

COPY

RESOLUTION 09-11-08-23
APPROVING THE FRINGE AREA AGREEMENT BETWEEN JOHNSON COUNTY, IOWA
AND THE CITY OF SOLON, IOWA

WHEREAS, the 1998 Johnson County Land Use Plan as amended and updated calls for the preparation and adoption of development plans and agreements between the County and the City regarding municipality and its environs: and

WHEREAS, the Board of Supervisors finds that such policies are necessary to more effectively and economically provide services for future growth and development and to protect and preserve the fringe areas natural resources and its environmentally sensitive features, and

WHEREAS, the Board of Supervisors finds that it is in the public interest to adopt said Johnson County/Solon Fringe Area Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE JOHNSON COUNTY BOARD OF SUPERVISORS, that the following Johnson County/Solon Fringe Area Agreement, copies of which can be obtained at the Johnson County Planning and Zoning Office, Johnson County Auditor's Office or at www.johnson-county.com, is hereby adopted.

BE IT FURTHER RESOLVED that this Johnson County/Solon Fringe Area Agreement shall become effective upon adoption of this Resolution.

On motion by Stutsman seconded by Harney passed and approved the 11th day of September, 2008.

AYES:	NAYS:	ABSENT:	ABSTAIN:	
✓	_____	_____	_____	Meyers
✓	_____	_____	_____	Harney
✓	_____	_____	_____	Neuzil
✓	_____	_____	_____	Stutsman
✓	_____	_____	_____	Sullivan

Rod Sullivan
Rod Sullivan, Chairperson
Johnson County Board of Supervisors

Attest: Tom Slockett, Auditor

By: Tom Slockett
Deputy



Doc ID: 021279740010 Type: GEN
Recorded: 09/16/2008 at 08:28:27 AM
Fee Amt: \$0.00 Page 1 of 10
Johnson County Iowa
Kim Painter County Recorder

BK 4349 PG 719-728

RESOLUTION NO. 08-16

RESOLUTION APPROVING 28E AGREEMENT WITH JOHNSON COUNTY BOARD OF SUPERVISORS REGARDING THE FRINGE AREA AROUND SOLON

BE IT RESOLVED BY THE CITY COUNCIL OF SOLON, IOWA.

WHEREAS, Chapter 354, Code of Iowa (2008) allows the City of Solon 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 (2008) 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 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

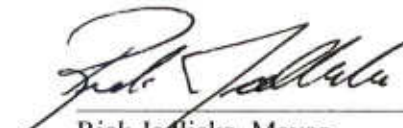
WHEREAS, the Solon Comprehensive Plan outlines the expected urban development; and

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

WHEREAS, Johnson County and the City of Solon 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 BE IT RESOLVED that the 28E Agreement between the City of Solon and the Johnson County Board of Supervisors (Attachment A) is approved to guide the orderly development of land in the two-mile Fringe Area around Solon.

Passed and approved this 3rd day of July, 2008.


Rick Jedlicka, Mayor

ATTEST:


Susie Siddell, City Clerk

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

2008

WHEREAS, Chapter 354, Code of Iowa (2007) allows the City of Solon 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 (2007) enables two or more local governments to enter into agreements to cooperate for their mutual advantage; and

WHEREAS, the Johnson County Land Use Plan adopted May 15, 2008, 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, development within the City of Solon's Fringe Area should be compatible with both the Solon Comprehensive Plan and the Johnson County Land Use Plan; and

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

WHEREAS, Johnson County and the City of Solon 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 Solon fringe area as authorized by Chapter 354, Code of Iowa (2007).

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 Solon fringe area and determined that development within this fringe area is to occur in accordance with a) the Johnson County Land Use Plan (fringe area map) 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. Johnson County Land Use Plan

The Johnson County Land Use Plan (fringe area map), 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 types of development that are in conflict with the Johnson County Land Use Plan and the Land Use Map. Discourage development in areas with a high 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 FA 1- URBAN PLANNING AREA (GROWTH AREA)

- Residential, commercial and industrial land uses are encouraged as recommended and described in the City's Comprehensive Plan (See Attachment 2)
- Cluster subdivisions contiguous with existing residential development or Solon city limits are preferred.
- Subdivisions will be reviewed by the City and the County.
- Solon's city design standards will apply for streets, storm water management and sidewalks (water and sanitary sewers will be constructed and assessed upon annexation).
- The County will review all rezoning applications.

- Because this area is likely to experience urban growth, there is high potential for annexation by the City of Solon. Annexation should be encouraged and will be voluntary (per state code) in this area.
- The County building permit process will apply.

FRINGE AREAS FA 2- RURAL PLANNING AREA

Agricultural uses are preferred. Until otherwise changed by amending this agreement, this area shall be restricted to those uses consistent with a Rural/Agricultural area as indicated in the Johnson County Land Use Plan, and as designated for a Rural/Agricultural area in Chapter 8:1.6 Class A District of the Johnson County Unified Development Ordinance as amended.

- Agricultural uses in a rural setting are preferred.
- Subdivisions will be reviewed by the City and the County .
- The County building permit process will apply.
- Farmstead splits and subdivisions of fewer than three lots are exempt from City review
- The County will review all rezoning applications.

FRINGE AREA FA 3- NORTH CORRIDOR PLANNING AREA

Agricultural and residential uses which preserve the natural resources and character of the area are preferred. Any re-zonings in this area will be considered on the basis of conformity with the Johnson County Land Use Plan and other related policies. Applications with a concept plan showing 50% of the property designated as an outlot for open space will receive more favorable review.

- Residential and agricultural land uses should comply with land uses proposed in the Johnson County Land Use Plan, as updated.
- Cluster subdivisions are preferred.
- Subdivisions will be reviewed by the County.
- Annexation of this area is highly unlikely.
- Johnson County building permit process will apply.
- The County will review all rezoning applications.

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 Unified Development 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 Solon 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 Unified Development Code and the provisions of Chapter 335, Code of Iowa (2008), the enabling legislation for the County's zoning powers.
2. Pursuant to Section 8:1.23 of the Johnson County Unified Development Ordinance, any person may request a variance to the lot area regulations of the zoning ordinance or appeal the decision of any officer of the County as that decision relates to enforcement of the Zoning Ordinance.
3. The County will forward each request for rezoning of property within the Fringe Areas specified in this Agreement to the Solon City Council for review and comment prior to the public hearing of the Johnson County Planning and Zoning Commission. Any zoning change will conform to 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. In Fringe Area FA1 – Urban Planning Area, all subdivisions of land will be required to conform to both the Johnson County Subdivision Regulations, Chapter 8:1.21 and the Solon Subdivision Standards, Municipal Code Chapter 170. If the subdivision regulations conflict with each other, the more stringent subdivision regulations will be used..
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 proper review by the Solon City Council before a recommendation is made by the Johnson County Planning and Zoning Commission.

C. Annexation:

1. Solon will annex territory only in accordance with the policy statements specified in this Agreement.
2. The City will, upon receipt, forward applications requesting annexation or severance (de-annexation) of property within the fringe area specified in this Agreement to the Johnson County Board of Supervisors for review and comment prior to consideration by the Solon Planning and Zoning Commission.
3. As appropriate and necessary, the City may extend the two-mile extraterritorial subdivision plat review area. Prior to any such extension, the City will forward to the Johnson County Board of Supervisors 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 Johnson County Board of Supervisors will 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. The requirements under Iowa Code Chapter 368 shall not change.

D. Roads:

1. The City of Solon and Johnson County shall work together to coordinate road planning when practical.
2. Highway 1 Improvements: When the ultimate route of Highway 1 is determined, the City of Solon and Johnson County should amend this agreement, as necessary, to reflect potential changes in development patterns.

SECTION IV. DISPUTE RESOLUTION

If the City and County are in conflict over a proposed subdivision, annexation, or rezoning application that may violate this agreement, but that is in accordance with the Johnson County Comprehensive Land Use Plan, a review committee, comprised of members of the City Council, Board of Supervisors and staff, to be appointed by the Board and Council (so as not to have the entire Board and Council), shall be established to negotiate a resolution.

SECTION V. AGREEMENT REVIEW AND EFFECTIVE PERIOD

This Agreement shall become effective upon acceptance and execution by the parties, and shall be in effect for twenty (20) years after the date of its execution. It shall be reviewed every three (3) years at the request of either party. This Agreement may be modified or 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 (2008).

Dated this 11 day of September, 2008.

JOHNSON COUNTY

By: Rod Sullivan
Chairperson, Board of Supervisors

Attest: Tom Slockett
County Auditor by Cassie Radtke, Deputy

Dated this 15th day of August, 2008.

CITY OF SOLON

By: Frank Fedler
Mayor

Attest: Jessie Dickell
City Clerk

ATTACHMENTS:

1. Land Use Map for the Solon Fringe Area
2. Solon Future Land Use Map



Michael A. Mauro
Secretary of State
State of Iowa

28E Agreement

FOR OFFICE USE ONLY:

FILED
Iowa Secretary of State
M501536
9/16/2008 10:54:10 AM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	Johnson County Iowa	County	Johnson
Party 2	Solon Iowa	City	Johnson
Party 3			
Party 4			
Party 5			

*Enter "Other" if
not in Iowa

Item 2. The type of Public Service included in this agreement is: 560 Planning
(Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: (please be specific)
To more effectively and economically provide services for future growth and development.

Item 4. The duration of this agreement is: (check one) ☐ Agreement Expires _____ ☒ Indefinite Duration
[mm/dd/yyyy]

Item 5. Does this agreement amend or renew an existing agreement? (check one)

☒ NO

☐ YES Filing # of the agreement: _____

(Use the filing number of the most recent version filed for this agreement)

The filing number of the agreement may be found by searching the 28E database at: www.sos.state.ia.us/28E.

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: (optional)

LAST Name _____ FIRST Name _____

Title _____ Department _____

Email _____ Phone _____