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BK *345* PG *625-639*

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RECORDED
MILLS CO.

APR 11 2005
No Fee - County Business
Christa Ashman
Mills County Recorder

R-Auditor, etc

TWO-MILE LIMIT AREA

POLICY AGREEMENT

between

MILLS COUNTY, IOWA

and

GLENWOOD, IOWA

345/625

RESOLUTION NO. 3126

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY ADMINISTRATOR/CLERK TO ATTEST AN AGREEMENT BETWEEN MILLS COUNTY, IOWA AND THE CITY OF GLENWOOD, IOWA, ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE TWO-MILE EXTRATERRITORIAL AREA OF GLENWOOD.

WHEREAS, two or more local governments are enabled under Chapter 28E of the Code of Iowa to enter into agreements to cooperate for the mutual advantage of the governments involved; and

WHEREAS, the City of Glenwood deems a land use policy agreement with Mills County for orderly growth and development within the two-mile extraterritorial jurisdiction of Glenwood, to be to the mutual advantage of Glenwood and Mills County; and

WHEREAS, on February 11, 2002 the Planning and Zoning Board of the City of Glenwood requested that a land use policy agreement with Mills County be drafted as suggested in the Glenwood Comprehensive Plan; and

WHEREAS, the City of Glenwood and Mills County now wish to memorialize and implement said policy agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD, that the City Council of the City of Glenwood hereby authorize the Mayor to sign and the City Administrator/Clerk to attest the agreement between Mills County and the City of Glenwood, as amended, establishing land use policies for the two-mile extraterritorial jurisdiction of Glenwood.

AYES:	NAYS:	ABSENT:
<u>Bales</u>	<u>None</u>	<u>Bangs</u>
<u>Florian</u>		
<u>Forman</u>		
<u>Christiansen</u>		

Passed and approved the 29th day of March, 2005.

APPROVED
AND
ADOPTED:

March 29, 2005

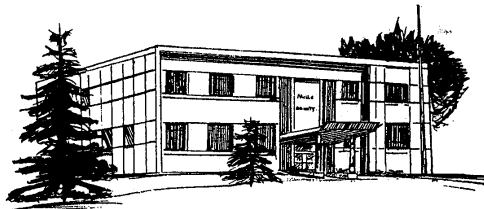
Greg Schultz
GREG SCHULTZ, MAYOR

ATTEST:

Mary Smith
MARY SMITH, CITY ADMINISTRATOR/CLERK

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Mills County Board of Supervisors

Courthouse
Glenwood, Iowa 51534
Phone: 712-527-4729
Fax: 712-527-1579

RESOLUTION NO. 05-17

RESOLUTION IS AUTHORIZING AN AGREEMENT BETWEEN MILLS COUNTY, IOWA AND THE CITY OF GLENWOOD, IOWA. ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE TWO MILE EXTRATERRITORIAL AREA OF GLENWOOD.

WHEREAS, two or more local governments are enabled under Chapter 28E of the Code of Iowa to enter into agreements to cooperate for the mutual advantage of the governments involved; and

WHEREAS, Mills County deems a land use policy agreement with the City of Glenwood for orderly growth and development within the two-mile extraterritorial jurisdiction of Glenwood, to be to the mutual advantage of Glenwood and Mills County; and

WHEREAS, on February 11, 2002 the Planning and Zoning Board of the City of Glenwood requested that a land use policy agreement with Mills County be drafted as suggested in the Glenwood Comprehensive Plan; and

WHEREAS, Mills County and the City of Glenwood now wish to memorialize and implement said policy agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA, that the Board of Supervisors is hereby authorized to sign and the County Auditor to attest, the agreement between Mills County and the City of Glenwood establishing land use policies for the two-mile extraterritorial jurisdiction of Glenwood.

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PASSED AND APPROVED THIS 8th, DAY OF March, 2005.

Richard Crouch
Richard Crouch, Chairperson

X
Aye Nay

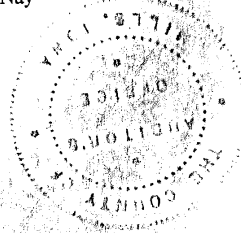
Ronald E. Kohn
Ronald E. Kohn

X
Aye Nay

Joseph R. Blankenship
Joseph R. Blankenship

X
Aye Nay

Attest: Carol Robertson
Carol Robertson, County Auditor
Mills County, Iowa



**TWO-MILE AREA POLICY AGREEMENT BETWEEN MILLS COUNTY AND
THE CITY OF GLENWOOD, IOWA**

THIS AGREEMENT is entered into pursuant to Chapter 28E of the Code of Iowa by and between Mills County, State of Iowa, and the City of Glenwood, Iowa, a municipal corporation; to-wit:

WHEREAS, it is in the interest of Mills County and the City of Glenwood to establish policies for orderly growth and development; and

WHEREAS, Mills County and the City of Glenwood mutually agree that such policies are necessary in order to more effectively and economically provide services for future growth and development.

NOW, THEREFORE, the parties hereto, do agree for themselves and their respective successors as follows:

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 extraterritorial 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 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 effective development patterns in those areas of Mills County within the two-mile extraterritorial jurisdiction of the City of Glenwood and in order to provide services for such development at the least, reasonable cost to all of the citizens of Mills County, the City of Glenwood and Mills 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.

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

b. Definitions

i. Two-Mile Limit Area:

The two-mile limit area of the City of Glenwood refers to all areas within two (2) miles of the corporate limits of the City of Glenwood as established by Chapter 354.9 of the Code of Iowa.

ii. Glenwood Plan:

The Glenwood Plan refers to the most current Comprehensive Plan adopted by the City of Glenwood, including updates and amendments.

iii. Local Wastewater Collection and Treatment System:

Local wastewater collection and treatment system refers to any system of piping, treatment devices or other appurtenances that convey, store, treat, or dispose of wastewater on the property where it originates, or nearby property under the control of the property owner/s, a homeowner's association, or some other public entity, which, when designed by a registered professional engineer in accord with IDNR standards, collects and treats wastewater from more than one (1) homes where the system is not connected to a public sewer system. This includes, but is not limited to, Septic Tank Effluent Pumping (STEP) systems, anaerobic/aerobic lagoon-type sewage systems and any other alternative system which utilizes a common leachfield, retention basin, lagoon or holding tank.

iv. Municipal Utilities:

Municipal utilities refer to public water and sanitary sewer service provided by and infrastructure owned by the Glenwood Municipal Utilities Board of Trustees.

v. On-Site Wastewater Treatment System:

On-site wastewater treatment system shall mean any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of wastewater on the property where it originates, or on nearby property under the control of the user, where the system is not connected to a public sewer system. All systems except septic systems are limited to a maximum size of 1000 gallons per day to be considered an on-site wastewater treatment system.

vi. Glenwood Subdivision Jurisdiction Map (Exhibit A):

This map defines the limits of which the City of Glenwood has sole subdivision authority, shared subdivision authority with Mills County, and of which Mills County has sole subdivision authority. This Map is incorporated in and made part of this agreement by reference as Exhibit A.

c. Development Areas

i. Area "A"

Development type:

Developments served by municipal utilities, which are constructed to City subdivision and design standards. Development in this area would, upon subdivision approval, agree in writing to be annexed and reclassified into the appropriate zoning district, in accord with applicable policies and procedures, when the City so decides.

Policy:

Primary land use:	Single and multi-family residential.
Secondary land uses:	Neighborhood commercial, light industrial.
Sewer:	Required/City subdivision and design standards. Use of local community wastewater collection and treatment systems are required in areas unlikely to be served by a municipal public sewer system. Systems must be in conformance with IDNR and local county standards and have IDNR construction, operating, and discharge permits when applicable.
Water:	Required/City subdivision and design standards.
Streets:	Required/City subdivision and design standards.
Zoning:	City upon annexation.
Lot size:	Urban density/less than one acre.
Building Code:	City.
Design standards:	City.
Subdivision standards:	City.
Annexation:	Required by City at time of subdivision if contiguous with corporate limits. Subdivisions receiving water or sewer service from Glenwood Municipal Utilities are required to sign an annexation agreement, stating that they will not object to annexation when the City so decides.
Plat reviewed by:	City.

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Implementation:

- Zoning requests, which do not involve annexation by the City, shall be submitted and approved by the County. The County shall refer to the Glenwood Plan in regards to land use in the two-mile limit area. The County will provide the City with opportunity to comment on all requests for conformance with the policies established by Area "A".
- City subdivision regulations and design standards will be applied to regulate development. Should connection to a public sewer be impractical, a local wastewater collection and treatment system will be required. The City will provide the County with the opportunity to comment on all requests for conformance with the policies established for Area "A".
- Annexation of this area is anticipated during the term of this Agreement concurrent with the individual subdivision activity and with the extension of utility systems.

Geographic Areas:

See Exhibit "A".

ii. Area "B"

Development type:

Developments served by a combination of public/common water system or individual private wells and either local community wastewater collection and treatment systems or on-site wastewater treatment systems.

Policy:

Primary land use:	Single family residential.
Secondary land uses:	Neighborhood commercial, light industrial.
Sewer:	Use of local community wastewater collection and treatment systems or individual on-site wastewater treatment systems is required in areas unlikely to be served by a public sewer system. Systems must be in conformance with IDNR and local county standards and have IDNR construction, operating, and discharge permits when applicable. If any portion of a proposed development is within one thousand (1,000) feet of a point of connection for public sewer the developer shall extend utility at the developer's expense. Variances to this requirement may be considered by the Glenwood Municipal Utilities Board of Trustees.
Water:	Private water wells and/or common water distribution and treatment facilities consistent with IDNR standards. If any portion of proposed

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	development is within one thousand (1,000) feet of a point of connection for public water the developer shall extend utility at the developer's expense. Variances to this requirement may be considered by the Glenwood Municipal Utilities Board of Trustees.
Streets:	Required/County subdivision and design standards. If any portion of proposed development is to utilize public sewer or a local wastewater collection and treatment system, City subdivision and design standards apply.
Zoning:	None - County upon adoption.
Lot size:	One acre or more with septic systems/One acre or less with public sewer or local wastewater collection and treatment system.
Public road to subdivision:	Concrete or asphalt.
Building code:	No residential building code/Refer to State Fire Marshal for commercial and industrial code.
Design standards:	County, unless any portion of proposed development utilizes public sewer or local wastewater collection and treatment system, then City design standards apply.
Subdivision standards:	County, unless any portion of proposed development utilizes public sewer or local wastewater collection and treatment system, then city subdivision standards apply.
Annexation:	Required for development served by municipal utilities and development contiguous with City limits.
Plat reviewed by:	County, unless any portion of proposed development is to utilize public sewer or local wastewater collection and treatment system, then City shall review plat.

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 Area "B".
- County subdivision and design standards will be applied to regulate developments not utilizing public sewer or local wastewater collection and treatment systems. City subdivision and design standards will be applied to regulate developments utilizing public sewer or local wastewater collection and treatment systems. The County will provide the City with the opportunity to comment on all requests for conformance with the policies established for Area "B".

- Annexation of significant portions of this area is not anticipated during the term of this agreement. However, limited annexation of those areas which utilize municipal utility service may occur. Annexation of developments and subdivisions which utilize municipal water and sanitary sewer will occur concurrent with the individual subdivision activity and with the extension of utility systems, contingent upon approval from the City Development Board of the State of Iowa. The City of Glenwood will make a good faith effort to annex subdivisions built to City of Glenwood standards. Subdivisions in Area "B" which are initially planned to utilize municipal utility services shall voluntarily annex, as required by Glenwood Municipal Board of Trustees, when the City so decides, and shall, for the purposes of this Agreement, conform to the policies and implementation practices set forth for Area "A".

Geographic areas:

See Exhibit "A".

2. 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 the City's authority. Annexation is also primarily under exclusive rule of cities. Each of the activities, however, affects both jurisdictions and has produced a clear and pressing need for coordination and joint administration. To that end, the City and County agree to the following procedures for administration of land use regulations.

a. Zoning Regulation:

At the time of the ratification of this agreement, Mills County does not have a Zoning Ordinance; however, zoning regulation for all unincorporated territory will remain under the authority of the Mills County Board of Supervisors and the provisions of Chapter 335, Code of Iowa. Should the County decide to pursue adopting and enforcing zoning regulations, the County will provide the City with the opportunity to comment on all proposals for zoning regulation within the two-mile extraterritorial jurisdiction. The County shall refer to the Glenwood Plan in regards to land use in the two-mile limit area.

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

Each request for zoning of property within the areas specified in this Agreement will be forwarded to the City for comment prior to the public hearing before the County Board of Supervisors. Any zoning change will conform to the policies identified for the area which the requested change is located.

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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.

Property owners wishing to subdivide land within Area "A", as specified in this Agreement, shall be required to file with the City, a subdivision application. Although the City shall have sole review of subdivision of land in Area "A", each request will be forwarded to the County for comment prior to the public hearing before the City Planning and Zoning Board.

Property owners wishing to subdivide land within Area "B" specified in this Agreement shall be required to file with the County, a subdivision application. If any portion of the proposed subdivision is planned to receive public sewer, or utilize a local wastewater collection and treatment system, then property owners wishing to subdivide land within Area "B" specified in this Agreement shall be required to file with the City, a subdivision application. Although the County shall have sole review of subdivisions which do not utilize public sewer in Area "B" each request will be forwarded to the City for comment prior to the public hearing before the County Board of Supervisors. For the purposes of this Agreement, property line adjustments and parcel splits shall be considered a subdivision action.

All areas within two (2) miles of the corporate limits of the City of Glenwood not included in Area "A" or Area "B" as specified in Exhibit "A" are hereby under the regulatory authority of the Mills County Board of Supervisors until such time as it is mutually agreed upon by the City and County to amend said boundaries of Area "A" and Area "B".

c. Annexation:

The City of Glenwood will annex territory in accordance with the policy statements and implementation measures specified in this Agreement and consistent with state law. Developments within the two-mile extraterritorial jurisdiction which are not contiguous with the corporate limits of the City of Glenwood which are planned to be served by municipal sanitary sewer will agree to voluntarily annex, as required by Glenwood Municipal Utilities Board of Trustees, when the City so decides. Developments which are contiguous with the corporate limits of the City of Glenwood shall agree to annexation upon final plat approval.

Upon annexation, review and amendment of Exhibit "A" may be initiated by either party. Refer to Section 3 for Review and Amendment policies and procedures.

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d. Development in Both Geographical Areas or in Areas of Overlapping Jurisdiction:

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, Area "A" is considered the most restrictive and Area "B" is the least restrictive. In the event of overlapping city jurisdiction, the city which is closest to the boundary of the subdivision shall have authority to review pursuant to Chapter 354.9(3) Code of Iowa.

e. Variances:

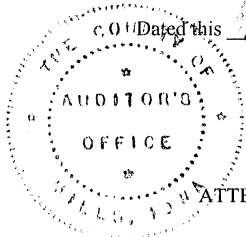
Requests for variances from the subdivision and design standards of either the City or County in Area "A" and Area "B" shall be considered by the City of Glenwood Board of Adjustment. Requests for variances from the municipal utility connection requirements shall be considered by the Glenwood Municipal Utilities Board of Trustees. The recommendation of the Board of Adjustment or Glenwood Municipal Utilities Board of Trustees shall be forwarded to the appropriate regulating authority in accordance with the policies and implementation procedures set forth for Area "A" and Area "B".

3. REVIEW AND AMENDMENT

This Agreement shall become effective upon accordance and execution of the parties, and shall be in effect for a period of ten (10) years. This Agreement shall be reviewed every two (2) years during the term of the Agreement. This Agreement may be modified and extended by the written consent of the parties. If this Agreement is extended beyond the ten (10) year term, review shall take place on a bi-annual basis.

4. 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 ten (10) years. This Agreement shall be filed with the Secretary of the State of Iowa, and with the Mills County Recorder in compliance with Chapter 28E, Code of Iowa.



c. 011 Dated this 29th day of March, 2005.

MILLS COUNTY, IOWA

BY:

Richard Crouch
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

Carol Robertson
CAROL ROBERTSON, COUNTY AUDITOR

Dated this 29th day of March, 2005.

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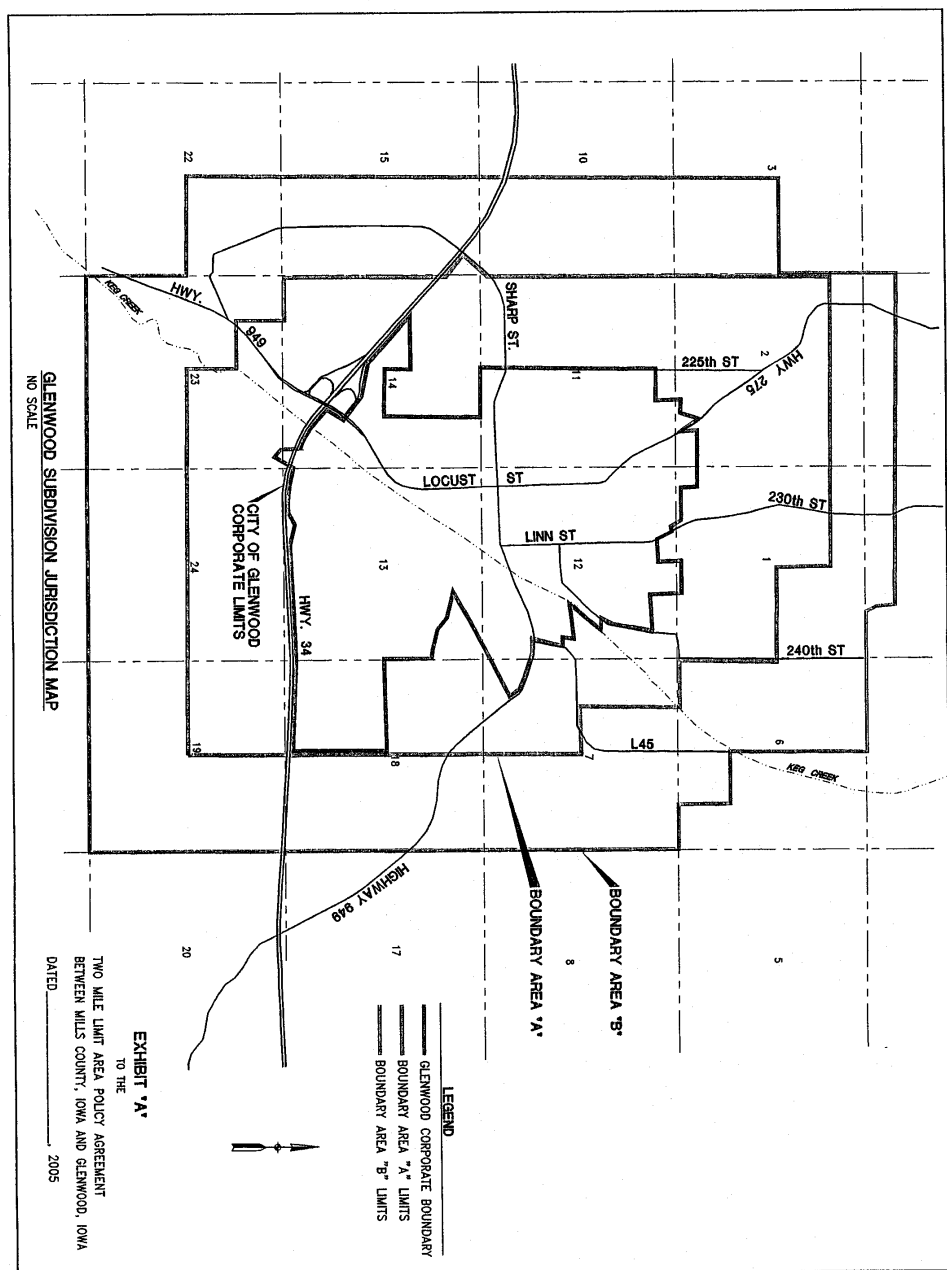
CITY OF GLENWOOD, IOWA

BY: *Greg Schultz*
GREG SCHULTZ, MAYOR

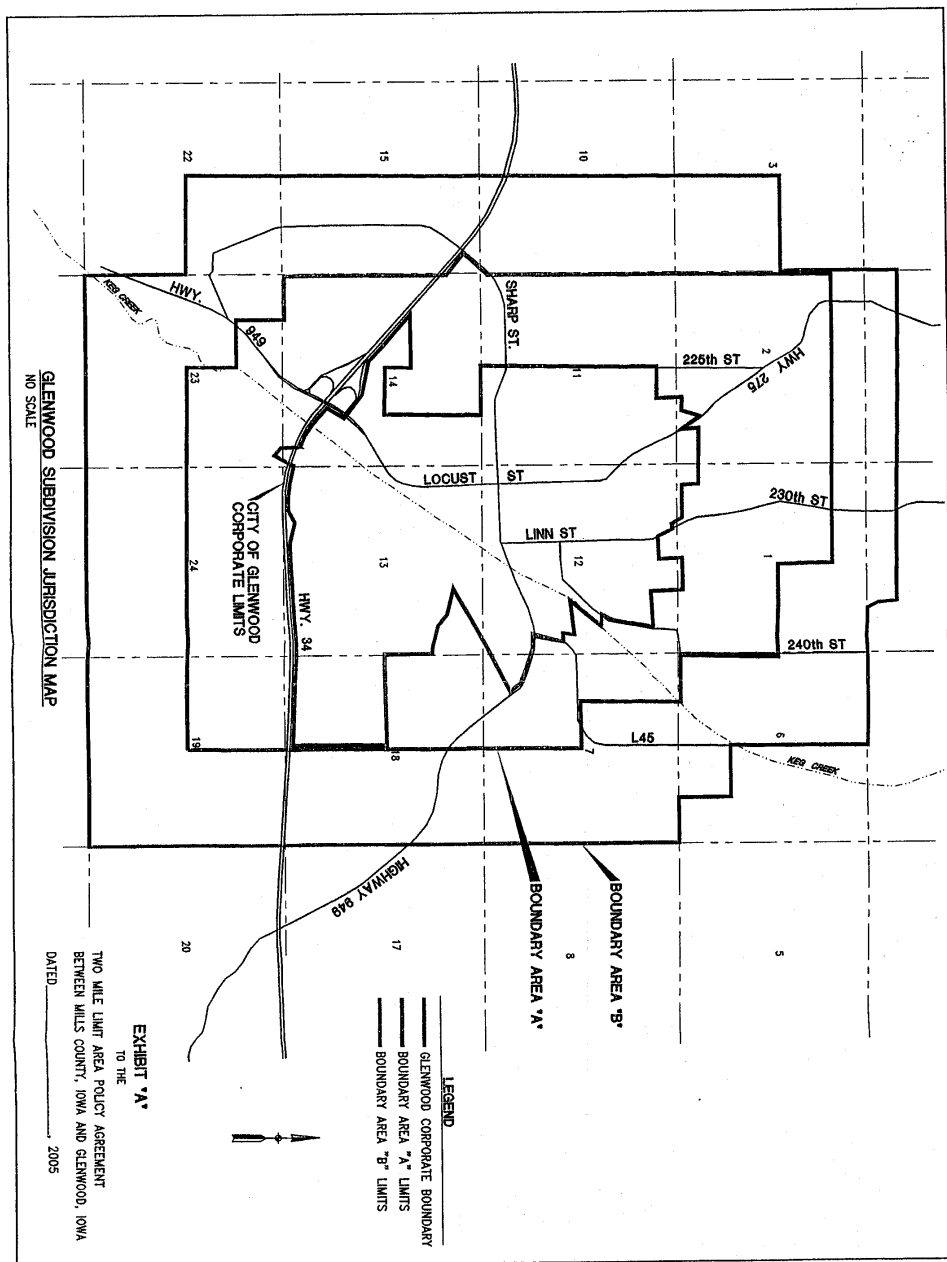
ATTEST: *Mary Smith*
MARY SMITH, CITY ADMINISTRATOR/CLERK



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