

FILED FEB 17 '08

LOCAL GOVERNMENT

SENATE FILE 2131

BY KIBBIE

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to approval of certain subdivision plats by a
2 city or a county.

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

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SF 2131 LOCAL GOVERNMENT

1 Section 1. NEW SECTION. 354.9A APPROVAL OF SUBDIVISION
2 OF CERTAIN TYPES OF AGRICULTURAL LAND.

3 1. Approval of a subdivision plat pursuant to section
4 354.8 or 354.9 shall require a unanimous vote of the members
5 in the case of a three-member city council or board of
6 supervisors or a four-fifths vote in the case of a five-member
7 city council or board of supervisors if a majority of the land
8 included in the proposed subdivision plat has a corn
9 suitability rating that is higher than the average corn
10 suitability rating of agricultural land in the county where
11 the property is located and the majority of individual lots
12 within the proposed subdivision plat are to be used for
13 residential purposes.

14 2. A governing body shall not waive its right to review a
15 proposed subdivision plat involving the subdivision of
16 agricultural land with a corn suitability rating that is
17 higher than the average corn suitability rating of
18 agricultural land in the county where the property is located
19 and the majority of individual lots within the proposed
20 subdivision plat are to be used for residential purposes.

21 3. For purposes of this section, the corn suitability
22 rating shall be determined according to information released
23 by Iowa state university of science and technology to the
24 department of revenue for assessment and taxation of
25 agricultural land.

26 Sec. 2. Section 354.15, Code 2003, is amended to read as
27 follows:

28 354.15 REVIEW OF AUDITOR'S PLATS.

29 A proposed auditor's plat shall be filed with the
30 applicable governing body which shall review the plat within
31 the time specified by ordinance, and if it conforms to chapter
32 355, the governing body shall by resolution approve the plat
33 and certify the resolution to be recorded with the plat. If
34 the proposed subdivision in the auditor's plat meets the
35 description of a proposed subdivision plat in section 354.9A,

1 the approval requirements of that section shall apply. The
2 governing body may state in the resolution whether the lots
3 within the auditor's plat meet the standards and conditions
4 established by ordinance for subdivision lots. The lots
5 within a recorded auditor's plat and parcels within a recorded
6 plat of survey prepared under section 354.13 are individually
7 subject to local regulations and ordinances. Approval of an
8 auditor's plat shall not impose any liability on a governing
9 body to install or maintain public improvements or utilities
10 within the plat. Approval of an auditor's plat by a governing
11 body shall not constitute a waiver of ordinances requiring a
12 subdivision plat.

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EXPLANATION

14 This bill requires a supermajority vote of a governing body
15 for approval of a subdivision plat if the majority of the land
16 subdivided is agricultural land with a corn suitability rating
17 that is higher than the average corn suitability rating for
18 agricultural land in the county where the property is located
19 and if a majority of the lots in the proposed subdivision plat
20 are to be used for residential purposes. The bill also
21 prohibits a governing body from waiving approval of such a
22 subdivision plat.

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