

CITY-COUNTY PLANNING AND ZONING AGREEMENT
BETWEEN MARION COUNTY, IOWA
AND PELLA, IOWA

1. Parties to the agreement: The parties to this agreement are the incorporated City of Pella, Iowa, and Marion County, Iowa. For simplicity in the rest of this agreement they will be referenced as “City” and “County”.

2. Intent and purpose: In order to better facilitate orderly development in the fringe area surrounding the Pella city limits and to maximize efficiencies of governmental administration with respect to planning and zoning; and,

In order to better facilitate and coordinate land use and infrastructure planning in areas where the City of Pella will likely extend urban services in the future; and,

In the interest of protecting the quality of life for existing and future residents and businesses of this fringe area, the City of Pella and Marion County agree, as provided in Chapter 28E of the Code of Iowa, to the following key components of this agreement:

(1) to allow the City to exercise exclusive zoning and platting jurisdiction within the area designated as “Subarea A” as amended in Exhibit A;

~~(2)~~ to allow the City to exercise exclusive platting jurisdiction within the area designated as “Subarea B” as amended in Exhibit A;

~~(2)~~~~(3)~~ to maintain joint subdivision control and Marion County zoning control within the area designated as “Subarea C” as amended in Exhibit A;

~~(3)~~~~(4)~~ to allow exclusive City building permit control within the area designated as “Subarea A” in Exhibit A;

~~(4)~~~~(5)~~ to increase the City Planning and Zoning Commission by a member of the Marion County Board of Supervisors and a resident of the affected areas of the extraterritorial jurisdiction, City Board of Adjustment and City Community Development Committee by two members each from residents of the affected extraterritorial jurisdiction areas with memberships to be appointed by the Board of Supervisors.

(5) to rescind the County’s zoning and building permit authority within in the area designated as “Subarea A” in Exhibit A.

3. Legal authority: The Iowa Code provides, in Chapter 28E, that governmental agencies may enter into joint agreements like this one.

Section 414.23 of the Iowa Code and Chapter 354 provides that a city may exercise zoning and platting jurisdiction into an unincorporated area up to two miles beyond the limits of such city. Section 414.23 further provides that the city may exercise such jurisdiction only by increasing the size of its Planning and Zoning Commission and Board of Adjustment each by two members who will be residents of the two mile unincorporated area outside the city limits and shall be appointed by the Board of Supervisors of the county.

Section 331.304 of the Iowa Code allows the county to act jointly with the city if a Chapter 28E agreement is entered into.

These statements of the law are paraphrased references to identified sections of the Iowa Code. For complete details, please reference the identified Iowa Code chapters.

4. Planning and Zoning Commission: Two new members shall be appointed by the Marion County Board of Supervisors to the Pella Planning and Zoning Commissions. One new member shall be a resident of the identified extraterritorial area and one member will be a Marion County Supervisor. They shall have the same rights, privileges, and duties as the existing members. These two members shall be appointed for the same terms of office as the existing members of the Planning and Zoning Commission.

5. Board of Adjustment: Two new members shall be appointed by the Marion County Board of Supervisors to the Pella Board of Adjustment. These two new members shall be residents of the identified extraterritorial area and have the same rights, privileges, and duties as the existing members. These two members shall be appointed for the same terms of office as the existing members of the Board of Adjustment.

6. Community Development Committee: Two new members shall be appointed by the Marion County Board of Supervisors to the Pella Community Development Committee. These two new members shall be residents of the identified extraterritorial area and have the same rights, privileges, and duties as the existing members. These two members shall be appointed for the same terms of office as the existing members of the Community Development Committee.

7. Modified Zoning Districts: In areas where the City adopts zoning within the Fringe Area the following modifications to the City Zoning Districts shall apply so long as the affected areas remain unincorporated:

A-1 Agricultural District: The minimum lot area for non-farm, single family dwellings shall be ~~3 1/2~~ acres net (excluding right of ways and road easements). ~~If common sewer and water facilities are provided, the minimum lot area may be reduced to 40,000 square feet.~~ Home occupations shall be allowed pursuant to the Marion County A-1, A-R Zoning District regulations (Exhibit B) for home occupations in lieu of the City home occupation standards.

RR Rural Residential District: Home occupations shall be allowed pursuant to the Marion County A-1, A-R Zoning District regulations (Exhibit B) for home occupations in lieu of the City home occupation standards.

8. Powers and duties: The enabling authority for the creation of and powers of these Boards comes from Chapter 28E, 331, 354 and 414 of the Iowa Code. All three Boards are subject to the authority and supervision of the City of Pella. Generally, the Boards shall have the same legal powers and duties in the areas identified that they have had within Pella's city limits.

9. Duration of this agreement: This agreement becomes effective upon approval by both the City and County by duly enacted ordinance or resolution or otherwise pursuant to the law of the governing bodies (Section 28E.4, Iowa Code), and then filing of the agreement by Marion County with the Secretary of State of Iowa and the County Recorder (Section 28E.4, Iowa Code). This agreement shall remain in effect perpetually, unless dissolved by ordinance or resolution of either the City or County.

10. Amendments: No amendment to this agreement shall be effective unless both the Pella City Council and Marion County Board of Supervisors approve it by at least a two-thirds vote of each of the those governing bodies.

11. Financing: Any budget for, revenues received by, or expenses of any of the Boards shall be the responsibility of the City.

12. Boundaries of jurisdiction: The Pella Planning and Zoning Commission, Pella Board of Adjustment and Pella Community Development Committee shall have the same legal powers and duties as provided in the Iowa Code and Pella Zoning Ordinance within the identified areas as identified in this agreement. The Zoning Administrators of Marion County and the City of Pella shall keep current and available for public inspection a map showing the city limits and extent of the identified areas of jurisdiction.

CITY OF PELLA

MARION COUNTY, IOWA

BY: _____
Mayor

BY: _____
Board of Supervisors

ATTEST:

ATTEST:

Date: _____

Date: _____