
***TWO-MILE AREA
POLICY AGREEMENT***

Between
BREMER COUNTY, IOWA
And the
CITY OF DENVER, IOWA

***Preliminary Draft for Review
February 24, 2004***

**BREMER COUNTY, IOWA
RESOLUTION _____**

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN AND THE COUNTY AUDITOR TO ATTEST TO AN AGREEMENT BETWEEN BREMER COUNTY, IOWA AND THE CITY OF DENVER, IOWA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE TWO-MILE EXTRATERRITORIAL AREA OF DENVER IN BREMER COUNTY.

WHEREAS, two (2) or more local governments enabled under Section 354.9 and Chapter 28E of the Code of Iowa to enter into agreements to cooperate for the mutual advantage of the governments involved; and

WHEREAS, Bremer County deems a land use policy agreement with the City of Denver for orderly growth and development within the two (2) mile extraterritorial jurisdiction of Denver within Bremer County, to be to the mutual advantage of Denver and Bremer County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Bremer County hereby authorizes the Chair of the Board of Supervisors to sign and the County Auditor to attest to the attached 28E Agreement between Bremer County and the City of Denver establishing land use policies for the two (2) mile extraterritorial jurisdiction of Denver in Bremer County.

Passed and approved this ___ day of _____, 2004.

Board of Supervisors Chair

ATTEST:

County Auditor

Vote Tabulation

Board of Supervisors	Aye	Nay
Jim Block		
Gaylord Hinderaker		
Steve Reuter		

**CITY OF DENVER, IOWA
RESOLUTION _____**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY ADMINISTRATOR TO ATTEST TO AN AGREEMENT BETWEEN BREMER COUNTY, IOWA AND THE CITY OF DENVER, IOWA ESTABLISHING POLICIES FOR DEVELOPMENT OF LAND WITHIN THE TWO-MILE EXTRATERRITORIAL AREA OF DENVER THAT IS LOCATED WITHIN BREMER COUNTY.

WHEREAS, two (2) or more local governments enabled under Section 354.9 and 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 Denver deems a land use policy agreement with the Bremer County for orderly growth and development within the two (2) mile extraterritorial jurisdiction of Denver within Bremer County, to be to the mutual advantage of Denver and Bremer County.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Denver hereby authorizes the Mayor to sign and the City Administrator to attest to the attached 28E Agreement between Bremer County and the City of Denver establishing land use policies for the two (2) mile extraterritorial jurisdiction of Denver in Bremer County.

Passed and approved this __ day of _____, 2004.

Mayor

ATTEST:

City Administrator

Vote Tabulation

City Council	Aye	Nay
Terry Dehmlow		
Rod Diercks		
Lyle Faust		
Mike Isaacson		
Sara Oltrogge		

**TWO (2) MILE AREA POLICY AGREEMENT
BETWEEN BREMER COUNTY AND THE CITY OF DENVER, IOWA**

THIS AGREEMENT is entered into pursuant to Section 354.9 and Chapter 28E of the Code of Iowa by and between Bremer County, Iowa, a local government in the state of Iowa, and the City of Denver, Iowa, a local government in the state of Iowa, to wit:

WHEREAS, the Bremer County Board of Supervisors support the preparation and adoption of development plans and agreements between County and the City regarding the municipality and its environs; and

WHEREAS, the City of Denver Comprehensive Plan outlines the extent of urban development expected in the future and projects annexation of extraterritorial areas; and

WHEREAS, it is in the interest of Bremer County and the City of Denver to establish policies for the orderly growth and development within the two (2) mile extraterritorial jurisdiction of the City within Bremer County; and

WHEREAS, Bremer County and the City of Denver 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 agree for themselves and their respective successors as follows:

I. INTENT, DEVELOPMENT AREA ESTABLISHMENT, 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 (2) mile extraterritorial jurisdiction of the City of Denver in Bremer County.

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, whenever possible, land boundary disputes or real estate title problems; to provide for a balance between 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.

This Agreement was developed in the interest of providing for orderly and effective development patterns in those areas of Bremer County within the two (2) mile extraterritorial jurisdiction of the City of Denver. It also hopes to define how services will be provided for such development at the least cost to all of the citizens of Bremer County. The City of Denver and Bremer 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 outlined herein.

This 28E Agreement, authorized in 354.9 of the Code of Iowa, between Bremer County and the City of Denver will pertain to the two (2) mile extraterritorial jurisdictional area of Denver located within Bremer County, as shown in Exhibit A.

B. Development Areas.

1. Area #1.

Development type:

Development served by municipal utilities that are constructed to City subdivision and design standards. Development in this area would, prior to subdivision approval, be annexed and reclassified into the appropriate City zoning district.

Policy:

Primary Land Use:	Residential.
Secondary Land Uses:	Commercial and Industrial Services.
Sewer:	City Subdivision and Design Standards are Required.
Water:	City Subdivision and Design Standards are Required.
Streets:	City Subdivision and Design Standards are Required.
Public Road to Subdivision:	Asphalt.
Zoning:	County (Prior to annexation)/City (Upon annexation).
Building Code:	County (Prior to annexation)/City (Upon annexation).
Design Standards:	City.
Subdivision Standards:	City.
Annexation:	Required by City at the Time of Subdivision and Extension of Municipal Services.
Plat Reviewed by:	County and City Review. City Subdivision and Design Standards are Required.

Implementation:

- Zoning requests that do not involve annexation by the City shall be submitted and approved by the County. The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for Area #1.
- 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 Area #1.
- Annexation of, or within, this area is required if the City provides services during the term of this Agreement, and shall be concurrent with individual subdivision activity and with the extension of utility systems.

Geographic areas:

See Exhibit A, which is attached and made part of this Agreement.

2. Area #2.

Development type:

Development served either by a common water system, individual private wells, common sewage treatment facility, and/or individual septic system. Development may also be served by individual private wells and septic systems. Smaller lots may be permitted in the event that either a common water system or a common sewage treatment facility is required. The location of these properties is such that they are beyond a reasonable expectation of future annexation by the City.

Policy:

Primary Land Use:	Agricultural.
Secondary Land Uses:	Residential, Commercial, and Industrial.
Sewer:	Septic System and/or Common Sewer Collection and Treatment Facilities that are consistent with Iowa Department of Natural Resources (IDNR) and County standards.
Water:	Private Wells and/or Common Water Distribution and Treatment Facilities that are consistent with IDNR and County standards.
Streets:	County Subdivision and Design Standards are Required.
Zoning:	County.
Building Code:	County.
Design Standards:	County.
Subdivision Standards:	County.
Annexation:	Not Required.
Plat Reviewed by:	County and City. County Subdivision and Design Standards are Required.

Implementation:

- Zoning requests shall be submitted and approved by the County. The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for Area #2.
- County subdivision and design standards shall be applied in order to regulate development. The County shall provide the City with the opportunity to comment on all requests for conformance with the policies established for Area #2.
- Annexation of significant portions of this area is not anticipated during the term of this Agreement. However, limited annexation of those areas adjacent to the City's corporate limits that require municipal services may occur.

Geographic areas:

See Exhibit A, which is attached and made part of this Agreement.

II. ADMINISTRATIVE POLICIES.

Bremer County, referred to as the County, and the City of Denver, referred to as the City, accept and agree to the following Administrative Policies, which will be used to implement this Agreement:

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

A. Zoning Regulation:

Zoning regulation for all of the unincorporated areas of Bremer County shall remain under the authority of the Bremer County Zoning Ordinance and the provisions of Chapter 335 of the Code of Iowa, as amended.

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

B. Subdivision Regulations:

Subdivision of land with the two (2) mile extraterritorial jurisdiction of the City within Bremer County shall be required to conform to either the subdivision and design standards of the County or City in accordance with the area policies and implementation measures specified in this Agreement.

Persons wishing to subdivide land within Area #1, as specified in this Agreement, shall be required to file a subdivision application with the County and City. Although the City design standards are required for subdivision in Area #1, each request will be forwarded to the County for review and comment prior to the public hearing of the City Planning and Zoning Commission.

Persons wishing to subdivide land within Area #2, as specified in this Agreement, shall be required to file a subdivision application with the City and County. Although the County design standards are required for subdivision in Area #2, each request will be forwarded to the City for review and comment prior to the public hearing before the County Planning and Zoning Commission.

For the purposes of this Agreement, property line adjustments and parcel splits shall be considered a subdivision action. The County or developer shall forward all major subdivisions, as classified by the County Subdivision Ordinance, to the City accordingly. Minor subdivisions, as classified by the County Subdivision Ordinance, shall be forwarded to the City Administrator.

C. Annexation:

The City of Denver 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 covered under this Agreement, will be forwarded to the County, for comment, prior to consideration by the City Planning and Zoning Commission or City Council.

D. Development in Several Areas:

If a subdivision is located in two (2) different development areas, the policy and procedures of the most restrictive shall apply. For the purposes of this Agreement, Area #1 shall be considered the most restrictive and Area #2 shall be considered the least restrictive.

III. REVIEW AND AMENDMENT.

The Chair of the Bremer County Board of Supervisors or the Mayor of the City of Denver shall initiate a review of the area development policies, implementation measures, and 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 (5) 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 Bremer County Recorder in accordance with Chapter 28E of the Code of Iowa, as amended.

BREMER COUNTY, IOWA

BY: _____
Board of Supervisors Chair

ATTEST: _____
County Auditor

Dated this ___ day of _____, 2004.

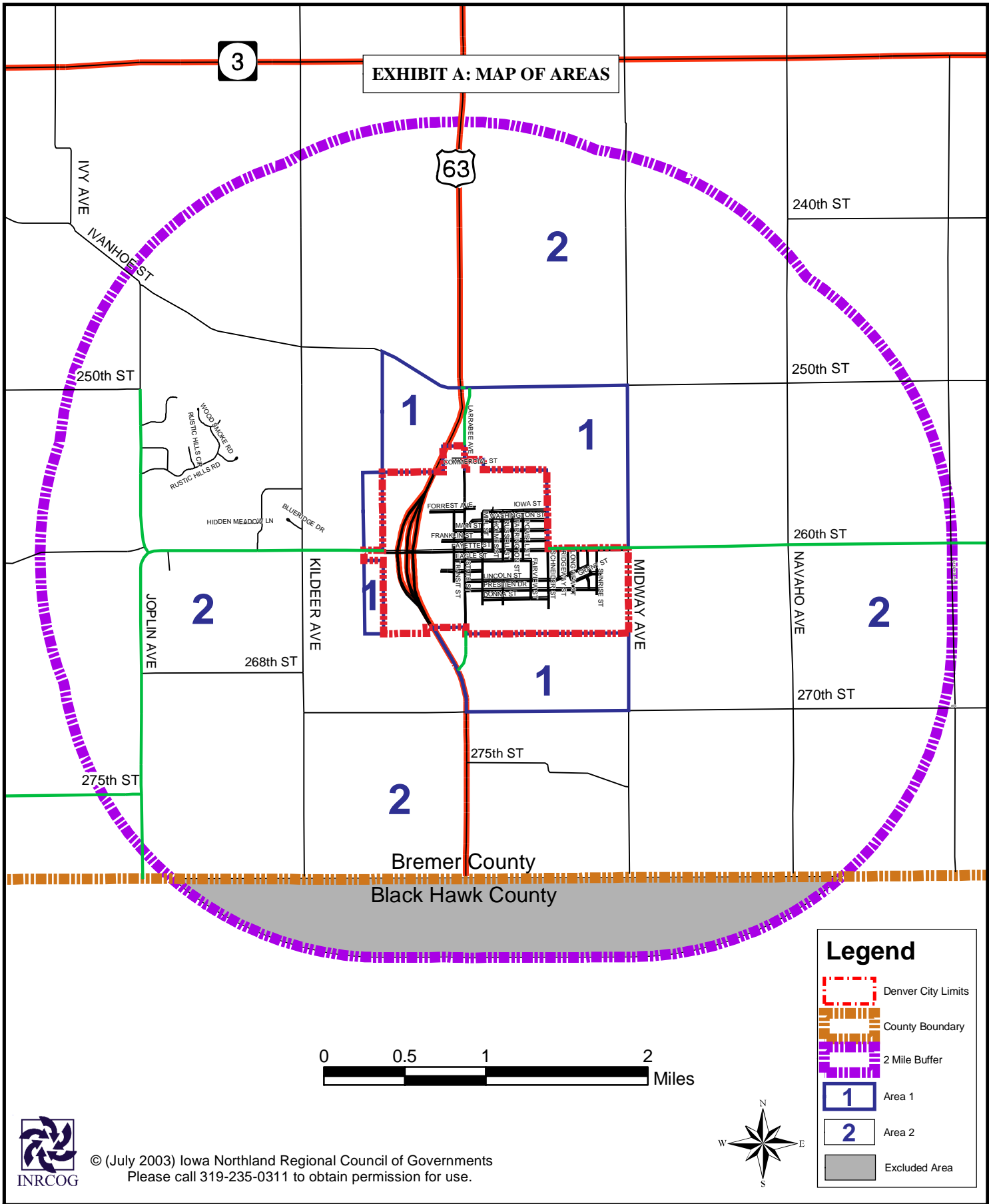
DENVER, IOWA

BY: _____
Mayor







ATTEST: _____
City Administrator

Dated this ___ day of _____, 2004.

EXHIBIT A: MAP OF AREAS



Legend

-  Denver City Limits
-  County Boundary
-  2 Mile Buffer
-  Area 1
-  Area 2
-  Excluded Area



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