



**FRINGE AREA POLICY AGREEMENT
BETWEEN JOHNSON COUNTY AND NORTH LIBERTY, 2022**

WHEREAS, Chapter 354, Code of Iowa (2022) allows the City of North Liberty (the "City") to establish an extraterritorial area, known as the Fringe Area, within two miles of the City's 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 enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, the Johnson County 2018 Comprehensive Plan calls for the review and update of all existing Fringe Area Agreements; and

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

WHEREAS, Johnson County and the City of North Liberty 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 ACCEPT AND AGREE TO THE FOLLOWING DEVELOPMENT POLICIES REGARDING ANNEXATION, ZONING AND SUBDIVISION REVIEW FOR THE NORTH LIBERTY FRINGE AREA AS AUTHORIZED BY CHAPTER 354, CODE OF IOWA (2022).

SECTION I. FRINGE AREA DEVELOPMENT POLICIES

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 North Liberty fringe area and determined that development within this fringe area is to occur in accordance with the Fringe Area Map attached to this Agreement as Exhibit 1, illustrating the areas subject to this Fringe Area Agreement; and the Fringe Area Development Policies as follows.

FRINGE AREAS F1 - COUNTY CONTROL AREA

- Residential cluster developments are preferred, which preserves large tracts of open space.
- County review of subdivisions pursuant to County subdivision standards.
- All construction shall be performed in accordance with the County building permitting process.
- Subdivisions shall be reviewed by the City (farmstead splits and residential subdivisions proposing no more than one (1) buildable lot are exempt), and comments forwarded to the County; however, City approval of development proposals is not required.

FRINGE AREAS F2 - NEAR-TERM URBAN GROWTH AREA.

City near-term growth is anticipated, and unincorporated development is strongly discouraged.

- Residential, commercial and industrial land uses are encouraged as recommended and described in the City's Comprehensive Plan.
- Rezonings and site plans shall be reviewed by the City, and comments forwarded to the County.
- Subdivisions shall be reviewed and approved by the City prior to action by the Board of

Supervisors. City subdivision design standards shall apply for streets, storm water management and sidewalks. Water and sanitary sewer facilities shall be constructed upon development. Otherwise, County subdivision standards shall apply. Farmstead splits and residential subdivisions proposing no more than one (1) buildable lot are exempt from City review.

- Annexation shall be per State Code.
- All construction shall be performed in accordance with the County building permitting process if not annexed.

FRINGE AREA F3 – MID-TERM URBAN GROWTH AREA

City mid-term growth is anticipated, and unincorporated development is strongly discouraged.

- Residential, commercial, and industrial land uses are encouraged as recommended and described in the City's Comprehensive Plan.
- Rezoning and site plans shall be reviewed by the City and comments forwarded to the County.
- Subdivisions shall be reviewed and approved by the City prior to action by the Board of Supervisors. City subdivision design standards shall apply for streets, storm water management and sidewalks. Water and sanitary sewer facilities shall be constructed upon development. Otherwise, County subdivision standards shall apply. Farmstead splits and residential subdivisions proposing no more than one (1) buildable lot exempt from City review.
- Annexation shall be per State Code.
- All construction shall be performed in accordance with the County building permitting process if not annexed.

FRINGE AREA F4 – COUNTY RURAL AGRICULTURE AREA

City long-term growth is anticipated, and land uses are encouraged as recommended and described in the City's Comprehensive Plan and the County adopted land use policy for the Rural Agricultural Area.

- Subdivisions, rezoning and site plans will be reviewed by the City, and comments forwarded to the County. Farmstead splits and residential subdivisions proposing no more than one (1) buildable lot are exempt from City review.
- County subdivision standards apply.
- Development other than Farmstead Splits and residential subdivisions proposing no more than one (1) buildable lot is strongly discouraged unless annexed by the City.
- Annexation shall be per state code.
- All construction shall be performed in accordance with the County building permitting process if not annexed.

Note: For all parcels within 2 miles of the corporate limit of North Liberty, but for which no designation (F1/F2/F3/F4) is indicated on the Fringe Area Map in Exhibit 1, the City waives the right to review county applications for Rezoning, Subdivision, Site Plan, and Comprehensive Plan amendment (including amendments to the Future Land Use Map). Unless annexed by the City, uses in these areas shall conform to the Comprehensive Plan and Unified Development Ordinances of Johnson County, as may be amended from time to time. For development requests in these areas neither review nor comment by the City is required and applications shall be solely reviewed and approved or denied by the County. The City may provide informal comments if desired, but comments will be advisory in nature.

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;

SECTION III. ADMINISTRATIVE POLICIES

As a rule, rural 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 control 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 North Liberty and Johnson County agree to the following procedures for administration of land use regulations.

1. Zoning Regulation:
 - a. Zoning regulation for all unincorporated territory shall remain under the authority of the Johnson County Unified Development Ordinance and the provisions of Chapter 335, Code of Iowa (2022), the enabling legislation for the County's zoning powers.
 - b. Persons wishing to rezone land within the fringe areas specified in this Agreement shall be required to simultaneously file a rezoning application with the County and forward a copy thereof to the City. The City and the County shall coordinate the processing of the application to ensure concurrent review by both the City and the County. The City Council shall make a recommendation on (or decline review of) the application prior to conclusion of the Board of Supervisors' public hearing. City comments and recommendation will be considered by the County but City approval is not required for County action.
2. Subdivision Regulation:
 - a. Subdivision of land within North Liberty's fringe area will be required to conform to either the County Subdivision Ordinance, Chapter 8:2 or the North Liberty Subdivision Standards, Municipal Code Chapter 180, in accordance with the policies specified in this Agreement.
 - b. Persons wishing to subdivide land within the fringe areas 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 and the County. Unless the City declines to review an application, City Council approval is required prior to action by the Board of Supervisors.
3. Site Plans:
 - a. Site Plan regulation for all unincorporated territory shall remain under the authority of the Johnson County Unified Development Ordinance.
 - b. Persons seeking Site Plan approval related to land within Fringe Areas F2, F3, and F4 shall be required to simultaneously file a Site Plan application with the County and forward a copy thereof to the City. The City and the County shall coordinate the processing of the application to ensure concurrent review by both the City and the County. The City Council shall make a recommendation on (or decline review of) the application prior to consideration by the Board of Supervisors. City comments and recommendation will be considered by the County but City approval is not required for County action.
4. Annexation:

The City will, upon receipt, forward applications requesting annexation or severance of property within the fringe area specified in this Agreement to the County for review and comment prior to consideration by the North Liberty City Council, as required by State Code section 368.
5. Roads:
 - a. The City of North Liberty and Johnson County shall work together with the Metropolitan Planning Organization of Johnson County to maintain the transportation plan for the fringe area outlined in this agreement. This transportation plan will work in conjunction with this agreement to ensure that future transportation corridors are protected from development.
 - b. The City of North Liberty will work with Johnson County to ensure that rural Johnson County residents are not assessed a burdensome rate for street improvements which may be part of an annexation.

SECTION IV. AGREEMENT REVIEW

This agreement shall be reviewed every three years. At any time during any three-year review period of this Agreement, either the Chair of the Johnson County Board of Supervisors or the Mayor of the City of North Liberty may also initiate review of the policies of this Agreement by contacting the other party to this Agreement. Both parties to this Agreement shall consider modifications to this Agreement in good faith.

The County and City acknowledge that they may from time-to-time desire to modify the Fringe Area Map

attached hereto as Exhibit 1, without the necessity of adopting a new agreement. Accordingly, the Fringe Area Map may be altered by mutual agreement of the parties upon their both passing a Resolution adopting a new, amended Exhibit 1. Said Resolution should specifically reference the Exhibit 1 to this Agreement, and its date of final adoption by the parties.

SECTION V. CONFLICT RESOLUTION

If the City and County are in conflict over a proposed subdivision, annexation, or rezoning application, a review committee comprised of members of the City Council, Board of Supervisors and City and County staff, to be appointed by the Board and Council (so as not to have the entire Board and Council), shall be established to make a good faith attempt to negotiate a resolution.

SECTION VI. 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 may be modified or extended by the written mutual consent of both Parties.

SECTION VII. RECORDING

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 (2022).

JOHNSON COUNTY

Dated this 18 day of December, 2023.

By: *Lisa Green Douglas*
Chairperson, Board of Supervisors

Attest: *[Signature]*
County Auditor or Designee

The seal is circular with a double-lined border. The outer ring contains the text "SEAL OF THE AUDITOR" at the top and "JOHNSON COUNTY, IOWA" at the bottom, separated by small stars. The center of the seal features a stylized five-pointed star.

CITY OF NORTH LIBERTY

Dated this 13 day of DECEMBER, 2023.

By: *[Signature]*
Mayor

Attest: *Shacey Munkahery*
City Clerk

APPENDICES:

Fringe Area Map Between Johnson County and North Liberty (2022)
Resolution of Approval – North Liberty City Council
Resolution of Approval – Johnson County Board of Supervisors

Fringe Area Map Between Johnson County and North Liberty 2022

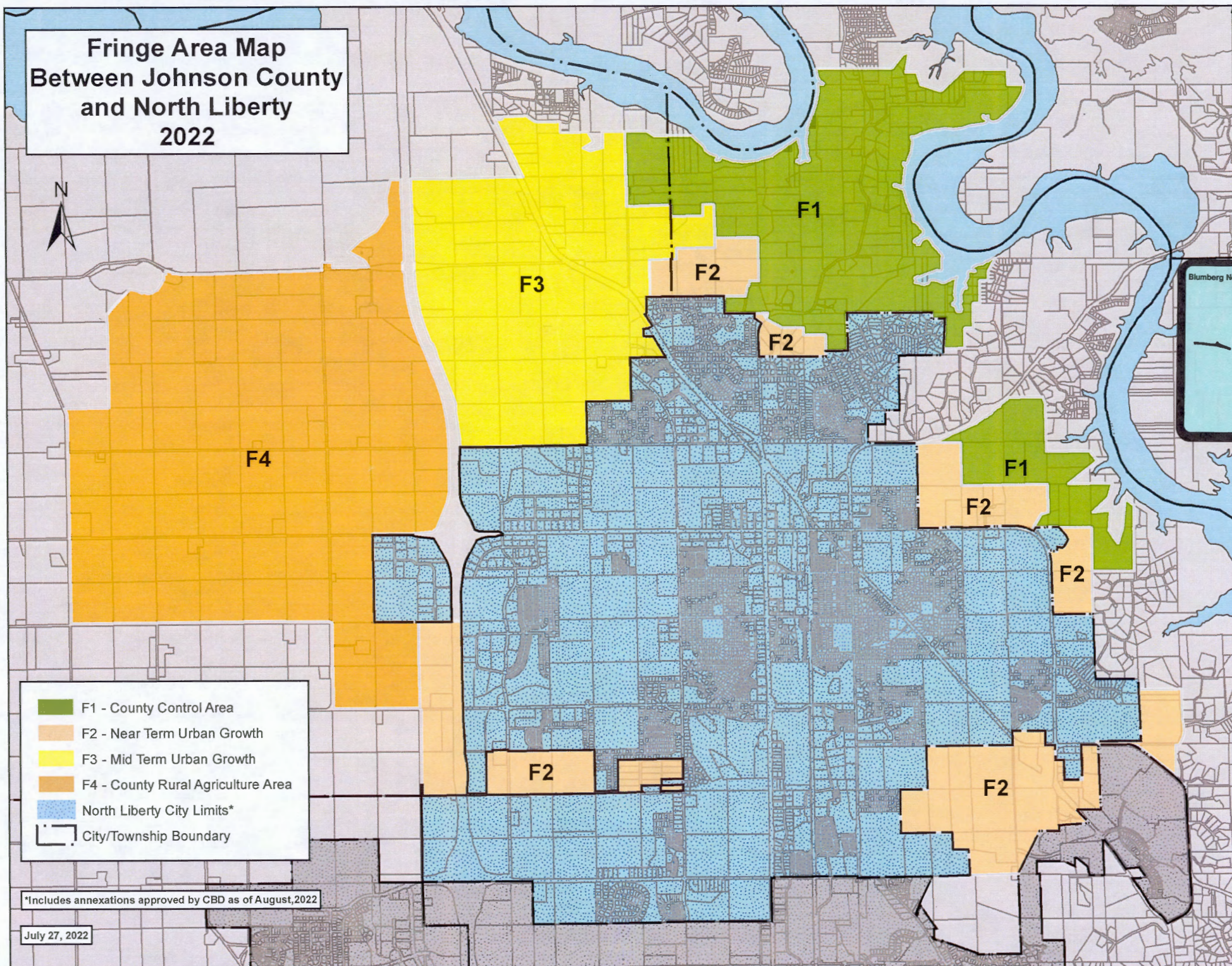


Blumberg No. 5119
EXHIBIT
1

- F1 - County Control Area
- F2 - Near Term Urban Growth
- F3 - Mid Term Urban Growth
- F4 - County Rural Agriculture Area
- North Liberty City Limits*
- City/Township Boundary

*Includes annexations approved by CBD as of August, 2022

July 27, 2022



Resolution No. 2022-129

**A RESOLUTION APPROVING THE FRINGE AREA POLICY
AGREEMENT BETWEEN JOHNSON COUNTY AND THE CITY
OF NORTH LIBERTY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, Johnson County and the City of North Liberty have interest in maintaining developable areas at and around the City limits of North Liberty; and

WHEREAS, the entities have come to an agreement that reflects the ability of the City of North Liberty to provide utility services and accommodate planning policies; and

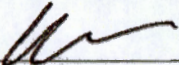
WHEREAS, it is the parties' desire to agree and establish, in writing, their understanding concerning the Fringe Area Policy.

NOW, THEREFORE, BE IT RESOLVED that the Fringe Area Policy Agreement between Johnson County and the City of North Liberty is approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said agreement.

APPROVED AND ADOPTED this 13th day of December, 2022.

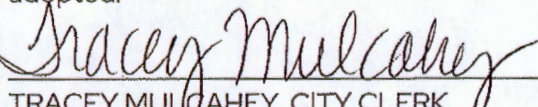
CITY OF NORTH LIBERTY:



CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.



TRACEY MULCAHEY, CITY CLERK

RESOLUTION NO. 12-14-23-04

RESOLUTION APPROVING THE FRINGE AREA POLICY AGREEMENT BETWEEN JOHNSON COUNTY, IOWA AND THE CITY OF NORTH LIBERTY, 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 City 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, the City and County did enter into a 28E Agreement in March 2014 pertaining to the City / County Fringe Area; and

Whereas, it is in the interest of the County and the City to update the applicable policies for orderly growth and development within the City / County Fringe Area and, accordingly, the planning and development staff of both the County and the City have developed a draft new agreement to supersede and replace the March 2014 fringe area agreement; and

Whereas, the North Liberty City Council, following a public meeting on December 13, 2022, has reviewed this draft new fringe area policy agreement and approved said agreement by resolution; and

Whereas, the Johnson County Planning and Zoning Commission, following a public meeting on November 13, 2023, 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 December 14, 2023, 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 and the City of North Liberty 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 December 14, 2023, 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.
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 Fixmer-Oraiz and seconded by Green the Resolution be adopted this 14th day of December, 2023.

Roll Call: Fixmer-Oraiz Aye Green Aye Green-Douglass Nay Porter Aye Sullivan Aye

Lisa Green-Douglass
Lisa Green-Douglass, Chairperson
Board of Supervisors
12-14-23
Date

ATTEST:
Travis Weipert
By Chris Edwards, DEPUTY
Travis Weipert, Auditor
Johnson County, Iowa