

TWO-MILE LIMIT AREA

POLICY AGREEMENT

between

POTTAWATTAMIE COUNTY, IOWA

and

COUNCIL BLUFFS, IOWA

ADOPTED BY CITY: October 24, 2005

ADOPTED BY COUNTY: August 22, 2005

I. AREA DEVELOPMENT POLICIES AND IMPLEMENTATION MEASURES

The parties accept and agree to the following development policies and implementation measures regarding annexation, zoning, and subdivision review of areas located within the two-mile extra-territorial jurisdiction of the City.

A. Statement of Intent

In order to facilitate the purposes of Chapter 354 of the Code of Iowa and to further the policy of this State to provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems; to provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or county is developing or enforcing land use regulations; to provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land; to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with approved community plans.

In the interest of providing for orderly and effect development patterns in those areas of Pottawattamie County within the two-mile extraterritorial jurisdiction of the City of Council Bluffs and in order to provide services for such development at the least cost to all of the citizens of Pottawattamie County, the City of Council Bluffs and Pottawattamie County agree, as provided in Chapter 28E of the Code of Iowa, to the following development policies and implementation measures regarding annexation, zoning and subdivision review for various designated areas as outlined herein.

The 28E Agreement between Pottawattamie County and the City of Council Bluffs will pertain to the entire two-mile extraterritorial jurisdictional area of Council Bluffs.

B. Development Areas

1. City Service Area I

Development Type:

Development served by municipal utilities, which are constructed to City subdivision and design standards. Development in this area would, upon subdivision approval, be simultaneously annexed and reclassified into the appropriate City zoning district. Land area designated as City Service Area I are depicted in Exhibit "B."

Land Uses:

Agricultural, open space and recreation, public, one and two family residential, multi-family residential, commercial, and industrial.

Policy:

- Require that development within this area be incorporated into the City and provided a Minimum Level of Services (MLS) at the time development occurs (see Exhibit A).
- Promote the cost-effective extensions of municipal services to include water; sanitary sewer; storm sewer; street maintenance; street lighting; snow removal; parking maintenance and enforcement; traffic maintenance; emergency management; roads, bridges, and sidewalks; library; park and recreation services to proposed development sites.

- Allow for appropriate urban densities for medium-density residential and for high-density residential.
- Coordinate with law enforcement, fire, and emergency medical services to ensure that appropriate levels of services can be provided to all residents.
- Street widths shall be sufficient to accommodate traffic demand, dedicated and constructed to City standards.
- Connector streets shall be aligned to establish continuous connections at a minimum of every half-mile or more frequently as feasible.
- Individual lot frontage on arterial streets shall be discouraged.
- Sidewalks shall be provided along all public streets.
- Curb and gutter shall be provided along all public streets.
- Corridor preservation shall be implemented utilizing the following techniques: purchase of easements, full title purchase, eminent domain, annexation agreements, development agreements, transferable development rights, development exactions, setback ordinances, subdivision reservations, limiting curb cuts and reverse lot frontage.
- Parcel splits shall be limited to parcels that are in compliance with the Council Bluffs Municipal Subdivision Ordinance and do not impede the future development of surrounding parcels. Parcel splits and property line adjustments in this area shall obtain approval from the County Sketch Plat Application process, in addition to the City.

Implementation:

- Zoning requests, which do not involve annexation by the City, shall be submitted and reviewed by the County. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established by City Service Area I and for conformance with the Two-Mile Limit Land Use Plan.
- City subdivision regulations and design standards will be applied to regulate development. The City will provide the County with the opportunity to comment on all requests for conformance with the policies established for City Service Area I.
- Annexation of this area is anticipated concurrent with individual subdivision activity and with the extension of utility systems.

2. City Service Area II

Development Type:

Development served by a municipal water services and septic systems or common sewage treatment plants, which are constructed to City subdivision and design standards. Development in this area would, upon subdivision approval, be simultaneously annexed and reclassified into the appropriate City zoning district. Land areas designated as City Service Area II are depicted in Exhibit "B."

Land Use:

Agricultural, open space and recreation, public, one and two family residential, and limited commercial.

Policy:

- Require that Minimum Level of Services (MLS) is provided at the time development occurs (see Exhibit A).
- Promote the cost effective extensions of municipal services to include water, storm sewer, street maintenance; street lighting; snow removal; parking, maintenance and enforcement; traffic maintenance; emergency management; roads, bridges, and sidewalks; library; park and recreation services to proposed development sites.
- Allow a maximum density of one (1) residential dwelling unit per one acre where cluster subdivision designs are not used.
- Permit an increase in the maximum density through the use of cluster subdivision designs, subject to conformance with the following open space requirements:
 1. At least fifty percent of the entire development area must be retained in common open space.
 2. The open space shall be commonly owned and controlled through a homeowner's association agreement, provided that such open space may be held by the association or a public or non-profit entity, and shall be for conservation or recreation.
 3. Facilities or utilities to treat and dispose of human waste, handle storm water runoff, and/or provide drinking water, irrigation, electricity, gas, telephone or other services, may be located within the open space.
- Coordinate with law enforcement, fire, and emergency medical services to ensure that appropriate levels of services can be provided to all residents.
- Street widths shall be sufficient to accommodate traffic demand, dedicated and constructed to City standards.
- Connector streets shall be aligned to establish continuous connections at a minimum of every half-mile or more frequently if feasible.
- Individual lot frontage on arterial streets shall be discouraged.
- Sidewalks shall be provided along all public streets.
- Curb and gutter shall be provided along all public streets.
- Parcel splits should be limited to parcels that are in compliance with the Council Bluffs Municipal Subdivision Ordinance and do not impede the future development of surrounding parcels. Parcel splits and property line adjustments in this area shall obtain approval from the County Sketch Plat Application process, in addition to the City.

Implementation:

- Zoning requests, which do not involve annexation by the City, shall be submitted and approved by the County. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established by City Service Area II and in conformance with the Two Mile Limit Land Use Plan.
- City subdivision regulations and design standards will be applied to regulate development. The City will provide the County with the opportunity to comment on all requests for conformance with the policies established for City Service Area II.
- Annexation of this area is anticipated concurrent with individual subdivision activity and with the extension of utility systems.

3. **County Service Area I**

Development type:

Development served by municipal water service and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. Land areas designated as County Service Area I are depicted in Exhibit "B."

Land Use:

Agricultural, open space and recreation, public, and one and two family residential.

Policy:

- Require that Minimum Level of Services (MLS) is provided at the time development occurs (see Exhibit A).
- Allow two (2) houses per quarter-quarter section.
- Allow a maximum density of one residential dwelling unit per one acre where cluster subdivision designs are not used. Two acre minimum is required in areas where parcels may be created that are not serviced by municipal or common water systems.
- Permit an increase in the maximum density through the use of cluster subdivision designs, subject to conformance with the following open space requirements:
 1. At least fifty percent of the entire development area must be retained in common open space.
 2. The open space shall be commonly owned and controlled through a homeowner's association agreement, provided that such open space may be held by the association or a public or non-profit entity, and shall be for conservation or recreation.
 3. Facilities or utilities to treat and dispose of human waste, handle storm water runoff, and/or provide drinking water, irrigation, electricity, gas, telephone or other services, may be located within the open space.
- Coordinate with law enforcement, fire, and emergency medical services to ensure that appropriate levels of services can be provided to all residents.
- Street widths shall be sufficient to accommodate traffic demand, dedicated and constructed to County standards.

- Connector streets shall be aligned to establish continuous connections at a minimum of every half-mile or more frequently if feasible.
- Individual lot frontage on arterial streets shall be discouraged.
- Curb and gutter shall be provided along all public streets.

Implementation:

- All zoning requests shall be reviewed by the County. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established for County Service Area I and the Two-Mile Limit Land Use Plan.
- County subdivision and design standards will be applied to regulate development. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established County Service Area I.
- Annexation by the City of this area is not anticipated. However, limited annexation of those areas adjacent to the City's corporate limits, which require municipal services, may occur.

4. County Service Area II

Development Type:

Development served by a combination of public/common water system or individual private wells and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. Agriculture will be the primary land use in this area with infill type residential developments. Land areas designated as County Service Area II are depicted in Exhibit "B."

Land Use:

Agricultural, open space and recreation, public, and one family residential.

Policy:

- Allow two (2) houses per quarter-quarter section.
- Allow for pockets of in-fill development in existing developed areas, where appropriate zoning exists.
- Inhibit the establishment of non-agricultural developments which would have a negative impact on existing agricultural operations in the area.
- Coordinate with law enforcement, fire, and emergency medical services to ensure that appropriate levels of services can be provided to all residents.
- Street widths shall be sufficient to accommodate traffic demand, dedicated and constructed to County standards.
- Connector streets shall be aligned to establish continuous connections at a minimum of every half-mile.
- Individual lot frontage on arterial streets is discouraged.

Implementation:

- All zoning requests shall be reviewed by the County. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established for County Service Area II.
- County subdivision and design standards will be applied to regulate development. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established County Service Area II.
- Annexation by the City of this area is not anticipated. However, limited annexation of those areas adjacent to the City's corporate limits, which require municipal services, may occur.

II. ADMINISTRATIVE POLICIES

The City and County accept and agree to the following administrative policies:

Zoning regulation as a rule is the County's prerogative while subdivision regulation in these areas comes under a City's authority. Annexation is also primarily under exclusive rule of cities. However, each of these activities effects both jurisdictions and has produced a clear and pressing need for coordination and joint administration. To that end, the City and the County agree to the following procedures for administration of land use regulations.

A. Zoning Regulation:

Zoning regulation for all unincorporated territory will remain under the authority of the Pottawattamie County Zoning Ordinance and the provisions of Chapter 335, Code of Iowa.

Implementation of measures outlined in this Agreement which call for rezoning of specific areas or the adoption of new regulations will be undertaken within the two year review period of this Agreement.

Each request for zoning of property within areas specified in this Agreement will be forwarded to the City for comment prior to the public hearing before the County Planning Commission. Any zoning change will conform to the policies identified for the area in which the requested change is located, as well as the Two-Mile Limit Land Use Plan.

B. Subdivision Regulations:

Subdivision of land within the two-mile extraterritorial jurisdiction will be required to conform to either the subdivision and design standards of the City or County in accordance with the area policies and implementation measures specified in this Agreement.

Persons wishing to subdivide land within City Service Area I and City Service Area II specified in this Agreement shall be required to file with the City, a subdivision application. Persons wishing to subdivide land classified as a property split or property line adjustment shall also obtain approval from the County through the County Sketch Plat Application process. Although the City shall have sole review of subdivision in City Service Area I and City Service Area II, each request will be forwarded to the County for review and comment prior to the public hearing before the City Planning Commission.

Persons wishing to subdivide land within County Service Area I and County Service Area II specified in this Agreement shall be required to file with the County a sketch plat application and/or subdivision application. Although the County shall have sole review of subdivision in County Service Area I and County Service Area II, each request will be forwarded to the City for comment prior to the public hearing before the County Planning Commission. For the purposes

of this Agreement, property line adjustments and parcel splits shall be considered a subdivision action.

C. Annexation:

The City of Council Bluffs will annex territory only in accordance with the policy statements and implementation measures specified in this Agreement and consistent with state law.

Requests for annexation within the areas specified in this Agreement will be forwarded to the County for comment prior to consideration by the Council Bluffs Planning Commission. Involuntary annexation and voluntary annexation concurrent with development are anticipated within City Service Area I and II.

D. Development in Multiple Service Areas:

If a subdivision is located in two different development areas, the policy and procedures of the most restrictive shall apply. For the purposes of this document, City Service Area I is considered the most restrictive and County Service Area II is the least restrictive.

E. 28E Agreement on Street adjacent 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 newly developed areas. This is intended to better accommodate traffic demands generated by new subdivisions. Agreements will be developed as part of the subdivision process.

III. REVIEW AND AMENDMENT

The Chair of the Pottawattamie County Board of Supervisors or the Mayor of the City of Council Bluffs shall initiate a review of the area development policies and implementation measures and the administrative policies each year during the term of this Agreement. Either party to this Agreement shall consider amendments to this Agreement in a manner similar to its initial adoption.

IV. EFFECTIVE DATE AND RECORDING

This Agreement shall become effective upon acceptance and execution of the parties, and shall be in effect for a period of five years. This Agreement may be modified and extended by the written mutual consent of the parties.

This Agreement shall be filed with the Secretary of the State of Iowa, and with the Pottawattamie County Recorder in compliance with Chapter 28E, Code of Iowa.

POTTAWATTAMIE COUNTY, IOWA

Dated this 22nd day of August, 2005

BY: /s/Melvyn Houser, Chairperson, Board of Supervisors
ATTEST: /s/Marilyn Jo Drake, County Auditor

CITY OF COUNCIL BLUFFS, IOWA

Dated this 24th day of October, 2005

BY: /s/Thomas P. Hanafan, Mayor
ATTEST: /s/Cheryl Punteney, City Clerk