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SENATE FILE

2088

BY MCKEAN, LUNDBY, FINK,
and HAMMOND

(COMPANION TO LSB
5415HH BY CARROLL)

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 2088
LOCAL GOVERNMENT

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, 2004,
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 community economic betterment account established
16 in section 15.320.

17 e. The community attraction and tourism program
18 established in section 15F.202.

19 f. The small business loan program created in section
20 16.62.

21 g. The economic development bond bank program established
22 pursuant to section 16.102.

23 h. The export business finance program created in section
24 16.122.

25 i. The sewage treatment and drinking water facilities
26 financing program created in section 16.131.

27 j. The revitalize Iowa's sound economy fund created in
28 section 315.2.

29 k. Tax increment financing created pursuant to section
30 403.19.

31 l. Tax exemptions within revitalization areas as provided
32 in chapter 404.

33 m. Intermodal surface transportation efficiency Act funds
34 or any subsequent federal authorization for transportation
35 funds.

1 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
2 BOARD.

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

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

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

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

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

18 d. One member appointed from a county with a population of
19 fifty thousand or less.

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

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

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

25 h. One member appointed by the director of the department
26 of natural resources.

27 i. One member appointed by the director of the department
28 of economic development.

29 j. Two members representing the general public.

30 3. With the exception of members appointed under
31 subsection 2, paragraphs "g", "h", and "i", the members shall
32 be appointed by the governor subject to confirmation by the
33 senate as provided in section 2.32. The appointments shall be
34 for six-year staggered terms beginning and ending as provided
35 in section 69.19, or for an unexpired term if a vacancy

1 occurs. No member shall serve more than two complete six-year
2 terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 2. The fund shall consist of all of the following:
2 a. Moneys appropriated by the general assembly.
3 b. Moneys available to and obtained or accepted by the
4 department from the federal government or private sources for
5 deposit in the fund.

DIVISION II

LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

8 **Sec. 8. NEW SECTION. 366.1 DEFINITIONS.**

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

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

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

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

23 1. A local strategic development committee is created
24 within each county. Members shall be appointed to the
25 committee on or before August 1, 2002. The committee shall be
26 composed of the following members:

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

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

34 c. One member appointed by the mayor of each of the two
35 cities with the highest population located in the county.

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

6 3. In counties where three or more cities are contiguous
7 and one or more of those cities crosses county boundaries, the
8 counties containing any part of one or more of those
9 contiguous cities may organize as one combined strategic
10 development committee.

11 4. The committee shall hold an organizational meeting no
12 later than ten days after appointment of members. The
13 organizational meeting shall be convened by the chairperson of
14 the county board of supervisors.

15 Sec. 10. NEW SECTION. 366.3 STRATEGIC DEVELOPMENT PLAN
16 -- GOALS AND OBJECTIVES.

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

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

25 a. Encouraging a pattern of compact development in
26 strategic development areas.

27 b. Promoting redevelopment of existing urban areas.

28 c. Promoting employment opportunities and the economic
29 health of the county and all cities in the county.

30 d. Providing for a variety of housing choices throughout a
31 city and assuring affordable housing for future population
32 growth.

33 e. Identifying and conserving natural resource areas,
34 environmentally sensitive land, and features of significant
35 local, statewide, or regional architectural, cultural,

1 historical, or archaeological interest.

2 f. Preserving prime agricultural land for use in
3 agricultural production.

4 g. Protecting private property rights.

5 h. Ensuring that adequate municipal services are provided
6 concurrently with development.

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

10 Sec. 11. NEW SECTION. 366.4 STRATEGIC DEVELOPMENT PLAN
11 -- REQUIREMENTS.

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

19 2. The committee shall conduct a review of existing
20 comprehensive plans governing the county, if applicable, and
21 governing each city located in the county.

22 3. A strategic development plan shall include, at a
23 minimum, documents describing and depicting the corporate
24 limits of each city in the county and the boundaries of each
25 strategic development area and each strategic preservation
26 area.

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

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

1 projections for the city based upon federal census data.

2 (2) Identify agricultural land which has a corn
3 suitability rating of sixty or higher, according to
4 information released by Iowa state university to the
5 department of revenue and finance for assessment and taxation
6 of agricultural land. Agricultural land with a corn
7 suitability rating of sixty or higher shall not be included in
8 a strategic development area unless the local strategic
9 development committee makes a showing that the land is
10 necessary for the orderly development of the strategic
11 development area.

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

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

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

29 Sec. 12. NEW SECTION. 366.5 LOCAL GOVERNMENT
30 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

31 1. Before the committee submits the plan recommended for
32 ratification, the committee shall hold at least one public
33 hearing on the proposed recommended strategic development
34 plan. The county auditor shall publish notice of the time,
35 place, and purpose of the public hearing in a newspaper of

1 general circulation in the county. The notice must be
2 published at least ten days but no more than twenty days
3 before the hearing.

4 2. Not later than January 1, 2003, the committee shall
5 submit the recommended strategic development plan to the
6 county board of supervisors and the city council of each city
7 in the county.

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

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

32 Not later than sixty days after receiving a revised
33 strategic development plan, the county board of supervisors
34 and each city council shall either ratify or reject the
35 revised strategic development plan in the same manner as

1 provided in paragraph "a". A city or county that fails to
2 timely act on a resolution shall be deemed to have ratified
3 the revised strategic development plan on the last day of the
4 sixty-day period.

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

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

14 2. Not later than October 1, 2003, the board shall have
15 approved strategic development plans submitted to the board
16 for dispute resolution. Such approval is deemed to satisfy
17 the approval requirement of section 366.7.

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

20 A strategic development plan ratified pursuant to section
21 366.5 shall be submitted to the board for approval within ten
22 days of ratification of the plan. If the board determines
23 that a plan conforms with the requirements of this chapter,
24 the board shall approve the plan. If the board determines
25 that a plan does not so conform, the board shall adopt such
26 amendments to the plan necessary for its approval by the
27 board. The board shall have approved all plans by October 1,
28 2003.

29 Sec. 15. NEW SECTION. 366.8 RECORDING OF STRATEGIC
30 DEVELOPMENT PLAN.

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

1 Sec. 16. NEW SECTION. 366.9 DURATION OF PLANS -- REVIEW
2 AND AMENDMENT.

3 After a strategic development plan has been recorded with
4 the county recorder, the plan shall remain in effect for not
5 less than five years absent a showing of extraordinary
6 circumstances necessitating a change in the plan. After
7 expiration of the five-year period, the county or a city in
8 the county may propose an amendment to the strategic
9 development plan or may propose a review of the plan by filing
10 notice with the county board of supervisors for the county and
11 the city council of each city in the county. Upon receipt of
12 such notice by the county and each city, the county board of
13 supervisors shall promptly reconvene the local strategic
14 planning committee. The burden of proving the reasonableness
15 of a proposed amendment to the plan shall be upon the party
16 proposing the amendment. The procedures for amending the
17 strategic development plan shall be the same as the procedures
18 set forth in this chapter for creating the original strategic
19 development plan.

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

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

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

35 3. The court's review is limited to questions relating to

1 jurisdiction, regularity of proceedings, and whether the
2 action of the board is, by a preponderance of the evidence,
3 arbitrary, unreasonable, or without substantial supporting
4 evidence. The court may nullify an action of the board and
5 return the plan with appropriate directions to the board.

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

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

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

20 b. Subsection 5.

21 c. Subsection 8.

22 d. Subsections 10 through 12.

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

24 1. A city or county shall not adopt ordinances regulating
25 land development and management within its territory that are
26 inconsistent with the strategic development plan governing the
27 territory.

28 2. A strategic development plan approved pursuant to this
29 chapter shall be the basis for the comprehensive plan of each
30 county required pursuant to section 335.5, if the county has
31 adopted a zoning ordinance, and for the comprehensive plan of
32 each city in the county required pursuant to section 414.3.

33 The county and each city shall amend its comprehensive plan to
34 conform to the strategic development plan. After a strategic
35 development plan is approved, all land use decisions made by

1 the governing body of each city and county and the city's or
2 county's planning commission shall be consistent with the
3 strategic development plan.

4 3. A city or county is under no obligation to provide
5 municipal services for development that does not conform to
6 the applicable strategic development plan.

7 Sec. 19. NEW SECTION. 366.12 COUNCILS OF GOVERNMENTS AND
8 JOINT PLANNING COMMISSIONS.

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

15 Sec. 20. NEW SECTION. 414.32 REGULATORY INCENTIVES.

16 Cities shall provide regulatory incentives, including
17 expedited permitting and waiver of permit fees, for new
18 development, expansion of existing development, and
19 redevelopment within the incorporated boundaries of the city
20 in areas containing undeveloped or underdeveloped land or
21 buildings that are substandard, dilapidated, vacant,
22 abandoned, or functionally obsolete.

23 DIVISION III

24 CITY DEVELOPMENT

25 Sec. 21. Section 368.1, subsection 3, Code 2001, is
26 amended to read as follows:

27 3. "Board" means the city-development land management
28 planning board established in section 368.9 6C.5.

29 Sec. 22. Section 368.1, Code 2001, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 10A. "Municipal services" means benefits
32 and services provided by a local government to persons
33 residing within its jurisdiction, regardless of whether the
34 benefits and services are provided directly or by another
35 person under contract with the local government. Municipal

1 services include, but are not limited to, fire protection, law
2 enforcement, waste collection and disposal, public water
3 supply and sewer facilities, ambulance or emergency care, and
4 streets and roads.

5 Sec. 23. NEW SECTION. 368.5A ANNEXATION PROHIBITED --
6 STRATEGIC PRESERVATION AREAS.

7 Beginning October 1, 2003, only territory contained in a
8 strategic development area may be annexed. If an annexation
9 application or petition seeks to annex territory contained in
10 a strategic preservation area, the application or petition is
11 deemed invalid.

12 Sec. 24. Section 368.7A, subsection 1, Code 2001, is
13 amended to read as follows:

14 1. The board of supervisors of each affected county shall
15 notify the city-development land management planning board of
16 the existence of that portion of any secondary road which
17 extends to the center line but has not become part of the city
18 by annexation and has a common boundary with a city. The
19 notification shall include a legal description and a map
20 identifying the location of the secondary road. The city
21 development land management planning board shall provide
22 notice and an opportunity to be heard to each city in or next
23 to which the secondary road is located. The city-development
24 land management planning board shall certify that the
25 notification is correct and declare the road, or portion of
26 the road extending to the center line, annexed to the city as
27 of the date of certification. This section is not intended to
28 interfere with or modify existing chapter 28E agreements on
29 jurisdictional transfer of roads, or continuing negotiations
30 between jurisdictions.

31 Sec. 25. Section 368.11, Code Supplement 2001, is amended
32 by adding the following new unnumbered paragraph before
33 unnumbered paragraph 3:

34 NEW UNNUMBERED PARAGRAPH. Plans required by this section
35 to be filed with a petition shall include specific information

1 pertaining to estimated costs of implementing the plan, the
2 time frame involved in implementing the plan, and any other
3 specific information related to implementing the plan.

4 Sec. 26. Section 368.11, Code Supplement 2001, is amended
5 by adding the following new subsections:

6 NEW SUBSECTION. 14. Plans for extending municipal
7 services to be provided by the annexing city to the annexed
8 territory.

9 NEW SUBSECTION. 15. A statement describing how the
10 boundary adjustment will conform to the strategic development
11 plan governing the territory.

12 Sec. 27. NEW SECTION. 368.25 FAILURE TO PROVIDE
13 MUNICIPAL SERVICES.

14 If a city fails to provide municipal services to territory
15 involuntarily annexed, according to the plan filed pursuant to
16 section 368.11, within three years after the annexation
17 process is completed, the land management planning board shall
18 file a petition for severance to sever the annexed territory
19 from the city. The petition shall be filed and acted upon in
20 the same manner as a petition under section 368.11. For
21 purposes of this section and section 368.11, subsection 14,
22 "municipal services" includes, but is not limited to, water
23 supply, sewage disposal, solid waste collection, street and
24 road maintenance, and police and fire protection.

25 Sec. 28. Sections 368.9 and 368.10, Code 2001, are
26 repealed.

27 DIVISION IV

28 CORRESPONDING AMENDMENTS

29 Sec. 29. Section 15.108, subsection 3, paragraph a,
30 subparagraph (2), Code Supplement 2001, is amended to read as
31 follows:

32 (2) Provide office space and staff assistance to the city
33 development land management planning board as provided in
34 section ~~368.9~~ 6C.5.

35 Sec. 30. Section 331.304, subsection 7, Code 2001, is

1 amended to read as follows:

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

4 Sec. 31. Section 331.321, subsection 1, paragraph t, Code
5 Supplement 2001, is amended to read as follows:

6 t. Local representatives to serve with the city
7 development land management planning board as provided in
8 section 368.14.

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

11 2. Upon petition as provided in section 384.41, subsection
12 1, a city may assess to private property affected by public
13 improvements within three miles of the city's boundaries the
14 cost of construction and repair of public improvements within
15 that area. The right-of-way of a railway company shall not be
16 assessed unless the company joins as a petitioner for said
17 such improvements. In the petition the property owners shall
18 waive the limitation provided in section 384.62 that an
19 assessment may not exceed twenty-five percent of the value of
20 the lot. The petition shall contain a statement that the
21 owners agree to pay the city an amount equal to five percent
22 of the cost of the improvements, to cover administrative
23 expenses incurred by the city. This amount may be added to
24 the cost of the improvements. Before the council may adopt
25 the resolution of necessity, the preliminary resolution,
26 preliminary plans and specifications, plat, schedule, and
27 estimate of cost must be submitted to, and receive written
28 approval from, the board of supervisors of any county which
29 contains part of the property, and the city-development land
30 management planning board established in section 368.9 6C.5.

31 Sec. 33. LAND MANAGEMENT PLANNING BOARD TRANSITION. Terms
32 of current city development board members shall continue until
33 the appointing authority has appointed the members of the land
34 management planning board. Upon enactment of this Act, the
35 appointing authority shall immediately appoint members of the

1 land management planning board. The appointing authority
2 shall provide for staggered terms for newly appointed members
3 of the land management planning board with four members being
4 appointed for six-year terms, four members being appointed for
5 four-year terms, and three members being appointed for two-
6 year terms.

7 Sec. 34. IMPLEMENTATION OF ACT. Section 25B.2, subsection
8 3, shall not apply to this Act.

9 Sec. 35. EFFECTIVE DATES.

10 1. The sections of this Act enacting Code sections 368.5A
11 and 368.25 and amending Code section 368.11 take effect
12 October 1, 2003.

13 2. The remainder of this Act takes effect May 1, 2002.

14 EXPLANATION

15 This bill makes changes to the law relating to local land
16 management planning and development.

17 The bill establishes a statewide land management planning
18 board, which is the current city development board with
19 expanded membership and expanded duties. The bill provides
20 for transition in membership between the city development
21 board and the land management planning board and provides for
22 appointment of new members. The land management planning
23 board, besides being involved with city development and
24 annexation, will oversee administration of the land management
25 planning fund. The land management planning fund is created
26 to help pay the costs of administering the board's duties.

27 The bill provides that, as of July 1, 2004, a public agency
28 shall not award certain types of financial assistance in
29 cities and counties where land use and development are not
30 consistent with the strategic development plan for the area.
31 Public agency is defined.

32 The bill requires each county and cities in the county to
33 establish a strategic development committee by August 1, 2002,
34 for the purpose of creating a strategic development plan for
35 the entire county. If a county has three or more contiguous

1 cities with one or more of the cities in one or more counties,
2 the counties may form one combined strategic development
3 committee. The purpose of the plan is to direct coordinated,
4 efficient, and orderly urban development. A strategic
5 development plan shall identify areas for future development
6 and shall identify strategic preservation areas where
7 development would not be allowed to occur. Prior to
8 recommendation of a strategic development plan, the committee
9 is required to hold a public hearing on the proposed plan.
10 Plans are to be submitted by the committee to the cities and
11 county by January 1, 2003, for ratification. If a proposed
12 strategic development plan is not ratified by the cities and
13 county, the committee shall revise the plan and submit it to
14 the cities and county for ratification. If the revised plan
15 is not ratified, both the recommended plan and the revised
16 plan are forwarded to the land management planning board for
17 dispute resolution.

18 A plan ratified by the cities and county must be approved
19 by the land management planning board. All plans must be
20 approved by the board by October 1, 2003. The board may amend
21 a plan. Approved plans must be recorded with the county
22 recorder and filed with the land management planning board. A
23 plan does not take effect until it is recorded with the county
24 recorder. A plan remains in effect for five years. The bill
25 provides that the strategic development plan shall be the
26 basis for the comprehensive zoning plan of the cities and
27 county. The bill requires cities to provide regulatory
28 incentives, such as expedited permitting and waiver of permit
29 fees, for development within certain parts of the city.

30 The bill prohibits annexation of territory in a strategic
31 preservation area and requires that annexation petitions
32 include a plan for providing municipal services to the annexed
33 territory within three years of annexation. The petition must
34 also include a statement that the annexation is in conformance
35 with the strategic development plan. The bill defines

1 "municipal services" for purposes of city development. Code
2 section 368.25 is enacted to require the land management
3 planning board to initiate an action for severance of
4 territory which had been involuntarily annexed to a city if
5 the city fails to provide municipal services to the territory
6 within three years of the date the annexation is completed. A
7 petition for severance filed by the board under these
8 circumstances is to be acted upon in the same manner as an
9 involuntary petition, and is subject to approval by the
10 committee of local representatives and is subject to approval
11 at an election. These amendments take effect October 1, 2003.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. However, the bill makes inapplicable Code
14 section 25B.2, subsection 3, which would relieve a political
15 subdivision from complying with a state mandate if funding for
16 the cost of the state mandate is not provided or specified.
17 Therefore, political subdivisions are required to comply with
18 any state mandate included in the bill.

19 Except as otherwise noted, the bill takes effect May 1,
20 2002.

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