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SENATE FILE 173
BY MCKEAN, LUNDBY, FINK, and
FRAISE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state and local land management and planning,
2 and providing effective dates.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 173 LOCAL GOVERNMENT

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DIVISION I

STATE LAND MANAGEMENT AND PLANNING

Section 1. NEW SECTION. 6C.1 TITLE.

This chapter shall be known and may be cited as the "Land Management Planning Act".

Sec. 2. NEW SECTION. 6C.2 LAND DEVELOPMENT AND USE -- STATE POLICY ESTABLISHED.

It is the policy of this state to provide for the sound and orderly development and use of land and to provide for the protection and preservation of the private and public interest in the land, water, and related resources of this state for the public health, safety, morals, and general welfare of present and future generations. It is further the policy of this state to preserve the use of prime agricultural land for agricultural production and to preserve natural, cultural, and historical areas while striking a balance between legitimate public purposes and private property rights.

Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.

1. "Agricultural land" means agricultural land as that term is defined in section 9H.1.

2. "Board" means the land management planning board established in section 6C.5.

3. "Department" means the department of economic development.

4. "Public agency" mean an agency as defined in section 17A.2, a county, a city, or other political subdivision, including but not limited to a principal department as provided in section 7E.5, a school corporation organized under chapter 273 or 274, a community college as provided in chapter 260C, or a township as provided in chapter 359.

5. "Strategic development plan" means a plan adopted by a county and the cities within the county and approved by the land management planning board as provided in chapter 366.

Sec. 4. NEW SECTION. 6C.4 FINANCIAL ASSISTANCE PROHIBITED.

1 1. Beginning with the fiscal year beginning July 1, 2003,
2 the following financial assistance programs shall be
3 unavailable in those counties and cities where land use and
4 development are not consistent with the strategic development
5 plan governing the area.

6 2. Financial assistance includes but is not limited to
7 moneys awarded from the following:

8 a. Community development block grants and programs funded
9 with community development block grant funds expended pursuant
10 to section 15.108.

11 b. The self-employment loan program created in section
12 15.241.

13 c. The targeted small business financial assistance
14 program created in section 15.247.

15 d. The rural community 2000 financing programs created in
16 sections 15.283 and 16.141.

17 e. The community economic betterment account established
18 in section 15.320.

19 f. The community attraction and tourism program
20 established in section 15F.202.

21 g. The small business loan program created in section
22 16.62.

23 h. The economic development bond bank program established
24 pursuant to section 16.102.

25 i. The export business finance program created in section
26 16.122.

27 j. The sewage treatment and drinking water facilities
28 financing program created in section 16.131.

29 k. The revitalize Iowa's sound economy fund created in
30 section 315.2.

31 l. Tax increment financing created pursuant to section
32 403.19.

33 m. Tax exemptions within revitalization areas as provided
34 in chapter 404.

35 n. Intermodal surface transportation efficiency Act funds

1 or any subsequent federal authorization for transportation
2 funds.

3 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
4 BOARD.

5 1. A land management planning board is established as the
6 state's principal agency overseeing land management planning
7 by cities and counties. The board shall oversee the
8 administration of this chapter, and chapters 366 and 368,
9 monitor the effectiveness of public agencies in carrying out
10 the policy of this state as established in section 6C.2, and
11 study methods to successfully implement the policy.

12 2. The board shall be composed of the following members:

13 a. One member appointed from a city with a population of
14 twenty-five thousand or less.

15 b. One member appointed from a city with a population of
16 more than twenty-five thousand but less than seventy-five
17 thousand.

18 c. One member appointed from a city with a population of
19 seventy-five thousand or more.

20 d. One member appointed from a county with a population of
21 fifty thousand or less.

22 e. One member appointed from a county with a population of
23 more than fifty thousand but less than one hundred thousand.

24 f. One member appointed from a county with a population of
25 one hundred thousand or more.

26 g. One member appointed by the secretary of agriculture.

27 h. One member appointed by the director of the department
28 of natural resources.

29 i. One member appointed by the director of the department
30 of economic development.

31 j. Two members representing the general public.

32 3. With the exception of members appointed under
33 paragraphs "g", "h", and "i", the members shall be appointed
34 by the governor subject to confirmation by the senate as
35 provided in section 2.32. The appointments shall be for six-

1 year staggered terms beginning and ending as provided in
2 section 69.19, or for an unexpired term if a vacancy occurs.
3 No member shall serve more than two complete six-year terms.

4 4. The board shall elect a chairperson each year.

5 5. Members of the board, other than a state officer or
6 employee, are entitled to receive a per diem as specified in
7 section 7E.6 for each day spent in performance of duties as
8 members, and shall be reimbursed for all actual and necessary
9 expenses incurred in the performance of duties as members.

10 6. The department shall provide office space and staff
11 assistance, and shall budget funds to cover expenses of the
12 board. The office of attorney general shall provide legal
13 counsel to the board.

14 Sec. 6. NEW SECTION. 6C.6 POWERS AND DUTIES OF THE
15 BOARD.

16 1. The board shall do all of the following:

17 a. Review strategic development plans submitted for
18 dispute resolution pursuant to section 366.6.

19 b. Review and approve plans submitted for final approval
20 pursuant to section 366.7.

21 c. Approve or disapprove petitions for boundary adjustment
22 as provided in chapter 368.

23 d. Establish policies for administration of the land
24 management planning fund created in section 6C.7.

25 e. Adopt rules pursuant to chapter 17A necessary to
26 administer its duties under this chapter and chapters 366 and
27 368.

28 2. The board may adopt forms to be completed and submitted
29 by cities and counties as necessary for the efficient
30 administration of this chapter and chapters 366 and 368.

31 Sec. 7. NEW SECTION. 6C.7 LAND MANAGEMENT PLANNING FUND.

32 1. A land management planning fund is created within the
33 state treasury under the control of the department. Moneys in
34 the fund shall be used exclusively to pay for the costs of
35 administration of this chapter and chapters 366 and 368 by the

1 department.

2 2. The fund shall consist of all of the following:

3 a. Moneys appropriated by the general assembly.

4 b. Moneys available to and obtained or accepted by the
5 department from the federal government or private sources for
6 deposit in the fund.

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DIVISION II

8

LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

9

Sec. 8. NEW SECTION. 366.1 DEFINITIONS.

10 1. "Agricultural land" means agricultural land as defined
11 in section 9H.1.

12 2. "Board" means the land management planning board
13 created in section 6C.5.

14 3. "Municipal services" means benefits and services
15 provided by a local government to persons residing within its
16 jurisdiction, regardless of whether the benefits and services
17 are provided directly or by another person under contract with
18 the local government. Municipal services include but are not
19 limited to fire protection, law enforcement, waste collection
20 and disposal, public water supply and sewer facilities,
21 ambulance or emergency care, and streets and roads.

22 Sec. 9. NEW SECTION. 366.2 LOCAL STRATEGIC DEVELOPMENT
23 COMMITTEE.

24 1. A local strategic development committee is created
25 within each county. Members shall be appointed to the
26 committee on or before August 1, 2001. The committee shall be
27 composed of the following members:

28 a. Three members appointed by the county board of
29 supervisors. Two of the three members must be residents of
30 the unincorporated area of the county and must be actively
31 engaged in farming as provided in section 9H.1, subsection 1,
32 paragraphs "a" through "c".

33 b. One member appointed by the city council of each city
34 located in the county.

35 c. One member appointed by the mayor of each of the two

1 cities with the highest population located in the county.

2 2. A city shall be represented on a committee if any part
3 of the city is located in the county. However, if the portion
4 of the city in the county is less than one-half of the entire
5 geographical area of the city, the member representing the
6 city shall be a nonvoting member of the committee.

7 3. The committee shall hold an organizational meeting no
8 later than ten days after appointment of members. The
9 organizational meeting shall be convened by the chairperson of
10 the county board of supervisors.

11 Sec. 10. NEW SECTION. 366.3 STRATEGIC DEVELOPMENT PLAN
12 -- GOALS AND OBJECTIVES.

13 1. The local strategic development committee shall create
14 and recommend a strategic development plan for the county.

15 2. The purpose of a strategic development plan is to
16 direct coordinated, efficient, and orderly urban development
17 that will, based on an analysis of present and future needs,
18 best promote the public health, safety, morals, and general
19 welfare. The goals and objectives of a strategic development
20 plan include the following:

21 a. Encouraging a pattern of compact development in
22 strategic development areas.

23 b. Promoting redevelopment of existing urban areas.

24 c. Promoting employment opportunities and the economic
25 health of the county and all cities in the county.

26 d. Providing for a variety of housing choices throughout a
27 city and assuring affordable housing for future population
28 growth.

29 e. Identifying and conserving natural resource areas,
30 environmentally sensitive land, and features of significant
31 local, statewide, or regional architectural, cultural,
32 historical, or archaeological interest.

33 f. Preserving prime agricultural land for use in
34 agricultural production.

35 g. Protecting private property rights.

1 h. Ensuring that adequate municipal services are provided
2 concurrently with development.

3 i. Taking into consideration such other matters that are
4 related to the coordinated, efficient, and orderly development
5 of the county and all cities in the county.

6 Sec. 11. NEW SECTION. 366.4 STRATEGIC DEVELOPMENT PLAN
7 -- REQUIREMENTS.

8 1. A strategic development plan shall divide the county
9 into strategic development areas where future development
10 would be allowed to occur and strategic preservation areas
11 where development would not be allowed. A strategic
12 development plan may address transportation, public
13 infrastructure, municipal services, economic development,
14 housing, and recreation.

15 2. The committee shall conduct a review of existing
16 comprehensive plans governing the county, if applicable, and
17 governing each city located in the county.

18 3. A strategic development plan shall include, at a
19 minimum, documents describing and depicting the corporate
20 limits of each city in the county and the boundaries of each
21 strategic development area and each strategic preservation
22 area.

23 4. a. In establishing a strategic development area, the
24 plan shall do all of the following:

25 (1) Identify territory that a reasonable and prudent
26 person would project as the likely site of commercial,
27 industrial, or residential growth over the next twenty years
28 based on historical experience, economic trends, population
29 growth patterns, topographical characteristics, and any
30 professional planning, engineering, and economic studies that
31 are available. The city shall report population growth
32 projections for the city based upon federal census data.

33 (2) Identify agricultural land which has a corn
34 suitability rating of sixty or higher, according to
35 information released by Iowa state university to the

1 department of revenue and finance for assessment and taxation
2 of agricultural land. Agricultural land with a corn
3 suitability rating of sixty or higher shall not be included in
4 a strategic development area unless the local strategic
5 development committee makes a showing that the land is
6 necessary for the orderly development of the strategic
7 development area.

8 b. In establishing a strategic preservation area, the plan
9 shall identify territory to be preserved for the next twenty
10 years for agricultural purposes, forests, recreational areas,
11 wildlife management areas, cultural areas, historical areas,
12 or other areas planned for preservation.

13 5. When designating that part of a strategic development
14 area contiguous to a city, the committee shall identify, and
15 give consideration to, the amount of territory within the
16 current incorporated boundaries of the city that is vacant or
17 undeveloped land.

18 6. The committee shall utilize planning resources that are
19 available within the county, including city and county
20 planning commissions and zoning administrators. The committee
21 is also encouraged to utilize the services of a council of
22 governments established pursuant to chapter 28H, a joint
23 planning commission established pursuant to chapter 28I, and
24 colleges and universities in the state.

25 Sec. 12. NEW SECTION. 366.5 LOCAL GOVERNMENT

26 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

27 1. Before the committee submits the plan recommended for
28 ratification, the committee shall hold at least one public
29 hearing on the proposed recommended strategic development
30 plan. The county auditor shall publish notice of the time,
31 place, and purpose of the public hearing in a newspaper of
32 general circulation in the county. The notice must be
33 published at least ten days but no more than twenty days
34 before the hearing.

35 2. Not later than January 1, 2002, the committee shall

1 submit the recommended strategic development plan to the
2 county board of supervisors and the city council of each city
3 in the county.

4 a. Not later than sixty days after receiving the
5 recommended strategic development plan, the county board of
6 supervisors and each city council shall by resolution either
7 ratify or reject the recommended strategic development plan.
8 A city or county that fails to timely act on the resolution
9 shall be deemed to have ratified the recommended strategic
10 development plan on the last day of the sixty-day period. If
11 the strategic development plan is ratified, the committee
12 shall submit the plan to the land management planning board
13 for approval.

14 b. If the county board of supervisors or a city council
15 rejects the recommended strategic development plan submitted
16 by the committee, the county or city shall submit its
17 objections to the plan along with the notice of rejection.
18 After receiving objections to the plan, the committee may
19 recommend a revised strategic development plan no later than
20 sixty days after the recommended plan is rejected or may
21 resubmit the original plan. Before the committee submits the
22 revised plan recommended for ratification, the committee shall
23 hold at least one public hearing on the revised plan in the
24 manner provided in subsection 1. The committee shall submit
25 any revised strategic development plan to the county board of
26 supervisors and the city council of each city in the county
27 for ratification.

28 Not later than sixty days after receiving a revised
29 strategic development plan, the county board of supervisors
30 and each city council shall either ratify or reject the
31 revised strategic development plan in the same manner as
32 provided in paragraph "a". A city or county that fails to
33 timely act on a resolution shall be deemed to have ratified
34 the revised strategic development plan on the last day of the
35 sixty-day period.

1 Sec. 13. NEW SECTION. 366.6 DISPUTE RESOLUTION.

2 1. If a recommended strategic development plan and a
3 revised strategic development plan are rejected pursuant to
4 section 366.5, the committee shall submit each of the rejected
5 plans to the board for resolution of the matter within ten
6 days of rejection of the revised plan. The board shall review
7 the strategic development plans submitted by the committee and
8 may adopt such amendments to a plan necessary for its approval
9 by the board.

10 2. Not later than October 1, 2002, the board shall have
11 approved strategic development plans submitted to the board
12 for dispute resolution. Such approval is deemed to satisfy
13 the approval requirement of section 366.7.

14 Sec. 14. NEW SECTION. 366.7 PLAN SUBMITTED TO BOARD FOR
15 FINAL APPROVAL.

16 A strategic development plan ratified pursuant to section
17 366.5 shall be submitted to the board for approval within ten
18 days of ratification of the plan. If the board determines
19 that a plan conforms with the requirements of this chapter,
20 the board shall approve the plan. If the board determines
21 that a plan does not so conform, the board shall adopt such
22 amendments to the plan necessary for its approval by the
23 board. The board shall have approved all plans by October 1,
24 2002.

25 Sec. 15. NEW SECTION. 366.8 RECORDING OF STRATEGIC
26 DEVELOPMENT PLAN.

27 After the board has approved a strategic development plan,
28 the board shall retain a copy of the plan on file and shall
29 forward a copy to the county auditor who shall record the plan
30 in the office of county recorder no later than five days after
31 receiving the plan from the board.

32 Sec. 16. NEW SECTION. 366.9 DURATION OF PLANS -- REVIEW
33 AND AMENDMENT.

34 After a strategic development plan has been recorded with
35 the county recorder, the plan shall remain in effect for not

1 less than five years absent a showing of extraordinary
2 circumstances necessitating a change in the plan. After
3 expiration of the five-year period, the county or a city in
4 the county may propose an amendment to the strategic
5 development plan or may propose a review of the plan by filing
6 notice with the county board of supervisors for the county and
7 the city council of each city in the county. Upon receipt of
8 such notice by the county and each city, the county board of
9 supervisors shall promptly reconvene the local strategic
10 planning committee. The burden of proving the reasonableness
11 of a proposed amendment to the plan shall be upon the party
12 proposing the amendment. The procedures for amending the
13 strategic development plan shall be the same as the procedures
14 set forth in this chapter for creating the original strategic
15 development plan.

16 Sec. 17. NEW SECTION. 366.10 JUDICIAL REVIEW.

17 1. The county, a city in the county, a resident of the
18 county, or an owner of real property located in the county may
19 seek judicial review of a decision of the board relating to
20 the strategic development plan presented to the board for its
21 approval. The judicial review provisions of this section and
22 chapter 17A shall be the exclusive means by which a person or
23 party who is aggrieved or adversely affected by action of the
24 board may seek judicial review of the action of the board or
25 of a local government.

26 2. A petition for judicial review must be filed within
27 sixty days after the strategic development plan is recorded
28 with the county recorder. In accordance with the Iowa rules
29 of civil procedure pertaining to service of process, copies of
30 the petition shall be served upon the board.

31 3. The court's review is limited to questions relating to
32 jurisdiction, regularity of proceedings, and whether the
33 action of the board is, by a preponderance of the evidence,
34 arbitrary, unreasonable, or without substantial supporting
35 evidence. The court may nullify an action of the board and

1 return the plan with appropriate directions to the board.

2 4. The filing of a petition for judicial review does not
3 stay the effectiveness of the strategic development plan or
4 recognition of strategic development areas and strategic
5 preservation areas identified in the plan. However, the court
6 may order a stay upon appropriate terms if it is shown to the
7 satisfaction of the court that any party or the public at
8 large is likely to suffer significant injury if a stay is not
9 granted. If more than one petition for judicial review
10 regarding a single board action is filed, all such petitions
11 shall be consolidated and tried as a single civil action.

12 5. The following portions of section 17A.19 are not
13 applicable to this chapter:

14 a. The portion of subsection 2 relating to where
15 proceedings for judicial review shall be instituted.

16 b. Subsection 5.

17 c. Subsection 8.

18 d. Subsections 10 through 12.

19 Sec. 18. NEW SECTION. 366.11 LOCAL IMPLEMENTATION.

20 1. A city or county shall not adopt ordinances regulating
21 land development and management within its territory that are
22 inconsistent with the strategic development plan governing the
23 territory.

24 2. A strategic development plan approved pursuant to this
25 chapter shall be the basis for the comprehensive plan of each
26 county required pursuant to section 335.5, if the county has
27 adopted a zoning ordinance, and for the comprehensive plan of
28 each city in the county required pursuant to section 414.3.
29 The county and each city shall amend its comprehensive plan to
30 conform to the strategic development plan. After a strategic
31 development plan is approved, all land use decisions made by
32 the governing body of each city and county and the city's or
33 county's planning commission shall be consistent with the
34 strategic development plan.

35 3. A city or county is under no obligation to provide

1 municipal services for development that does not conform to
2 the applicable strategic development plan.

3 Sec. 19. NEW SECTION. 366.12 COUNCILS OF GOVERNMENTS AND
4 JOINT PLANNING COMMISSIONS.

5 A council of governments or joint planning commission, or
6 any other planning agency, shall not provide development
7 assistance, including planning, investigations, or studies,
8 that is inconsistent with a strategic development plan for the
9 area served by the council of governments or joint planning
10 commission.

11 DIVISION III
12 CITY DEVELOPMENT

13 Sec. 20. Section 368.1, subsection 3, Code 2001, is
14 amended to read as follows:

15 3. "Board" means the city-development land management
16 planning board established in section 368-9 6C.5.

17 Sec. 21. Section 368.1, Code 2001, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 10A. "Municipal services" means benefits
20 and services provided by a local government to persons
21 residing within its jurisdiction, regardless of whether the
22 benefits and services are provided directly or by another
23 person under contract with the local government. Municipal
24 services include, but are not limited to, fire protection, law
25 enforcement, waste collection and disposal, public water
26 supply and sewer facilities, ambulance or emergency care, and
27 streets and roads.

28 Sec. 22. NEW SECTION. 368.5A ANNEXATION PROHIBITED --
29 STRATEGIC PRESERVATION AREAS.

30 Beginning October 1, 2002, only territory contained in a
31 strategic development area may be annexed. If an annexation
32 application or petition seeks to annex territory contained in
33 a strategic preservation area, the application or petition is
34 deemed invalid.

35 Sec. 23. Section 368.7A, subsection 1, Code 2001, is

1 amended to read as follows:

2 1. The board of supervisors of each affected county shall
3 notify the city-development land management planning board of
4 the existence of that portion of any secondary road which
5 extends to the center line but has not become part of the city
6 by annexation and has a common boundary with a city. The
7 notification shall include a legal description and a map
8 identifying the location of the secondary road. The city
9 development land management planning board shall provide
10 notice and an opportunity to be heard to each city in or next
11 to which the secondary road is located. The city-development
12 land management planning board shall certify that the
13 notification is correct and declare the road, or portion of
14 the road extending to the center line, annexed to the city as
15 of the date of certification. This section is not intended to
16 interfere with or modify existing chapter 28E agreements on
17 jurisdictional transfer of roads, or continuing negotiations
18 between jurisdictions.

19 Sec. 24. Section 368.11, Code 2001, is amended by adding
20 the following new unnumbered paragraph before unnumbered
21 paragraph 3:

22 NEW UNNUMBERED PARAGRAPH. Plans required by this section
23 to be filed with a petition shall include specific information
24 pertaining to estimated costs of implementing the plan, the
25 time frame involved in implementing the plan, and any other
26 specific information related to implementing the plan.

27 Sec. 25. Section 368.11, Code 2001, is amended by adding
28 the following new subsections:

29 NEW SUBSECTION. 14. Plans for extending municipal
30 services to be provided by the annexing city to the annexed
31 territory.

32 NEW SUBSECTION. 15. A statement describing how the
33 boundary adjustment will conform to the strategic development
34 plan governing the territory.

35 Sec. 26. NEW SECTION. 368.25 FAILURE TO PROVIDE

1 MUNICIPAL SERVICES.

2 If a city fails to provide municipal services to territory
3 involuntarily annexed, according to the plan filed pursuant to
4 section 368.11, within three years after the annexation
5 process is completed, the land management planning board shall
6 file a petition for severance to sever the annexed territory
7 from the city. The petition shall be filed and acted upon in
8 the same manner as a petition under section 368.11. For
9 purposes of this section and section 368.11, subsection 14,
10 "municipal services" includes, but is not limited to, water
11 supply, sewage disposal, solid waste collection, street and
12 road maintenance, and police and fire protection.

13 Sec. 27. Sections 368.9 and 368.10, Code 2001, are
14 repealed.

15 DIVISION IV

16 CORRESPONDING AMENDMENTS

17 Sec. 28. Section 15.108, subsection 3, paragraph a,
18 subparagraph (2), Code 2001, is amended to read as follows:

19 (2) Provide office space and staff assistance to the city
20 development land management planning board as provided in
21 section ~~368-9~~ 6C.5.

22 Sec. 29. Section 331.304, subsection 7, Code 2001, is
23 amended to read as follows:

24 7. The board may file a petition with the city-development
25 land management planning board as provided in section 368.11.

26 Sec. 30. Section 331.321, subsection 1, paragraph t, Code
27 2001, is amended to read as follows:

28 t. Local representatives to serve with the city
29 development land management planning board as provided in
30 section 368.14.

31 Sec. 31. Section 384.38, subsection 2, Code 2001, is
32 amended to read as follows:

33 2. Upon petition as provided in section 384.41, subsection
34 1, a city may assess to private property affected by public
35 improvements within three miles of the city's boundaries the

1 cost of construction and repair of public improvements within
2 that area. The right-of-way of a railway company shall not be
3 assessed unless the company joins as a petitioner for ~~said~~
4 such improvements. In the petition the property owners shall
5 waive the limitation provided in section 384.62 that an
6 assessment may not exceed twenty-five percent of the value of
7 the lot. The petition shall contain a statement that the
8 owners agree to pay the city an amount equal to five percent
9 of the cost of the improvements, to cover administrative
10 expenses incurred by the city. This amount may be added to
11 the cost of the improvements. Before the council may adopt
12 the resolution of necessity, the preliminary resolution,
13 preliminary plans and specifications, plat, schedule, and
14 estimate of cost must be submitted to, and receive written
15 approval from, the board of supervisors of any county which
16 contains part of the property, and the city-development land
17 management planning board established in section 368-9 6C.5.

18 Sec. 32. LAND MANAGEMENT PLANNING BOARD TRANSITION. Terms
19 of current city development board members shall continue until
20 the appointing authority has appointed the members of the land
21 management planning board. Upon enactment of this Act, the
22 appointing authority shall immediately appoint members of the
23 land management planning board. The appointing authority
24 shall provide for staggered terms for newly appointed members
25 of the land management planning board with four members being
26 appointed for six-year terms, four members being appointed for
27 four-year terms, and three members being appointed for two-
28 year terms.

29 Sec. 33. IMPLEMENTATION OF ACT. Section 25B.2, subsection
30 3, shall not apply to this Act.

31 Sec. 34. EFFECTIVE DATES.

32 1. The sections of this Act enacting Code sections 368.5A
33 and 368.25 and amending Code section 368.11 take effect
34 October 1, 2002.

35 2. The remainder of this Act takes effect May 1, 2001.

1 EXPLANATION

2 This bill makes changes to the law relating to local land
3 management planning and development.

4 The bill establishes a statewide land management planning
5 board, which is the current city development board with
6 expanded membership and expanded duties. The bill provides
7 for transition in membership between the city development
8 board and the land management planning board and provides for
9 appointment of new members. The land management planning
10 board, besides being involved with city development and
11 annexation, will oversee administration of the land management
12 planning fund. The land management planning fund is created
13 to help pay the costs of administering the board's duties.

14 The bill provides that, as of July 1, 2003, a public agency
15 shall not award certain types of financial assistance in
16 cities and counties where land use and development are not
17 consistent with the strategic development plan for the area.
18 Public agency is defined.

19 The bill requires each county and certain cities in the
20 county to establish a strategic development committee by
21 August 1, 2001, for the purpose of creating a strategic
22 development plan for the entire county. The purpose of the
23 plan is to direct coordinated, efficient, and orderly urban
24 development. A strategic development plan shall identify
25 areas for future development and shall identify strategic
26 preservation areas where development would not be allowed to
27 occur. Prior to recommendation of a strategic development
28 plan, the committee is required to hold a public hearing on
29 the proposed plan. Plans are to be submitted by the committee
30 to the cities and county by January 1, 2002, for ratification.
31 If a proposed strategic development plan is not ratified by
32 the cities and county, the committee shall revise the plan and
33 submit it to the cities and county for ratification. If the
34 revised plan is not ratified, both the recommended plan and
35 the revised plan are forwarded to the land management planning

1 board for dispute resolution.

2 A plan ratified by the cities and county must be approved
3 by the land management planning board. All plans must be
4 approved by the board by October 1, 2002. The board may amend
5 a plan. Approved plans must be recorded with the county
6 recorder and filed with the land management planning board. A
7 plan does not take effect until it is recorded with the county
8 recorder. A plan remains in effect for five years. The bill
9 provides that the strategic development plan shall be the
10 basis for the comprehensive zoning plan of the cities and
11 county.

12 The bill prohibits annexation of territory in a strategic
13 preservation area and requires that annexation petitions
14 include a plan for providing municipal services to the annexed
15 territory within three years of annexation. The petition must
16 also include a statement that the annexation is in conformance
17 with the strategic development plan. The bill defines
18 "municipal services" for purposes of city development. Code
19 section 368.25 is enacted to require the land management
20 planning board to initiate an action for severance of
21 territory which had been involuntarily annexed to a city if
22 the city fails to provide municipal services to the territory
23 within three years of the date the annexation is completed. A
24 petition for severance filed by the board under these
25 circumstances is to be acted upon in the same manner as an
26 involuntary petition, and is subject to approval by the
27 committee of local representatives and is subject to approval
28 at an election. These amendments take effect October 1, 2002.

29 The bill may include a state mandate as defined in Code
30 section 25B.3. However, the bill makes inapplicable Code
31 section 25B.2, subsection 3, which would relieve a political
32 subdivision from complying with a state mandate if funding for
33 the cost of the state mandate is not provided or specified.
34 Therefore, political subdivisions are required to comply with
35 any state mandate included in the bill.

1 Except as otherwise noted, the bill takes effect May 1,
2 2001.

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