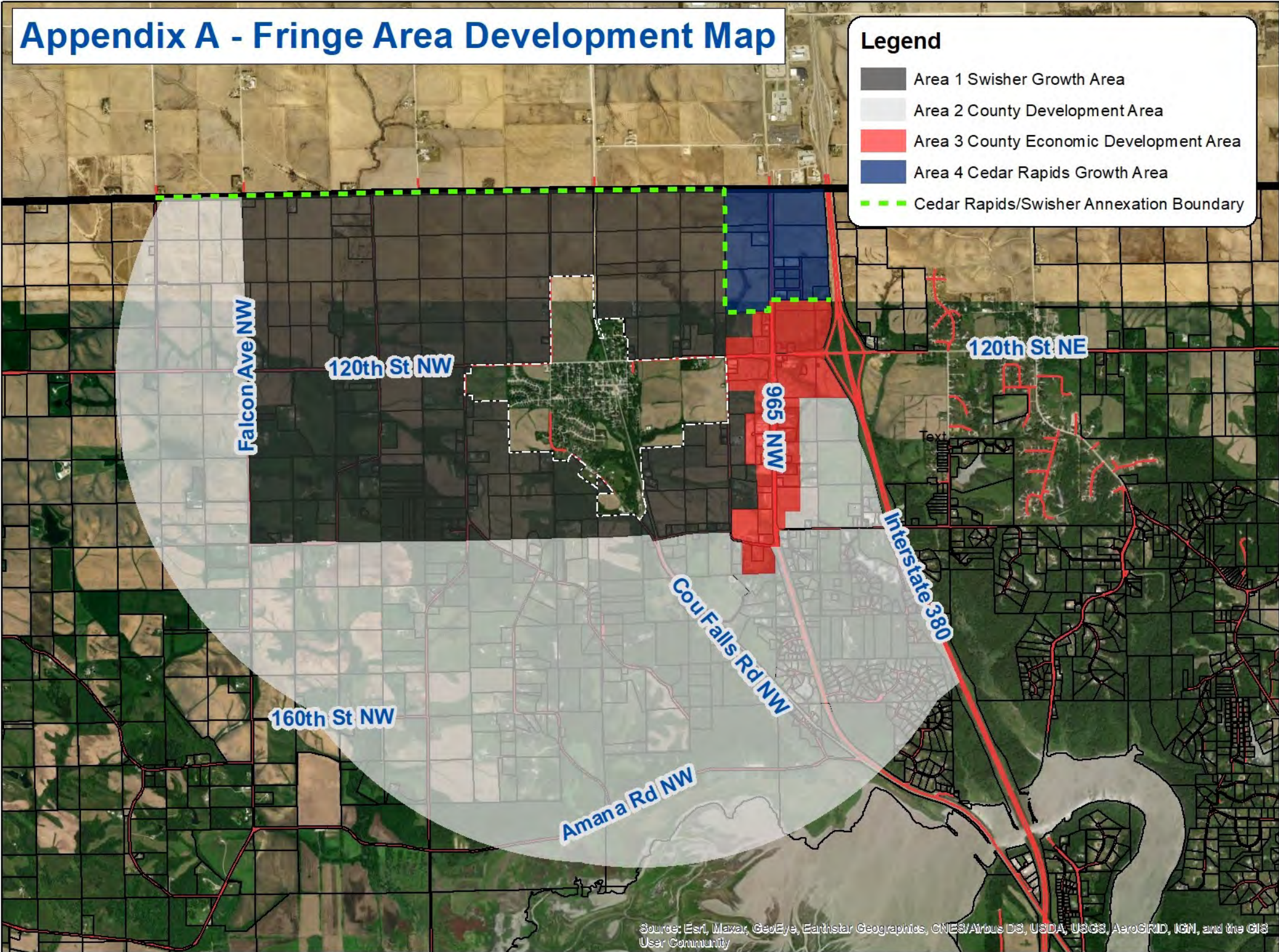
**APPENDICES:**

- A. Johnson County / Swisher / Cedar Rapids Fringe Area Development Map (2023)
- B. Johnson County Future Land Use Map
- C. City of Cedar Rapids Future Land Use Map
- D. Swisher Comprehensive Land Use Map
- E. Swisher / Johnson County Economic Development Area Subdivision and Site Design Standards
- F. Johnson County / Swisher / Cedar Rapids Fringe Area Development Map (2023) eastern area

# Appendix A - Fringe Area Development Map

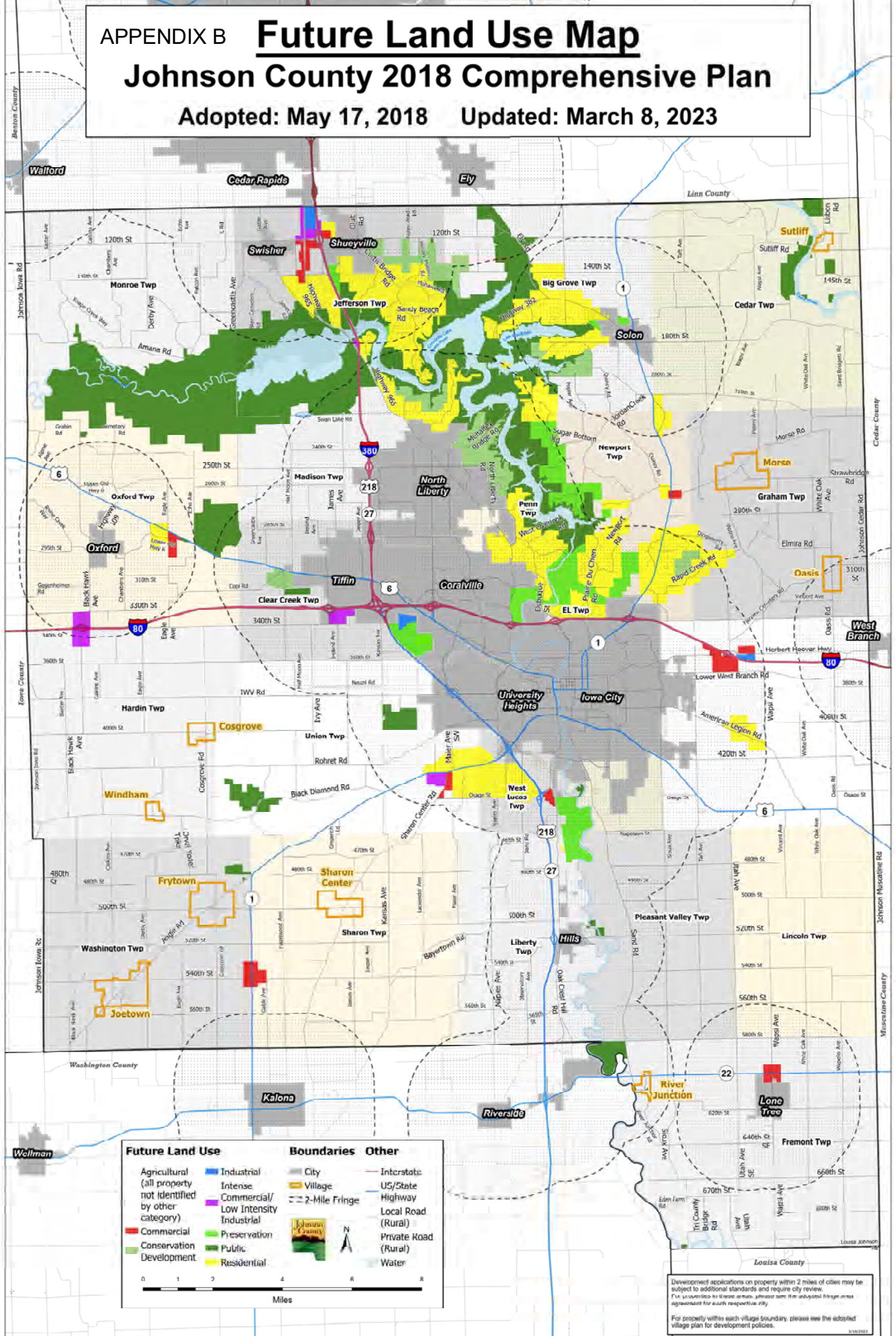
## Legend

- Area 1 Swisher Growth Area
- Area 2 County Development Area
- Area 3 County Economic Development Area
- Area 4 Cedar Rapids Growth Area
- Cedar Rapids/Swisher Annexation Boundary



# Future Land Use Map Johnson County 2018 Comprehensive Plan

Adopted: May 17, 2018 Updated: March 8, 2023

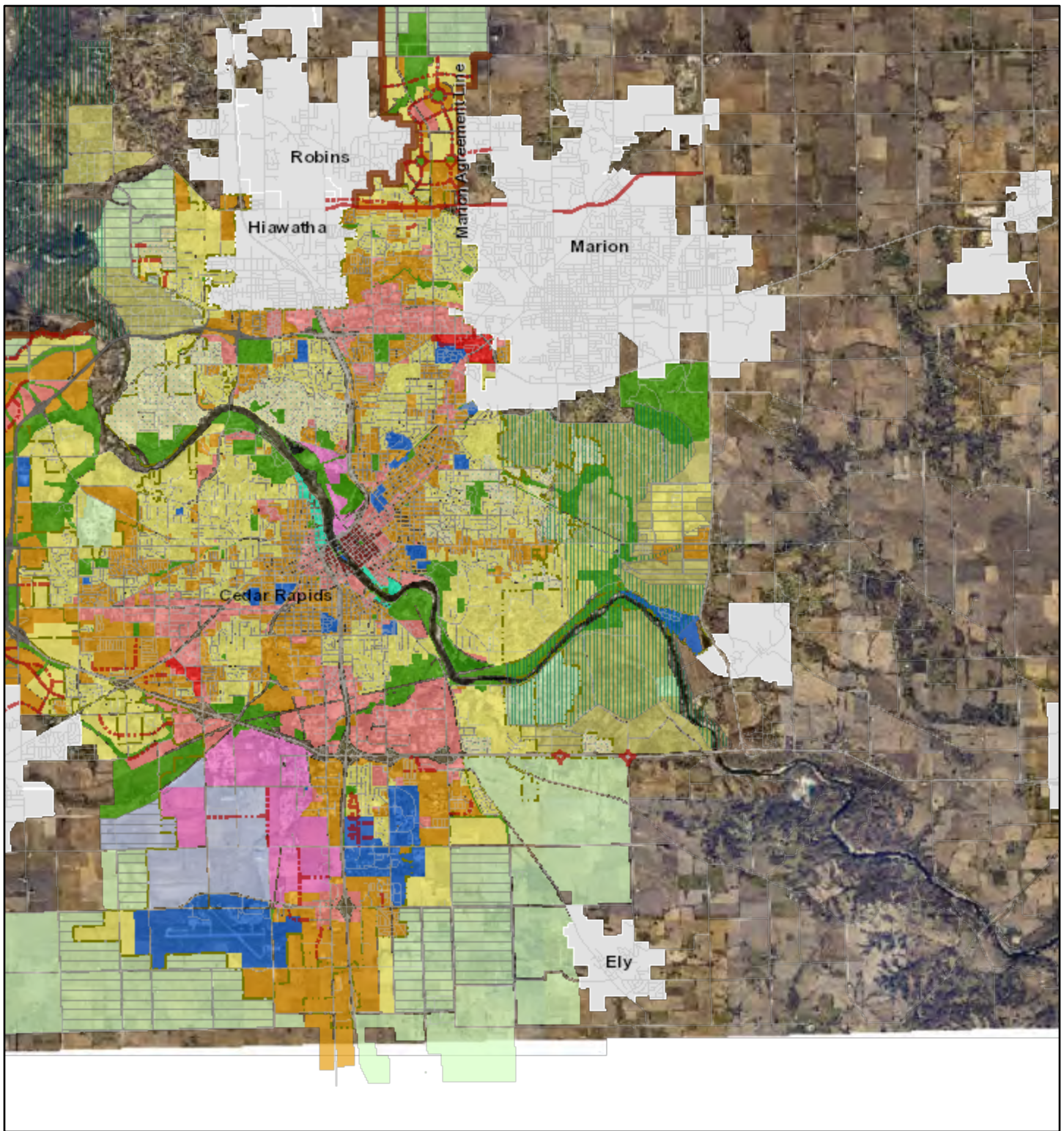


Future Land Use	Boundaries	Other
Agricultural (all property not identified by other category)	City	Interstate
Commercial	Village	US/State Highway
Conservation Development	2-Mile Fringe	Local Road (Rural)
Industrial		Private Road (Rural)
Intense Commercial/Low Intensity Industrial		Water
Preservation		
Public		
Residential		

0 1 2 4 6 8  
Miles

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

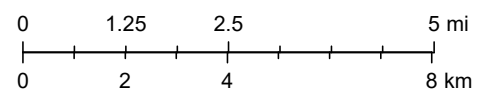
# APPENDIX C EnvisionCR Future Land Use



December 12, 2023

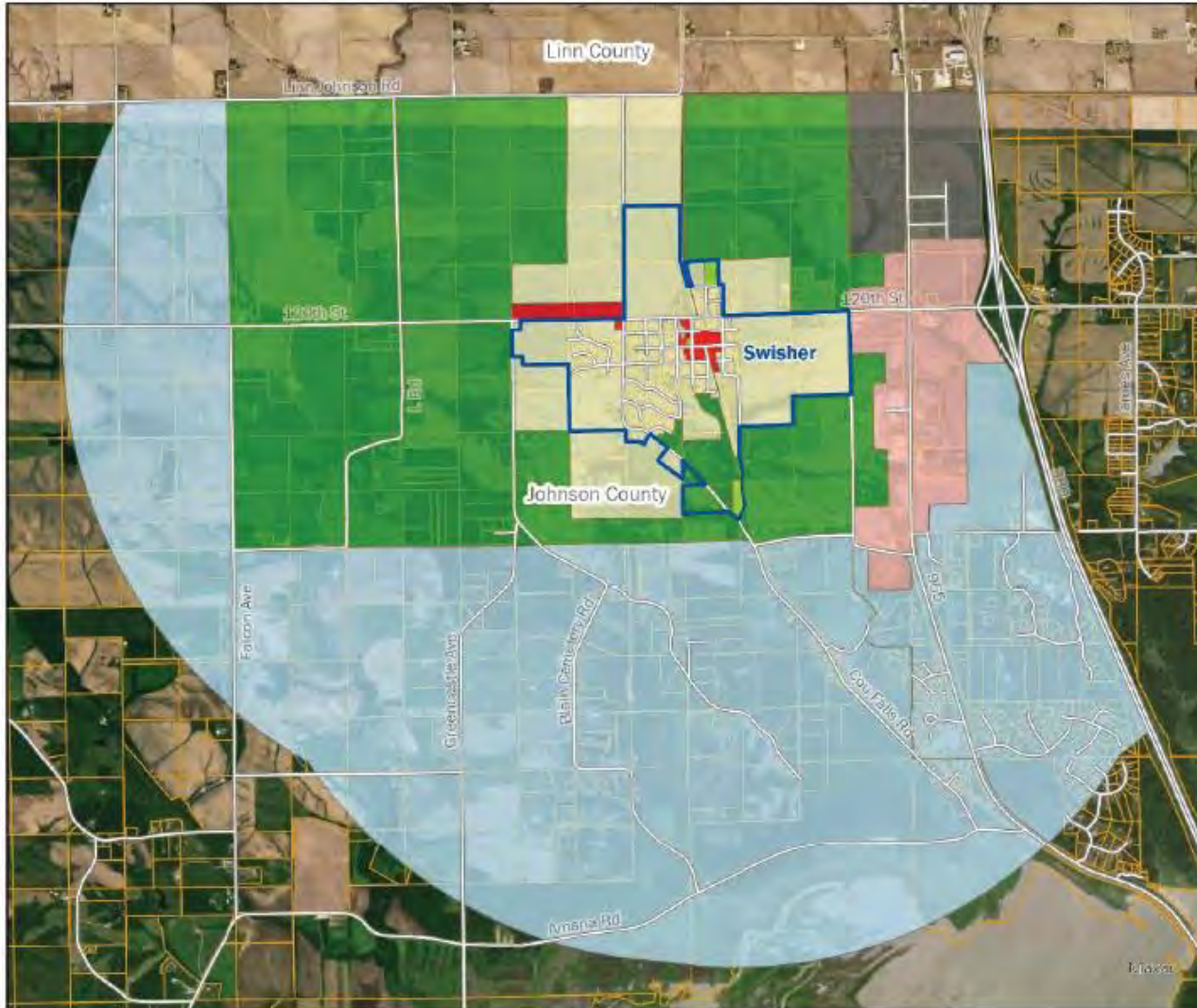
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- |                                |                                  |                                 |
|--------------------------------|----------------------------------|---------------------------------|
| <b>Land Use Typology Areas</b> | <b>Commercial</b>                | <b>Municipalities</b>           |
| Agriculture                    | Industrial                       | Neighboring Towns               |
| Open Space                     | Employment Reserve               | Cedar Rapids                    |
| Rural                          | Public/Semi-Public               | Road Centerlines                |
| Urban Low Intensity            | Flood Control Study Area         | Annexation Agreements           |
| Urban Large Lot                | <b>Land Use Typology Overlay</b> | <b>Proposed Roads Alignment</b> |
| Urban Medium Intensity         | Environmental Conservation       | Hwy 100 Extension               |
| Urban High Intensity           | Urban Reserve                    | FLU NEW Arterials               |
| Downtown                       |                                  | FLU NEW Major Roads             |





# Future Land Use Map



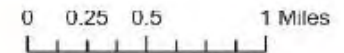
## Legend

### Future Land Use

- Agricultural
- Commercial
- Public
- Residential

### Fringe Area Defined

- Johnson County Primary Review
- Economic Development Zone
- Joint Fringe Area
- Road
- Parcels
- City Boundary
- County



Prepared by



## **APPENDIX E**

### **Swisher / Johnson County Economic Development Area Subdivision and Site Design Minimum Standards**

#### **Subdivision Standards**

Johnson County Subdivision Standards will be in effect unless a higher standard is listed below:

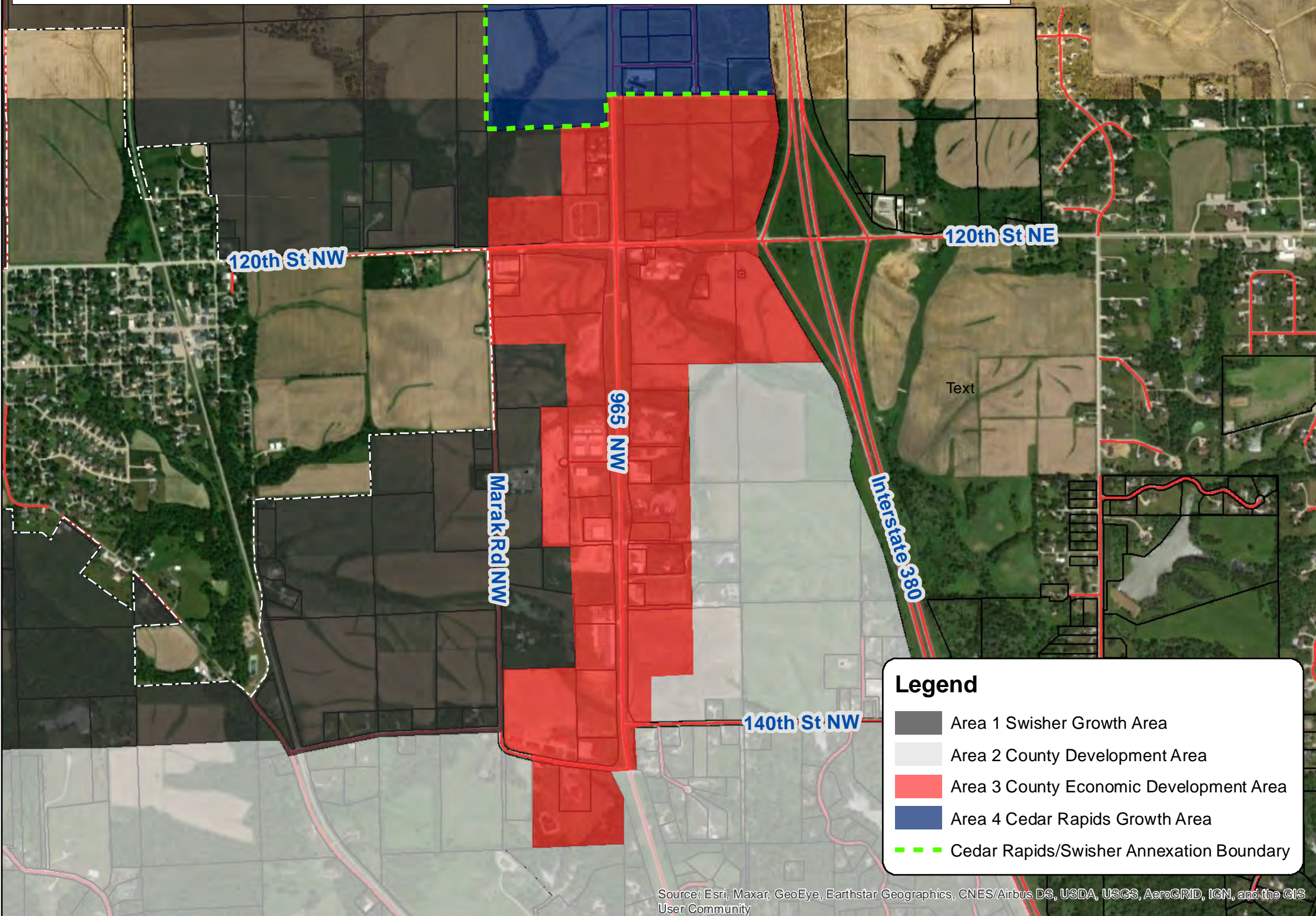
1. Private roads shall be designed with a minimum travel surface of 31 feet.
2. All private roads shall be of a minimum surface of Portland Cement Concrete Paving (PCC) or Hot Mix Asphaltic Concrete (HMA). Curb and gutter will be required.
3. The City may impose, but is not restricted or limited too, special requirements with respect to the installation of water, sewer, or storm sewer infrastructure.
4. Streets carrying nonresidential or domestic traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

#### **Site Plan Standards**

Johnson County Site Plan Design Standards will be in effect unless a higher standard is listed below:

1. All interior parking and travel surfaces shall be of a minimum surface of Macadam base with chip seal surface.
2. The City may impose, but is not restricted or limited too, special requirements with respect to the installation of water, sewer, or storm sewer infrastructure.
3. At the discretion of the City Council, the required rear and side buffer yard sizes may be increased by up to 50% to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial development.

# Appendix F - County Economic Development Area Map



**Legend**

- Area 1 Swisher Growth Area
- Area 2 County Development Area
- Area 3 County Economic Development Area
- Area 4 Cedar Rapids Growth Area
- Cedar Rapids/Swisher Annexation Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**RESOLUTION NO. 06-2024**

**APPROVING A FRINGE AREA AGREEMENT BETWEEN THE CITY OF CEDAR RAPIDS, IOWA, JOHNSON COUNTY, IOWA, AND THE CITY OF SWISHER, IOWA**

WHEREAS, Chapter 354 of the Code of Iowa allows a City to establish an extra-territorial area, known as the “fringe area” within two miles of a city’s corporate limits for the purpose of reviewing and approving subdivisions; and

WHEREAS, it is in the interest of the City of Swisher to enter into a Fringe Area Agreement with the City of Cedar Rapids, Iowa and Johnson County, Iowa to establish policies and review subdivision, zoning, and site plan applications to ensure the orderly growth and development of the City’s fringe area; and

WHEREAS, the Swisher Planning & Zoning Commission has reviewed the Fringe Area Policy Agreement between the City of Swisher, Iowa, the City of Cedar Rapids, Iowa, and Johnson County, Iowa, and does recommend approval of the Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF SWISHER, IOWA, hereby repeals the 2015 Fringe Area Policy Agreement with Johnson County, and approves the 2024 Fringe Area Policy Agreement.

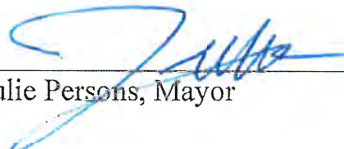
On the 22<sup>nd</sup> day of January 2024, at a regular meeting of the Swisher City Council, Swisher, Iowa, Councilperson Pudil introduced RESOLUTION NO. 06-2024, and made a motion for approval. The motion was seconded by Councilperson Cline.

Roll Call Vote	Absent	Aye	Nay	Abstain
Curt Cline		X		
Daryl Hynek		X		
Kody Pudil		X		
Adam Roeder		X		
Mike Stagg		X		

Motion Carried.

WHEREUPON, the Mayor declared that RESOLUTION NO. 06-2024, be adopted and signified her approval of the same by affixing her signature thereto.

PASSED, by the Council on the 22<sup>nd</sup> day of January 2024, and approved by the Mayor on the 22<sup>nd</sup> day of January 2024.

  
\_\_\_\_\_  
Julie Persons, Mayor

ATTEST:

  
\_\_\_\_\_  
Tawnia Kakacek, City Clerk/Finance Officer

**RESOLUTION NO. 01-25-24-01**

**RESOLUTION APPROVING THE FRINGE AREA POLICY AGREEMENT BETWEEN JOHNSON COUNTY, IOWA, THE CITY OF SWISHER, IOWA, AND THE CITY OF CEDAR RAPIDS, IOWA**

WHEREAS, Chapter 28E of the Iowa Code (2023) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, Iowa Code Section 354.9 gives the Cities and the County the authority to establish, by agreement, the standards and conditions applied by a city or county for review and approval of a county subdivision, and other development applications to which such an agreement may be addressed; and

WHEREAS, pursuant to these powers, Johnson County, the City of Swisher, and the City of Cedar Rapids did enter into a 28E Agreement in August 2004 pertaining to the joint City / County Fringe Area; and

WHEREAS, it is in the interest of Johnson County, the City of Swisher, and the City of Cedar Rapids to update the applicable policies for orderly growth and development within the City / County Fringe Area and, accordingly, the staff of the County and the Cities have developed a draft new agreement to supersede and replace the August 2004 fringe area agreement; and

WHEREAS, the Johnson County Planning and Zoning Commission, following a public meeting on January 8, 2024, has reviewed this draft new fringe area policy agreement, filed its report, and recommended that said agreement be approved; and

WHEREAS, having received the report and recommendation of the Johnson County Planning and Zoning Commission, conducted a public hearing on January 25, 2024, considered the information and objections presented at said hearing, if any, and otherwise informed itself of the particulars of the proposed Fringe Area Policy Agreement;

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 Fringe Area Policy Agreement between Johnson County, the City of Swisher, and the City of Cedar Rapids as recommended by the Planning and Zoning Commission and attached hereto and included in the online agenda packet for the meeting of the Board of Supervisors held on January 25, 2024, copies of which can be obtained at the Johnson County Planning, Development and Sustainability Office, the Johnson County Auditor's Office, or at [www.johnsoncountyiowa.gov](http://www.johnsoncountyiowa.gov).
2. That the Chairperson be authorized and directed to sign said Fringe Area Policy Agreement and arrange for its filing with the Iowa Secretary of State as required by Iowa Code Sec. 28E.5 upon full execution by the parties.

It was moved by Green Douglas and seconded by Green the Resolution be adopted this 25th day of January, 2024.

Roll Call: Fixmer-Oraiz aye Green aye Green-Douglass aye Porter aye Sullivan aye

Rod Sullivan  
Rod Sullivan, Chairperson  
Board of Supervisors

1/25/24  
Date

ATTEST:

Travis Weipert  
Travis Weipert, Auditor  
Johnson County, Iowa

RESOLUTION NO. 0146-02-24

WHEREAS, the City of Cedar Rapids, the City of Swisher, and Johnson County have heretofore deemed it necessary and desirable to establish a 28e fringe area agreement to provide for orderly development and provision of municipal services within a shared extraterritorial area as shown in Exhibit A, and

WHEREAS, to that end, the jurisdictions desire to establish boundaries within the fringe area to support orderly planning and provision of services by outlining development procedures, and

WHEREAS, pursuant to Chapter 354 of the Code of Iowa, the jurisdictions desire to formally enter into a fringe area agreement for a period of ten (10) years from the effective date of this Agreement,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that said Fringe Area Agreement is hereby approved and the City Manager, or their designee, and City Clerk are authorized and directed to execute the same on behalf of the City.

Passed this 13th day of February, 2024.

Voting: Council member Hoeger moved the adoption of the resolution; seconded by Council member Overland. Adopted, Ayes, Council members Hoeger, Maier, Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor O'Donnell.

  
\_\_\_\_\_  
Tiffany D. O'Donnell, Mayor

Attest:


  
\_\_\_\_\_  
Alissa Van Sloten, City Clerk

Exhibit A

