

FEB 1 2006  
LOCAL GOVERNMENT

HOUSE FILE 2216  
BY EICHORN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act allowing a governing body to enter into an agreement for  
2 land development within two miles of the boundaries of a city.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF-2216

1 Section 1. NEW SECTION. 368A.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Annexation" means as defined in section 368.1.

5 2. "Board" means the city development board created in  
6 section 368.9.

7 3. "Developer" means an owner of unincorporated land.

8 4. "Governing body" means either a city council or a board  
9 of county supervisors, or both, within whose jurisdiction the  
10 land is located.

11 5. "Public infrastructure" means infrastructure necessary  
12 for the development of new housing, including but not limited  
13 to water supply and sewage disposal.

14 6. "Urbanized area" means any area of land within two  
15 miles of the boundaries of a city.

16 Sec. 2. NEW SECTION. 368A.2 DEVELOPMENT AGREEMENTS.

17 1. Prior to voluntary or involuntary annexation of land  
18 owned by a developer and located within an urbanized area, a  
19 governing body and the developer may enter into an agreement  
20 to improve the land.

21 2. When the governing body and the developer designate  
22 land for development pursuant to an agreement, such parties  
23 may apply to the city development board for purposes of  
24 certifying the land as a preapproved development site. The  
25 board shall develop by rule criteria for the certification  
26 process, including an application filing fee. The board shall  
27 hold a public hearing on the application in the manner  
28 provided under section 368.15. After the development area is  
29 certified, the original certification shall be fastened to the  
30 subject agreement and filed in the office of the county  
31 recorder of each county where the land is located.

32 3. An agreement shall take effect upon the successful  
33 completion of annexation, as specified in chapter 368.20,  
34 otherwise the agreement is null and void.

35 4. The agreement shall specify the duration of the

1 agreement, the permitted use of the land, the density or  
2 intensity of the use, the maximum height and size of proposed  
3 buildings, and provisions for reservation or dedication of  
4 land for public purposes. If the agreement includes a  
5 subdivision, the parties must comply with the requirements of  
6 chapter 354. The duration of an agreement must be no longer  
7 than eight years from its effective date.

8 5. The agreement may also include terms and conditions for  
9 financing a public facility. The developer may finance a  
10 public facility with subsequent reimbursement by the governing  
11 body. The developer and the governing body may also agree  
12 that if the developer finances a public facility and  
13 subsequently another developer attaches to and benefits from  
14 such public facility, the governing body may assess the  
15 subsequent developer for a portion of the initial cost  
16 incurred for the public facility to repay the original  
17 developer. Under such agreement, the subsequent developer may  
18 contest the reasonableness of the initial cost and the  
19 percentage assessed for repayment at a hearing before the city  
20 council.

21 EXPLANATION

22 This bill creates new Code chapter 368A allowing a  
23 governing body, i.e., a city or a county, or both, and a  
24 developer to enter into an agreement to improve land owned by  
25 the developer and located within two miles of the boundaries  
26 of a city. The agreement is made prior to annexation of the  
27 land and does not become effective until annexation is  
28 successfully completed.

29 Once an agreement is entered into, the parties may apply to  
30 the city development board to have the land which is  
31 designated for development certified as a preapproved  
32 development site. The board is required to develop by rule  
33 criteria for certification, including an application filing  
34 fee. The developer must file the certification and agreement  
35 with the county recorder.

1 The agreement shall specify the duration of the agreement,  
2 the permitted use of the land, the density or intensity of the  
3 use, the maximum height and size of proposed buildings, and  
4 provisions for reservation or dedication of land for public  
5 purposes. For subdivisions, the parties must comply with Code  
6 chapter 354. The agreement may also provide for financing  
7 public infrastructure. "Public infrastructure" is defined as  
8 infrastructure necessary for the development of new housing,  
9 including but not limited to water supply and sewage disposal.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35