

**FRINGE AREA POLICY AGREEMENT  
BETWEEN JOHNSON COUNTY AND CORALVILLE**

**Approved April 8, 1999**

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WHEREAS, Chapter 354, Code of Iowa (1995) allows the City of Coralville, hereinafter referred to as the 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 (1995) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, the Development Policy for Rural Johnson County, hereinafter referred to as Johnson County or the County, 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 Coralville Community Plan Update adopted in 1992 and amended in 1995 and 1998, outlines the extent of urban development expected within the next 20 years; and

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

WHEREAS, Johnson County and the City of Coralville 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 Coralville fringe area as authorized by Chapter 354, Code of Iowa (1995).

**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 Coralville 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.

#### 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 standards apply to unincorporated development in the fringe area.

1. Discourage development in areas which conflict with the Johnson County Comprehensive Land Use Plan which considers CSR (Corn Suitability Rating), high water table, wetlands, floodplain, non-erodible soil, road suitability and other sensitive areas.
2. 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 A1 AND A2- RURAL PLANNING AREAS**

- Agricultural uses in a rural setting are encouraged, development is to be discouraged
- County review of subdivisions
- County building permit process
- Subdivisions will be reviewed by the city (farmstead splits are exempt)

#### **FRINGE AREA B1 AND B2- NORTHEAST PLANNING AREA**

- Residential land uses are preferred
- Conservation (cluster) subdivisions are preferred
- Subdivisions will be reviewed by the city (farmstead splits are exempt)
- City design standards will apply for streets, storm water management and sidewalks (water and sanitary sewer will be constructed and assessed upon annexation)
- Oakdale Boulevard corridor protection is mandatory (B1 only) per JCCOG Transportation Plan
- Annexation will be voluntary (per state code)
- Joint City and County building permit will apply unless and until the County proceeds with the adoption and enforcement of a building code



## **FRINGE AREA C- SOUTHWEST PLANNING AREA**

- Land uses as described in the Coralville future land use plan
- Subdivisions will be reviewed by the City (farmstead splits are exempt)
- City design standards will apply for streets, storm water management and sidewalks (water and sanitary sewers will be constructed and assessed upon annexation)
- Iowa Highway 965 corridor protection is mandatory per effective 28E agreements
- Annexation will be voluntary (per state code)
- Joint County and City building permit process will apply

## **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 Coralville 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 (1995), the enabling legislation for the County's zoning powers.
2. Pursuant to Section 8:1.30 of the Johnson County Zoning 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 Coralville's fringe area will be required to conform to

either the County Subdivision Ordinance, Chapter 8:1.22 or the Coralville City Subdivision Regulation, Chapter 166 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 except in fringe area B1, B2, and C.

#### C. Annexation:

1. Coralville 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 (deannexation) of property within the fringe area specified in this Agreement to the County for review and comment prior to consideration by the Coralville Planning and Zoning Commission.

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.

#### D. Roads:

1. The City of Coralville and Johnson County shall work together with the Johnson County Council of Governments to create a 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.
2. A separate agreement will be negotiated to provide for maintenance of and improvements to collector and arterial streets; including but not limited to 1st Avenue, 12th Avenue, Dubuque Road, and Deer Creek Road.

#### E. Public Improvements:

1. Public improvements projects will be done according to State, County, or City policies. This may well include assessments to adjoining property owners.

### **SECTION IV. AGREEMENT REVIEW**

This agreement shall last for a period of twenty (20) years and be reviewed every three (3) years. At any time during the three (3) year term of this Agreement, either the Chair of the Johnson County Board of Supervisors or the Mayor of the City of Coralville 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. SPECIAL EXCEPTIONS**

If the City and County are in conflict over a proposed subdivision or rezoning application that may violate this agreement, but that is in accordance with the Comprehensive Land Use Plan, a review committee, comprised of members of the City Council, Board of Supervisors and staff, shall be established 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 three (3) years after the date of execution of this Agreement. This Agreement may be modified and extended by the written mutual consent of the parties.

## **SECTION VII. 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 (1995).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

JOHNSON COUNTY

By: \_\_\_\_\_ Approved by:

Chairperson, Board of Supervisors

\_\_\_\_\_  
County Attorney's Office

Attest: \_\_\_\_\_

County Auditor

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

CITY OF CORALVILLE

By: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_ Approved by:

City Clerk

\_\_\_\_\_  
City Attorney's Office

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Updated: 12/28/99



## JOHNSON COUNTY, IOWA

### Coralville Fringe Area Agreement Map

(as of June, 1999)

Coralville Fringe Area Map graphic

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Updated: 06/08/00