



Doc ID: 019842260010 Type: GEN
 Recorded: 05/30/2012 at 02:59:28 PM
 Fee Amt: \$0.00 Page 1 of 10
 Revenue Tax: \$0.00
 Linn County Iowa
 JOAN MCCALMANT RECORDER

BK **8299** PG **408-417**

Prepared By: ECICOG & Linn Co.
 Return To: Planning Development Attn Dan Swartzendruber
 930 1st St SW CR Ia 52404

**City and County Strategic Growth Plan
 Between
 The City of Palo, Iowa and Linn County, Iowa
 March 28, 2012**

This Agreement is entered into pursuant to Chapter 28E of the *Code of Iowa*, by and between the City of Palo, Iowa, hereinafter referred to as "City" and Linn County, Iowa, hereinafter referred to as "County" to-wit:

Whereas, Chapter 354, *Code of Iowa*, allows the City to establish a fringe-area within two miles of the City for the purpose of reviewing and approving subdivisions, and Chapter 354 further grants the City the authority to require subdivisions within the fringe-area to adhere to the City's subdivision standards and conditions unless the City establishes alternative standards and conditions for subdivisions by means of a 28E Fringe-Area Agreement with the County; and

Whereas, it is in the interest of the City and the County to establish policies for the orderly growth and development within the two-mile extraterritorial jurisdiction of the City; and

Whereas, the City and County mutually agree that such policies are necessary to effectively and economically provide appropriate services for future growth and development.

Now, Therefore, the parties hereto, do agree for themselves and their respective successors as follows:

SECTION 1. Statement of Intent

The purpose of this agreement is to provide for the orderly and coordinated development of land, as well as to preserve the availability and use of land for agricultural production and the protection of environmentally sensitive land. In addition, this agreement is intended to further the guidelines established in Chapter 18B, Land Use-Smart Planning, of the *Code of Iowa*.

SECTION 2. Development Policies for the Designated Fringe Areas

As provided in Chapter 28E in the *Code of Iowa*, the City and County agree that each area shall have applied to it the following development policies. The two areas identified are within the two-mile jurisdiction of the City and are shown on the *Linn County & Palo City/County Strategic Growth (CCSG) Plan Map*, attached hereto and made part of this agreement. The policies will affect growth patterns, annexation, zoning and subdivision review, and coordination of land use regulations between the City and County. The two areas are referred to as:

1. County Service Area (CSA)
2. Non-Metro Urban Service Area (NMUSA)

1 . C O U N T Y S E R V I C E A R E A (C S A)

Location: All properties located outside of the corporate boundaries of the City of Palo that are within the two-mile extraterritorial area, but outside of the Non-Metro Urban Service Area (NMUSA) depicted on the City County Strategic Growth (CCSG) map.

Policy: To implement the policies outlined in the County's Rural Land Use Plan (RLUP).

Recommended Land Uses: Uses that support the policies of the land use plan designations as shown on the RLUP map, which lie outside of the Non-Metro Urban Service Area depicted on the CCSG map.

Justification: This area is not included in the City's long-range growth plan. Land in this area is best suited for resource protection or limited development conforming to rural design standards.

Zoning Procedure: The County shall forward all rezoning applications to the City. Review and comment by the City is required before final action by the County.

Subdivision Procedure: Subdivision applications shall be sent to both the City and County. Final action by the City is required before final action by the County.

Minimum Levels of Service: Follow the levels of service established by the RLUP for the appropriate plan designation as shown on the RLUP map.

Other Design Standards: Follow the County's Rural Land Use Plan and all applicable development ordinances and standards.

2. NON-METRO URBAN SERVICE AREA (NMUSA)

Location: All properties located outside of the corporate boundaries of the City of Palo that are within the two-mile extraterritorial area as shown on the CCSG map and lying within the proposed Non-Metro Urban Service Area (NMUSA) boundary.

Policy: To provide sufficient land for orderly future City development.

Recommended Land Uses: The areas within the NMUSA depicted on the CCSG plan map are primarily intended to be annexed into the City of Palo prior to development. Recommended land uses shall be in accordance with the City's Comprehensive Plan at the time of annexation. A limited number of uses without requirement for annexation are allowed in accordance with the "Development Procedure" section below.

Justification: Development in this area may have significant impacts on City traffic patterns, floodplain management, and property valuations. Therefore, growth in this area should be carefully integrated with existing City developments through annexation into the City.

Future city development should be focused within properly planned areas of the City limits as proposed in the Palo Comprehensive Plan. However, due to development constraints (e.g. steep slopes, wetlands, floodplain, timing or sequencing of development, etc.) some areas within the existing city limits may not be suitable for new development and additional land for growth may be required outside of the current corporate limits.

Therefore, a Non-Metro Urban Service Area (NMUSA) outside of the Palo City limits is established to provide a properly planned growth area for market flexibility, and protection of the City's interests (e.g. protection of gateway entrances, traffic concerns, sprawling development, etc.).

Development Procedure:

When a development is proposed within the NMUSA, the owner of the subject property shall make application to the City for annexation. Types of development that will trigger applications for annexation include rezoning and subdivisions. Exceptions that will be allowed within the NMUSA that will not require annexation include: Conditional Use Permits; Residential Parcel Splits; Land Preservation Parcel Splits; Minor Boundary Changes; subdivisions that invoke the bisected lot provision of the Linn County Unified Development Code (UDC), and rezonings associated with any of these development types.

Other than these exceptions, development within the NMUSA shall only be allowed upon annexation into the city and in compliance with the city's comprehensive plan and city approval standards.

Design Standards:

Follow the Palo Comprehensive Plan and all applicable city development ordinances and design standards. Those development types listed in "Development Procedure" that are excepted from the requirements for annexation shall meet the goals and objectives of the RLUP and conform to applicable County design standards.

REVIEW AND APPROVAL AUTHORITY

The following table contains the zoning, subdivision and Conditional Use Permit (CUP) review and approval responsibilities for the City and the County within each designated area.

Review and Approval Authority Matrix

	Procedure Type					
	Rezoning		Subdivision		CUP	
Area Designations	City	County	City	County	City	County
CSA	Review	Approval	Approval	Approval	N/A	County
NMUSA	Annexation ¹	Review ¹	Annexation ¹	Review ¹	Review	Approval
	Review ²	Approval ²	Approval ³	Approval ²		

¹ For all developments annexed into the City, Palo has approval authority and County retains the ability to review and comment on the annexation.

² For developments in the NMUSA that do not require annexation, the City has review authority and the County retains approval authority.

³ In accordance with the Code of Iowa, the city retains approval authority of subdivisions not annexed.

SECTION 3. Administrative Policies

Growth management within the area designations of the CCSG plan map affects both the City and the County. There is a clear need for coordination and joint administration of development policies in this area. To that end, the City and County agree to the following procedures for administration of land use regulations.

1. Correspondence between authorized representatives of the City and County.

The City may appoint, from time to time, an authorized representative to coordinate activities with County officials. The City shall provide a written notice of the authorized representative's name, title, address and telephone number, and the extent of his/her authority to act on behalf of the City for the coordination of land use regulations. The County's authorized representative is the Planning and Development Director or his/her designee.

These representatives may establish practical guidelines for the transmission of information, coordination of activities and documentation of decisions as they

may affect this agreement.

2. Subdivisions.

When required by this agreement, subdivision proposals shall be submitted to the City for consideration following a request for annexation. Subdivision proposals that are excepted from the requirements for annexation shall be submitted to the County and the applicant will concurrently submit to the City for review and comment in accordance with the Review and Approval Matrix within this agreement. The City Council shall forward a resolution with a recommendation or waiving their right to review the application on to the County within ninety (90) days of filing with the County. Absence of notification of the City to extend this timeframe for good cause shall be deemed a waiver of any objection to the application.

3. Rezoning requests.

When required by this agreement, zoning proposals shall be submitted to the City for consideration following a request for annexation. Zoning proposals that are excepted from the requirements for annexation shall be submitted to the County and the County will forward to the City for review and comment. The City Council shall forward a resolution with a recommendation or waiving their right to review the application on to the County within ninety (90) days of filing with the County. Absence of notification of the City to extend this timeframe for good cause shall be deemed a waiver of any objection to the application.

4. Conditional Use Permits.

Conditional Use Permit applications shall be submitted to the County. Those applications and related information within the NMUSA of the CCSG shall be promptly forwarded on to the City for review and action that will be forwarded back to the County within ninety (90) days of the date of filing with the County.

5. Advance notification of annexation.

The City will annex territory only in accordance with the Development Policies for the Fringe Area and the Administrative Policies of this agreement. The City will provide written notification to the County of all anticipated annexation requests no less than thirty (30) days before Council approval. The notice will identify the property to be annexed, and describe any requested amendment to the agreement resulting from the annexation. The County shall also have the right to comment on the annexation request.

In addition, the City shall provide to the County details of the provision of available or proposed infrastructure serving the area to be annexed, along with a corresponding timeline for such work to be completed.

6. Exchange of information on land use regulations.

The City shall provide the County's representative with current copies of the City's zoning and subdivision ordinances, maps, and all other land use regulations. The County shall provide the City's representative with current copies of all County land use standards and regulations, including the plan and all applicable ordinances and codes. Electronic media is acceptable. This provision may also be satisfied through the accessibility of all documents via the City or County web pages.

7. Effective periods and updating the provisions of this agreement.

This agreement shall become effective upon acceptance and execution by both parties, and shall be in effect for twenty (20) years after the date of execution of this agreement. This agreement shall be automatically renewed unless the County or the City objects to such renewal prior to the renewal date.

The agreement may be modified and extended by the written consent of both parties. The Non-Metro Urban Service Area may be modified, but only after considering actual and projected growth of the City, planned infrastructure improvements and other factors affecting future growth of the City.

8. Disputes.

If the City and County are in conflict over a proposed subdivision, rezoning or other matter which affects this agreement, a review committee appointed by the City Council and Board of Supervisors shall be established to negotiate a resolution. The committee shall be comprised of one member each of the City Council and Board of Supervisors, one member each of the City and County Planning and Zoning Commissions, and one staff member of each respective local government. Within thirty (30) days of the committee's appointment, a proposed solution will be recommended to the City Council and Board of Supervisors for approval. If no resolution is achieved, the findings of the review committee shall be forwarded to the City Council and Board of Supervisors.

9. Appeal of review or disapproval.

When application is made for approval of a proposed development subject to this Agreement, either the applicant or a second governing body which also has jurisdiction for approval, may be aggrieved by any of the following:

1. The requirements imposed by a governing body as a condition of approval.
2. The denial of the application.

If the proposed development is disapproved by a governing body, such disapproval shall state how the proposed development is objectionable.

Either the applicant or an aggrieved governing body has the right to appeal to the district court within twenty days after the date of the denial of the application or the date of the receipt by the applicant of the requirements for approval of the proposed development. Notice of appeal shall be served on the governing body in the manner provided for the service of original notice pursuant to the rules of civil procedure. The appeal shall be tried de novo as an equitable proceeding.

10. Development in Multiple Service Areas.

If a development is located partly within both the CSA and NMUSA areas, the policy and procedures of the most restrictive shall apply. For the purposes of this document, Non-Metro Service Area (NMUSA) is considered the most restrictive; the County Service Area (CSA) is the least restrictive.

11. 28E Agreement on Streets Adjacent to Annexed Areas.

Upon request of either the City or the County, a 28E agreement may be developed between the City and County to address collector and arterial roadways adjacent to newly developed areas. This is intended to accommodate traffic demands generated by the new development.

12. Termination of agreement.



This agreement may be terminated by either the City or County by submitting a written notice of termination to the other party no less than thirty days before the end date of this agreement.

13. Execution and recording of this agreement.


This agreement shall be filed with the Secretary of the State of Iowa and with the Linn County Recorder in compliance with Chapter 28E of the *Code of Iowa*.

SIGNED: 

Chair, Linn County Board of Supervisors

ATTEST:  
Linn County Auditor Deputy

Date Signed: 3-28-12

SIGNED: 

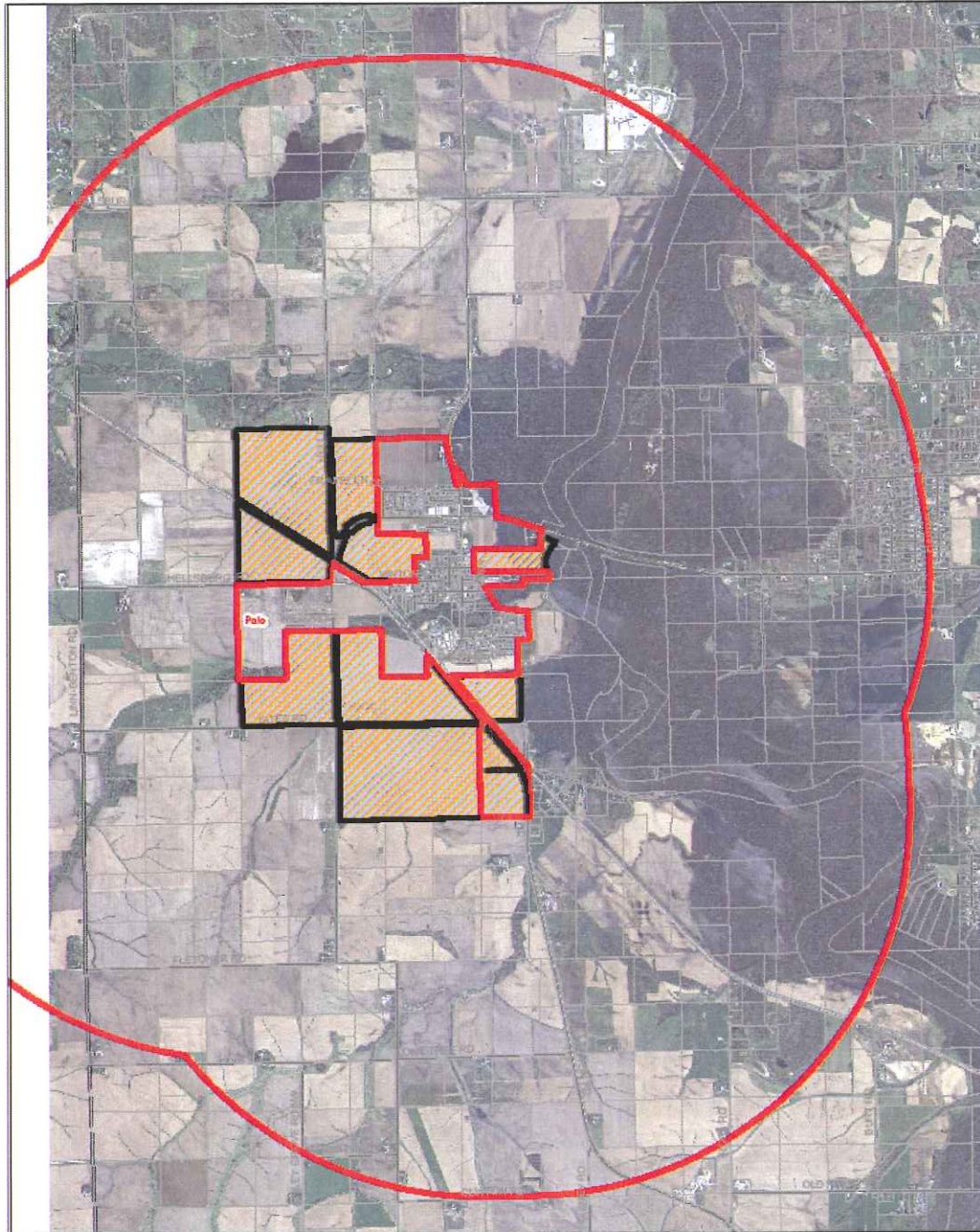
Mayor, City of Palo

ATTEST: 

Palo, City Clerk/Administrator




Date Signed: 4-18-12

Linn County & Palo City/ County Strategic Growth (CCSG) Plan



Department of Planning and Development
630 First Street SW
Cedar Rapids, IA 52404
www.linncounty.org/planning

Legend

-  NMIUSA (Non-Metro Urban Service Area)
-  CSA (County Service Area)
- City**
-  Palo City Limits

