

MAR 10 2003
Place On Calendar

HOUSE FILE 488
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 258)

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

A BILL FOR

1 An Act relating to state land management and planning and local
2 land management and planning for certain counties and cities
3 and providing effective dates.

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

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HF 488

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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 defined in section 9H.1.

2. "Board" means the land management planning board established in section 6C.4.

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

4. "Public agency" means 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 LAND MANAGEMENT PLANNING BOARD.

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

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

9 a. One member appointed from a city with a population of
10 more than forty-five thousand, according to the most recent
11 certified federal census.

12 b. One member appointed from a city with a population of
13 forty-five thousand or less, according to the most recent
14 certified federal census.

15 c. One member appointed from a county with a population of
16 more than fifty thousand, according to the most recent
17 certified federal census.

18 d. One member appointed from a county with a population of
19 fifty thousand or less, according to the most recent certified
20 federal census.

21 e. One member appointed to represent the general public.

22 3. The members shall be appointed by the governor subject
23 to confirmation by the senate as provided in section 2.32.
24 The appointments shall be for six-year staggered terms
25 beginning and ending as provided in section 69.19, or for an
26 unexpired term if a vacancy occurs. No member shall serve
27 more than two complete six-year terms.

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

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

34 6. The department shall provide office space and staff
35 assistance, and shall budget funds to cover expenses of the

1 board and of committees established pursuant to chapter 368.
2 The office of attorney general shall provide legal counsel to
3 the board.

4 Sec. 5. NEW SECTION. 6C.5 POWERS AND DUTIES OF THE
5 BOARD.

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

7 a. Review strategic development plans submitted for
8 dispute resolution pursuant to section 366.6.

9 b. Review and approve plans submitted for final approval
10 pursuant to section 366.7.

11 c. Approve or disapprove petitions for boundary adjustment
12 as provided in chapter 368.

13 d. Establish policies for administration of the land
14 management planning fund created in section 6C.6.

15 e. Establish minimum qualifications for mediators,
16 establish procedures for qualifying and appointing persons
17 representative of the public to be available to serve as
18 mediators, maintain a list of qualified mediators, and
19 establish compensation rates for mediators.

20 f. Adopt rules pursuant to chapter 17A necessary to
21 administer its duties under this chapter and chapters 366 and
22 368. The rules may include establishing filing fees for
23 applications and petitions submitted to the board pursuant to
24 chapter 368.

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

28 Sec. 6. NEW SECTION. 6C.6 LAND MANAGEMENT PLANNING FUND.

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

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

34 a. Moneys appropriated by the general assembly.

35 b. Moneys available to and obtained or accepted by the

1 department from the federal government or private sources for
2 deposit in the fund.

3 c. Filing fees paid for applications and petitions
4 submitted to the board pursuant to chapter 368.

5 DIVISION II

6 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

7 Sec. 7. NEW SECTION. 366.1 DEFINITIONS.

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

10 2. "Board" means the land management planning board
11 established in section 6C.4.

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

14 Sec. 8. NEW SECTION. 366.2 LOCAL STRATEGIC DEVELOPMENT
15 COMMITTEE.

16 1. Each metropolitan statistical area county, as
17 designated by the United States census bureau, and the cities
18 within the county, shall comply with the provisions of this
19 chapter. A county that is not designated a metropolitan
20 statistical area county and cities within such a county may
21 comply with the provisions of this chapter.

22 2. A local strategic development committee is created
23 within each county required to comply with this chapter or
24 that chooses to comply with this chapter. Members shall be
25 appointed to the committee on or before September 1, 2003.
26 The strategic development committee shall be composed of the
27 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.

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

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

35 d. An additional member shall be appointed by the mayor of

1 each participating city for every fifty thousand residents in
2 the city.

3 3. A city shall be represented on a committee if any part
4 of the city is located in the county.

5 4. Two or more contiguous counties required to create a
6 strategic development plan may organize as one combined
7 strategic development committee. Each county's membership on
8 a combined committee shall be appointed as provided in
9 subsection 2, paragraphs "a" through "d".

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

14 Sec. 9. NEW SECTION. 366.3 STRATEGIC DEVELOPMENT PLAN --
15 GOALS AND OBJECTIVES.

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

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

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

26 b. Promoting redevelopment of existing urban areas.

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

29 d. Providing for a variety of housing choices within
30 strategic development areas and assuring affordable housing
31 for future population growth.

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

1 f. Preserving land identified by the strategic development
2 committee as prime agricultural land for use in agricultural
3 production.

4 g. Balancing the need for land management regulations with
5 the protection of private property rights.

6 h. Ensuring the efficient use of infrastructure and that
7 adequate municipal services are provided concurrently with
8 development.

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

12 Sec. 10. NEW SECTION. 366.4 STRATEGIC DEVELOPMENT PLAN
13 -- REQUIREMENTS.

14 1. A strategic development plan shall divide the county
15 into strategic development areas where future development
16 would be allowed and strategic preservation areas where
17 development would not be allowed. A strategic development
18 plan shall address transportation, public infrastructure,
19 municipal services, economic development, housing, recreation,
20 natural resources, and land use. A strategic development plan
21 may address hazard mitigation, energy systems, cultural
22 preservation, and other elements appropriate to the area
23 governed by the plan.

24 2. The committee shall conduct a review of existing
25 comprehensive plans governing the county, if applicable, and
26 governing each city located in the county, if applicable.

27 3. Before the committee drafts a strategic development
28 plan, the committee shall hold a public hearing in order to
29 obtain citizen input on preparation of the strategic
30 development plan. The hearing shall be held no later than
31 thirty days after the committee's organizational meeting. The
32 county auditor shall publish notice of the time, date, place,
33 and purpose of the public hearing in a newspaper of general
34 circulation in the county. The notice must be published not
35 less than ten days but no more than twenty days before the

1 hearing. The notice shall include a description of the
2 general duties of the strategic development committee and the
3 cities and counties represented on the strategic development
4 committee.

5 4. A strategic development plan shall include documents
6 describing and depicting the corporate limits of each city in
7 the county and the boundaries of each strategic development
8 area and each strategic preservation area.

9 5. a. In establishing a strategic development area, the
10 plan shall do all of the following:

11 (1) Identify territory that a reasonable and prudent
12 person would project as the likely site of commercial,
13 industrial, or residential growth over the next twenty years
14 based on historical experience, economic trends, population
15 growth patterns, topographical characteristics, and any
16 professional planning, engineering, and economic studies that
17 are available. The city shall report population growth
18 projections for the city based upon federal census data.

19 (2) Identify agricultural land which has a corn
20 suitability rating of sixty or higher, according to
21 information released by Iowa state university to the
22 department of revenue and finance for assessment and taxation
23 of agricultural land. Agricultural land with a corn
24 suitability rating of sixty or higher shall not be included in
25 a strategic development area unless the local strategic
26 development committee makes a showing that the land is
27 necessary for the orderly development of the strategic
28 development area.

29 b. In establishing a strategic preservation area, the plan
30 shall identify territory to be preserved for the next twenty
31 years for agricultural purposes, forests, recreational areas,
32 wildlife management areas, cultural areas, historical areas,
33 or other areas planned for preservation.

34 6. When designating that part of a strategic development
35 area contiguous to a city, the committee shall identify, and

1 give consideration to, the amount of territory within the
2 current incorporated boundaries of the city that is vacant or
3 undeveloped land.

4 7. The committee shall utilize planning resources that are
5 available within the county, including city and county
6 planning commissions, zoning administrators, and a council of
7 governments established pursuant to chapter 28H. The
8 committee is also encouraged to utilize the services of a
9 joint planning commission established pursuant to chapter 28I
10 and colleges and universities in the state.

11 Sec. 11. NEW SECTION. 366.5 LOCAL GOVERNMENT

12 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

13 1. Before the committee submits the plan recommended for
14 ratification, the committee shall hold at least one public
15 hearing on the proposed recommended strategic development
16 plan. The county auditor shall publish notice of the time,
17 place, and purpose of the public hearing in a newspaper of
18 general circulation in the county. The notice must be
19 published at least ten days but no more than twenty days
20 before the hearing.

21 2. Not later than January 1, 2005, the committee shall
22 submit the recommended strategic development plan to the
23 county board of supervisors and the city council of each city
24 in the county.

25 a. Not later than sixty days after receiving the
26 recommended strategic development plan, the county board of
27 supervisors and each city council shall by resolution either
28 ratify or reject the recommended strategic development plan.
29 A city or county that fails to timely act on the resolution
30 shall be deemed to have ratified the recommended strategic
31 development plan on the last day of the sixty-day period. If
32 the strategic development plan is ratified, the committee
33 shall submit the plan to the land management planning board
34 for approval.

35 b. If the county board of supervisors or a city council

1 rejects the recommended strategic development plan submitted
2 by the committee, the county or city shall submit its
3 objections to the plan along with the notice of rejection.
4 After receiving objections to the plan, the committee may
5 recommend a revised strategic development plan no later than
6 sixty days after the recommended plan is rejected or may
7 resubmit the original plan. Before the committee submits the
8 revised plan recommended for ratification, the committee shall
9 hold at least one public hearing on the revised plan in the
10 manner provided in subsection 1. The committee shall submit
11 any revised strategic development plan, or resubmit the
12 original plan, to the county board of supervisors and the city
13 council of each city in the county for ratification.

14 Not later than sixty days after receiving a revised
15 strategic development plan or resubmitted original plan, the
16 county board of supervisors and each city council shall either
17 ratify or reject the plan in the same manner as provided in
18 paragraph "a". A city or county that fails to timely act on a
19 resolution shall be deemed to have ratified the plan on the
20 last day of the sixty-day period.

21 If the resubmitted original plan or the revised plan is
22 rejected, the county or city rejecting the plan shall submit
23 its objections, and the reasons for its objections, to
24 mediation in accordance with section 366.6.

25 Sec. 12. NEW SECTION. 366.6 MEDIATION OF DISPUTED
26 ISSUES.

27 1. If the county board of supervisors or a city council
28 rejects the resubmitted original plan or the revised plan, the
29 local strategic development committee shall declare the
30 existence of an impasse and shall notify the board.

31 2. Within ten days of receiving notice of the existence of
32 an impasse, the board shall appoint a mediator from the list
33 of mediators maintained pursuant to section 6C.5. The board
34 shall not appoint a person as a mediator if the immediate
35 family of the person or such person's spouse is a resident,

1 property owner, official, or employee of the county or of any
2 city in the county.

3 3. The mediator shall attempt to mediate the unresolved
4 disputes. If, after reasonable efforts, mediation does not
5 resolve such disputes, the mediator shall so notify the board.
6 The mediation process must be concluded within thirty days.
7 The county board of supervisors and the cities may submit
8 final recommendations regarding the impasse to the board. For
9 the sole purpose of resolving the impasse, the board shall
10 adopt a strategic development plan that resolves those issues
11 in dispute. The strategic development plan adopted by the
12 board shall conform to the provisions of this chapter.

13 4. In mediating the dispute, the mediator may consult with
14 the university of Iowa, Iowa state university of science and
15 technology, the university of northern Iowa, or others with
16 expertise in urban planning, growth, and development.

17 5. The board shall certify the reasonable and necessary
18 costs incurred by the mediator, including, but not limited to,
19 salaries, supplies, travel expenses, and staff support for the
20 mediator. The county and the cities shall reimburse the board
21 for such costs. The costs shall be divided equally, without
22 regard to population, among the county and the cities in the
23 county.

24 6. If a county or city fails to reimburse its allocated
25 share of mediation costs to the board after sixty days' notice
26 of such costs, the department of revenue and finance shall be
27 notified and shall deduct such costs from such county's or
28 city's allocation under chapter 405A. The amount deducted
29 shall be forwarded to the board.

30 Sec. 13. NEW SECTION. 366.7 PLAN SUBMITTED TO BOARD FOR
31 FINAL APPROVAL.

32 A strategic development plan ratified pursuant to section
33 366.5 or a plan that has been agreed to by mediation pursuant
34 to section 366.6 or a plan adopted by the board pursuant to
35 section 366.6 shall be submitted to the board for approval

1 within ten days of ratification or approval of the plan. If
2 the board determines that a plan conforms with the
3 requirements of section 366.4, the board shall approve the
4 plan. If the board determines that a plan does not so
5 conform, the board shall return the plan, along with a
6 statement specifying the deficiencies, to the local strategic
7 development committee. The committee shall promptly adopt
8 such amendments to the plan necessary to correct the
9 deficiencies and shall return the amended plan to the board.
10 The board shall have approved all plans by January 1, 2006.

11 Sec. 14. NEW SECTION. 366.8 RECORDING OF STRATEGIC
12 DEVELOPMENT PLAN.

13 After the board has approved a strategic development plan,
14 the board shall retain a copy of the plan on file and shall
15 forward a copy to the county auditor who shall record the plan
16 in the office of county recorder no later than five days after
17 receiving the plan from the board.

18 Sec. 15. NEW SECTION. 366.9 DURATION OF PLANS -- REVIEW
19 AND AMENDMENT.

20 After a strategic development plan has been recorded with
21 the county recorder, the plan shall remain in effect for not
22 less than five years absent a showing of extraordinary
23 circumstances necessitating a change in the plan. After
24 expiration of the five-year period, the county or a city in
25 the county may propose an amendment to the strategic
26 development plan or may propose a review of the plan by filing
27 notice with the county board of supervisors for the county and
28 the city council of each city in the county. Upon receipt of
29 such notice by the county and each city, the county board of
30 supervisors shall promptly reconvene the local strategic
31 development committee. The burden of proving the
32 reasonableness of a proposed amendment to the plan shall be
33 upon the party proposing the amendment. The procedures for
34 amending the strategic development plan shall be the same as
35 the procedures set forth in this chapter for creating the

1 original strategic development plan.

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

3 1. The county, a city in the county, a resident of the
4 county, or an owner of real property located in the county may
5 seek judicial review of a decision of the board relating to
6 the strategic development plan presented to the board for its
7 approval. The judicial review provisions of this section and
8 chapter 17A shall be the exclusive means by which a person or
9 party who is aggrieved or adversely affected by action of the
10 board may seek judicial review of the action of the board.

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

16 3. The court's review is limited to questions relating to
17 jurisdiction, regularity of proceedings, and whether the
18 action of the board is, by a preponderance of the evidence,
19 arbitrary, unreasonable, or without substantial supporting
20 evidence. The court may nullify an action of the board and
21 return the plan with appropriate directions to the board.

22 4. The filing of a petition for judicial review does not
23 stay the effectiveness of the strategic development plan or
24 recognition of strategic development areas and strategic
25 preservation areas identified in the plan. However, the court
26 may order a stay upon appropriate terms if it is shown to the
27 satisfaction of the court that any party or the public at
28 large is likely to suffer significant injury if a stay is not
29 granted. If more than one petition for judicial review
30 regarding a single board action is filed, all such petitions
31 shall be consolidated and tried as a single civil action.

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

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

- 1 b. Subsection 5.
- 2 c. Subsection 8.
- 3 d. Subsections 10 through 12.

4 Sec. 17. NEW SECTION. 366.11 LOCAL IMPLEMENTATION.

5 1. A city or county governed by a strategic development
6 plan shall not adopt ordinances regulating land development
7 and management within its territory that are inconsistent with
8 the strategic development plan governing the territory.

9 2. A county that has approved a strategic development plan
10 pursuant to this chapter, and any city in such county, shall
11 use the strategic development plan as the basis for the
12 comprehensive plan required pursuant to section 335.5 or 414.3
13 if the county or city has adopted a zoning ordinance. The
14 county and each city shall amend its comprehensive plan to
15 conform to the strategic development plan. After a strategic
16 development plan is approved, all land use decisions made by
17 the governing body of each city and county and the city's or
18 county's planning commission shall be consistent with the
19 strategic development plan.

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

23 Sec. 18. NEW SECTION. 366.12 COUNTY AND CITY ZONING
24 DISCRETIONARY.

25 This chapter shall not be construed as imposing a
26 requirement on a county or city to adopt a zoning ordinance
27 pursuant to chapter 335 or 414.

28 Sec. 19. NEW SECTION. 366.13 STATE AGENCIES.

29 State agencies are encouraged to consider the strategic
30 development plan governing a locality when carrying out
31 projects relating to, or affecting, land use in the locality.
32 If action taken by a state agency in carrying out a project
33 relating to, or affecting, land use in a locality is not
34 consistent with the strategic development plan for the
35 locality, the reasons for the action must be explained in

1 writing by the state agency and made a part of the project
2 plans or specifications.

3 Sec. 20. NEW SECTION. 366.14 INCENTIVES FOR COMPLIANCE
4 WITH CHAPTER -- REQUIREMENT OF DEPARTMENT OF ECONOMIC
5 DEVELOPMENT.

6 A county and cities within the county that are required to
7 comply with this chapter and that have not had a strategic
8 development plan approved by the board by January 1, 2006,
9 shall not be eligible to receive funds for projects under
10 programs identified by the department of economic development
11 and shall not be allowed to utilize statutory economic
12 development incentives that are available to local
13 governments.

14 The department of economic development shall prepare a list
15 of economic development incentives and programs currently
16 available to local governments and shall transmit such list to
17 the general assembly on or before January 1, 2004.

18 Sec. 21. NEW SECTION. 414.32 REGULATORY INCENTIVES.

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

26 DIVISION III

27 CITY DEVELOPMENT

28 Sec. 22. Section 368.1, subsection 3, Code 2003, is
29 amended to read as follows:

30 3. "Board" means the city-development land management
31 planning board established in section 368-9 6C.4.

32 Sec. 23. NEW SECTION. 368.5A ANNEXATION PROHIBITED --
33 STRATEGIC PRESERVATION AREAS.

34 Beginning January 1, 2006, for territory located in a
35 county governed by a strategic development plan, only

1 territory contained in a strategic development area may be
2 annexed. The city council or land management planning board
3 shall not approve any application or petition that seeks to
4 annex territory contained in a strategic preservation area.
5 However, a city may annex territory in a strategic
6 preservation area if the city intends to retain the area's
7 designation as a strategic preservation area and if the
8 annexation is a voluntary annexation applied for pursuant to
9 section 368.7.

10 Sec. 24. Section 368.7A, subsection 1, Code 2003, is
11 amended to read as follows:

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

29 Sec. 25. Sections 368.9 and 368.10, Code 2003, are
30 repealed.

31 DIVISION IV

32 CORRESPONDING AMENDMENTS

33 Sec. 26. Section 15.108, subsection 3, paragraph a,
34 subparagraph (2), Code 2003, is amended to read as follows:

35 (2) Provide office space and staff assistance to the city

1 development land management planning board as provided in
2 section 368-9 6C.4.

3 Sec. 27. Section 331.304, subsection 7, Code 2003, is
4 amended to read as follows:

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

7 Sec. 28. Section 331.321, subsection 1, paragraph t, Code
8 2003, is amended to read as follows:

9 t. Local representatives to serve with the city
10 development land management planning board as provided in
11 section 368.14.

12 Sec. 29. Section 384.38, subsection 2, Code 2003, is
13 amended to read as follows:

14 2. Upon petition as provided in section 384.41, subsection
15 1, a city may assess to private property affected by public
16 improvements within three miles of the city's boundaries the
17 cost of construction and repair of public improvements within
18 that area. The right-of-way of a railway company shall not be
19 assessed unless the company joins as a petitioner for said
20 such improvements. In the petition the property owners shall
21 waive the limitation provided in section 384.62 that an
22 assessment may not exceed twenty-five percent of the value of
23 the lot. The petition shall contain a statement that the
24 owners agree to pay the city an amount equal to five percent
25 of the cost of the improvements, to cover administrative
26 expenses incurred by the city. This amount may be added to
27 the cost of the improvements. Before the council may adopt
28 the resolution of necessity, the preliminary resolution,
29 preliminary plans and specifications, plat, schedule, and
30 estimate of cost must be submitted to, and receive written
31 approval from, the board of supervisors of any county which
32 contains part of the property, and the city-development land
33 management planning board established in section 368-9 6C.4.

34 DIVISION V

35 IMPLEMENTATION AND EFFECTIVE DATES

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

3 Sec. 31. EFFECTIVE DATES.

4 1. Except as otherwise provided in this section, divisions
5 I, III, and IV, and this division of this Act, being deemed of
6 immediate importance, take effect upon enactment.

7 2. The section of division III of this Act enacting
8 section 368.5A takes effect January 1, 2006.

9 3. Division II of this Act takes effect May 1, 2003.

10

EXPLANATION

11 This bill makes changes to the law relating to state and
12 local land management planning and development.

13 The bill establishes a statewide land management planning
14 board, which is the current city development board with
15 expanded duties. The land management planning board, besides
16 being involved with city development and annexation, will
17 oversee administration of the land management planning fund.
18 The land management planning fund is created to help pay the
19 costs of administering the board's duties.

20 The bill requires each metropolitan statistical area county
21 and cities in those counties to establish a strategic
22 development committee by September 1, 2003, for the purpose of
23 creating a strategic development plan for the entire county.
24 Two or more contiguous counties may form one combined
25 strategic development committee. Prior to writing a strategic
26 development plan, the committee is to hold a public hearing.
27 The purpose of the plan is to direct coordinated, efficient,
28 and orderly development. A strategic development plan shall
29 identify areas for future development and shall identify
30 strategic preservation areas where development would not be
31 allowed. Prior to recommendation of a strategic development
32 plan, the committee is required to hold a public hearing on
33 the proposed plan. Plans are to be submitted by the committee
34 to the cities and county by January 1, 2005, for ratification.
35 If a proposed strategic development plan is not ratified by

1 the cities and county, the committee shall revise the plan and
2 submit it to the cities and county for ratification. If the
3 revised plan is not ratified, both the recommended plan and
4 the revised plan are submitted to a mediator for resolution of
5 the issues in dispute. The mediation process must be
6 concluded within 30 days. If the mediator cannot resolve the
7 disputed issues, the board must resolve the impasse and adopt
8 a plan.

9 A plan ratified by the cities and county must be approved
10 by the land management planning board. All plans must be
11 approved by the board by January 1, 2006. Approved plans must
12 be recorded with the county recorder and filed with the land
13 management planning board. A plan does not take effect until
14 it is recorded with the county recorder. A plan remains in
15 effect for five years. The bill provides that the strategic
16 development plan shall be the basis for the comprehensive
17 zoning plan of the cities and county. The bill encourages
18 state agencies to consider the strategic development plan of a
19 locality when carrying out a project relating to, or
20 affecting, land use in the locality.

21 The bill contains an intent section pertaining to rewards
22 for complying with the planning requirements and penalties for
23 failure to comply. The bill directs the department of
24 economic development to submit to the general assembly, on or
25 before January 1, 2004, a list of economic development
26 incentives and programs currently available to local
27 governments. The bill authorizes 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 may include a state mandate as defined in Code
31 section 25B.3. However, the bill makes inapplicable Code
32 section 25B.2, subsection 3, which would relieve a political
33 subdivision from complying with a state mandate if funding for
34 the cost of the state mandate is not provided or specified.
35 Therefore, political subdivisions are required to comply with

1 any state mandate included in the bill.

2 The sections of the bill relating to the state land
3 management planning board and certain sections relating to
4 city development take effect immediately. The division of the
5 bill relating to local strategic development takes effect May
6 1, 2003. The section of the bill relating to annexation in
7 strategic preservation areas takes effect January 1, 2006.

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HOUSE FILE 488

10 H-1075

11 1 Amend House File 488 as follows:

12 2 1. Page 10, line 24, by inserting after the word
13 3 "allocated" the following: "or reallocated".

14 By FALLON of Polk

15 H-1075 FILED MARCH 18, 2003

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HOUSE FILE 488

H-1295

1 Amend House File 488 as follows:

2 1. Page 1, by striking lines 31 through 33, and
3 inserting the following:

4 "5. "Growth plan" means a plan created as provided
5 in chapter 366."

6 2. Page 2, line 21, by inserting after the word
7 "public." the following: "This member shall have
8 expertise in land use planning and matters relating to
9 agriculture and conservation."

10 3. Page 3, by striking line 7, and inserting the
11 following:

12 "a. Review and, if necessary, adopt growth plans
13 submitted for".

14 4. Page 3, by striking line 9, and inserting the
15 following:

16 "b. Keep on file growth plans filed with the
17 board".

18 5. Page 4, by striking lines 16 through 26, and
19 inserting the following:

20 "1. A strategic development committee may be
21 created in a county. Members shall be appointed to
22 the strategic development committee within ninety days
23 after any of the following occurs:

24 a. The county board of supervisors and each city
25 council in the county adopt resolutions calling for
26 appointment of members to the committee and each city
27 files the resolution with the county board of
28 supervisors.

29 b. A petition signed by eligible electors of the
30 county equal in number to at least ten percent of the
31 votes cast in the county for the office of president
32 of the United States or governor at the preceding
33 general election is filed with the county board of
34 supervisors.

35 2. The strategic development committee shall be
36 composed of the".

37 6. Page 5, line 2, by inserting after the word
38 "city." the following: "These members shall have
39 expertise in land use planning and matters relating to
40 agriculture and conservation."

41 7. Page 5, by striking lines 5 and 6, and
42 inserting the following:

43 "4. Two or more contiguous counties may organize
44 as one combined".

45 8. Page 5, line 14, by striking the words
46 "STRATEGIC DEVELOPMENT" and inserting the following:
47 "GROWTH".

48 9. Page 5, line 17, by striking the words
49 "strategic development" and inserting the following:
50 "growth".

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Page 2

- 1 10. Page 5, line 18, by striking the words
- 2 "strategic development" and inserting the following:
- 3 "growth".
- 4 11. Page 5, line 22, by striking the words
- 5 "strategic development" and inserting the following:
- 6 "growth".
- 7 12. Page 6, line 12, by striking the words
- 8 "STRATEGIC DEVELOPMENT" and inserting the following:
- 9 "GROWTH".
- 10 13. Page 6, line 14, by striking the words
- 11 "strategic development" and inserting the following:
- 12 "growth".
- 13 14. Page 6, line 17, by striking the words
- 14 "strategic development" and inserting the following:
- 15 "growth".
- 16 15. Page 6, line 20, by striking the words
- 17 "strategic development" and inserting the following:
- 18 "growth".
- 19 16. Page 6, line 27, by striking the words
- 20 "strategic development" and inserting the following:
- 21 "growth".
- 22 17. Page 6, lines 29 and 30, by striking the
- 23 words "strategic development" and inserting the
- 24 following: "growth".
- 25 18. Page 7, line 1, by inserting after the word
- 26 "hearing." the following: "Notice of the hearing
- 27 shall also be posted on the internet website of the
- 28 participating county and of each participating city,
- 29 if such county or city maintains an internet website."
- 30 19. Page 7, line 5, by striking the words
- 31 "strategic development" and inserting the following:
- 32 "growth".
- 33 20. Page 7, line 31, by inserting after the word
- 34 "forests," the following: "prairies, wetlands, other
- 35 natural areas,".
- 36 21. Page 8, line 12, by striking the words
- 37 "STRATEGIC DEVELOPMENT" and inserting the following:
- 38 "GROWTH".
- 39 22. Page 8, line 15, by striking the words
- 40 "strategic development" and inserting the following:
- 41 "growth".
- 42 23. Page 8, line 20, by inserting after the word
- 43 "hearing." the following: "Notice of the hearing
- 44 shall also be posted on the internet website of the
- 45 participating county and of each participating city if
- 46 such county or city maintains an internet website."
- 47 24. Page 8, line 21, by striking the word and
- 48 figures "January 1, 2005," and inserting the
- 49 following: "twenty-four months after the date of the
- 50 organizational meeting,".

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Page 3

- 1 25. Page 8, line 22, by striking the words
- 2 "strategic development" and inserting the following:
- 3 "growth".
- 4 26. Page 8, line 26, by striking the words
- 5 "strategic development" and inserting the following:
- 6 "growth".
- 7 27. Page 8, line 28, by striking the words
- 8 "strategic development" and inserting the following:
- 9 "growth".
- 10 28. Page 8, lines 30 and 31, by striking the
- 11 words "strategic development" and inserting the
- 12 following: "growth".
- 13 29. Page 8, line 32, by striking the words
- 14 "strategic development" and inserting the following:
- 15 "growth".
- 16 30. Page 8, by striking lines 33 and 34, and
- 17 inserting the following: "shall file the plan with
- 18 the land management planning board."
- 19 31. Page 9, line 1, by striking the words
- 20 "strategic development" and inserting the following:
- 21 "growth".
- 22 32. Page 9, line 5, by striking the words
- 23 "strategic development" and inserting the following:
- 24 "growth".
- 25 33. Page 9, line 11, by striking the words
- 26 "strategic development" and inserting the following:
- 27 "growth".
- 28 34. Page 9, line 15, by striking the words
- 29 "strategic development" and inserting the following:
- 30 "growth".
- 31 35. Page 10, line 10, by striking the words
- 32 "strategic development" and inserting the following:
- 33 "growth".
- 34 36. Page 10, line 11, by striking the words
- 35 "strategic development" and inserting the following:
- 36 "growth".
- 37 37. Page 10, by striking lines 30 and 31, and
- 38 inserting the following:
- 39 "Sec. ____ . NEW SECTION. 366.7 PLAN FILED WITH
- 40 BOARD."
- 41 38. Page 10, line 32, by striking the words
- 42 "strategic development" and inserting the following:
- 43 "growth".
- 44 39. By striking page 10, line 35, through page
- 45 11, line 10, and inserting the following: "section
- 46 366.6 shall be filed with the board within ten days of
- 47 ratification or approval of the plan."
- 48 40. Page 11, lines 11 and 12, by striking the
- 49 words "STRATEGIC DEVELOPMENT" and inserting the
- 50 following: "GROWTH".

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Page 4

- 1 41. Page 11, by striking line 13, and inserting
2 the following:
3 "After a plan has been filed with the board,".
- 4 42. Page 11, line 20, by striking the words
5 "strategic development" and inserting the following:
6 "growth".
- 7 43. Page 11, lines 25 and 26, by striking the
8 words "strategic development" and inserting the
9 following: "growth".
- 10 44. Page 11, line 34, by striking the words
11 "strategic development" and inserting the following:
12 "growth".
- 13 45. Page 12, line 1, by striking the words
14 "strategic development" and inserting the following:
15 "growth".
- 16 46. Page 12, by striking lines 6 and 7, and
17 inserting the following: "adoption of a growth plan
18 presented to the board pursuant to section 366.6,
19 subsection 3. The judicial review provisions of this
20 section and".
- 21 47. Page 12, line 12, by striking the words
22 "strategic development" and inserting the following:
23 "growth".
- 24 48. Page 12, line 23, by striking the words
25 "strategic development" and inserting the following:
26 "growth".
- 27 49. Page 13, line 5, by striking the words
28 "strategic development" and inserting the following:
29 "growth".
- 30 50. Page 13, line 8, by striking the words
31 "strategic development" and inserting the following:
32 "growth".
- 33 51. Page 13, line 9, by striking the words
34 "strategic development" and inserting the following:
35 "growth".
- 36 52. Page 13, line 11, by striking the words
37 "strategic development" and inserting the following:
38 "growth".
- 39 53. Page 13, by striking lines 15 and 16, and
40 inserting the following: "conform to the growth plan.
41 After a growth plan is recorded with the county
42 recorder, all land use decisions made by".
- 43 54. Page 13, line 19, by striking the words
44 "strategic development" and inserting the following:
45 "growth".
- 46 55. Page 13, line 22, by striking the words
47 "strategic development" and inserting the following:
48 "growth".
- 49 56. Page 13, by striking lines 23 through 27.
- 50 57. Page 13, lines 29 and 30, by striking the

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Page 5

- 1 words "strategic development" and inserting the
2 following: "growth".
3 58. Page 13, line 34, by striking the words
4 "strategic development" and inserting the following:
5 "growth".
6 59. Page 14, by striking lines 3 through 25.
7 60. Page 14, line 35, by striking the words
8 "strategic development" and inserting the following:
9 "growth".
10 61. Page 17, by striking lines 4 through 6, and
11 inserting the following:
12 "1. Except as otherwise provided in this section,
13 this Act, being deemed of immediate importance, takes
14 effect upon enactment."
15 62. Page 17, by striking line 9.
16 63. By renumbering as necessary.

By FALLON of Polk

H-1295 FILED APRIL 9, 2003

Description

House File 488 establishes a statewide Land Management Planning Board, which replaces the current City Development Board, and expands the Board's duties. The Bill requires each metropolitan statistical area county and cities within those counties to establish a Strategic Development Committee. Two or more contiguous counties may combine to form one Strategic Development Committee. The purpose of the plan is to direct coordinated, efficient, and orderly urban development. Public hearings are required before developing a plan. The approved plan is recorded with the county recorder and remains in effect for five years. The Strategic Development Plan is to be the basis for the cities' and counties' comprehensive plans.

Assumptions

1. Counties or groups of counties will be required to develop a Strategic Development Plan utilizing appointed and volunteer members on the local Strategic Development Committee. It is assumed these Committees will not have a budget, the Committee members will not be paid, and the appropriate county department will absorb associated staff and supply costs. (Polk County operates volunteer boards and commissions in this manner; e.g., Planning and Zoning Commission and the Metropolitan Advisory Council.)
2. Ratification of a local Strategic Development Plan requires agreement by all cities and counties affected by the Plan. It is assumed that cities and counties will refuse to ratify a Plan that causes them to make costly modifications to their comprehensive plans.
3. The following counties and cities within those counties must comply with the provisions of this Bill: Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, and Woodbury.
4. The cost to develop and implement a local Strategic Development Plan would range from \$50,000 - \$100,000 per project. The more up-to-date a city and county's comprehensive plan and the more closely the plan is oriented toward the land needs analysis requirements of the proposed legislation, the less costly it will be to implement the Strategic Development Plan outlined in the Bill.
5. Nine strategic development plan projects will need to be done. Each county outlined above and its respective cities will be considered one project with the exception of Polk, Warren, and Dallas counties. One joint project would be done for Polk and Warren counties, and one joint project would be done for Polk and Dallas counties.
6. The useful life of a comprehensive plan is five to seven years. After that time period, a new plan must be developed or the old plan must be updated. The cities or counties bear the cost of this endeavor. If the passage of this legislation coincides with the need to update or create a new comprehensive plan, the cost of the proposed legislation should be significantly reduced as the cost would have been incurred by local governments regardless of the passage of this Bill.
7. The Department of Economic Development would require an additional FTE position to administer the added duties of the current City Development Board.
8. The cost associated with public hearings and mediation in regards to establishment of local strategic development plans is not included in the fiscal impact. The cost of the public hearings and mediation is expected to be minimal.

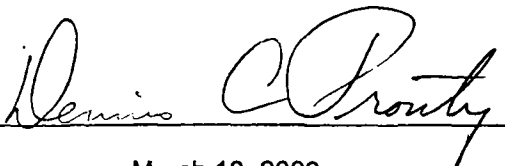
Fiscal Impact

The total cost of the nine local strategic development plan projects to the counties and cities within those counties will range from \$450,000 to \$900,000. The more up-to-date a city and county's comprehensive plan and the more closely the plan is oriented toward the land needs analysis requirements of the proposed legislation, the less costly it will be to implement the Strategic Development Plan. If the passage of this legislation coincides with a local government's need to update or create a new comprehensive plan, the cost of the proposed legislation should be significantly reduced as the cost would have been incurred by local governments irregardless of the passage of this Bill.

The Department of Economic Development will incur additional costs of \$70,000 annually for additional staffing and expenses of the Board due to the added duties of the current City Development Board.

Sources

Iowa League of Cities
Iowa State Association of Counties
Iowa Department of Economic Development
Renaissance Design Group



A handwritten signature in cursive script, reading "Dennis Prouty", is written over a horizontal line.

March 18, 2003
