

House File 2345 - Introduced

HOUSE FILE _____
BY WHITAKER

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

A BILL FOR

1 An Act relating to the review of subdivision plats and zoning
2 changes by a local board of health or a county sanitarian.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6172HH 82
5 md/nh/14

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1 1 Section 1. Section 335.7, Code 2007, is amended to read as
1 2 follows:
1 3 335.7 CHANGES == PROTEST.
1 4 The regulations, restrictions, and boundaries may be
1 5 amended, supplemented, changed, modified, or repealed.
1 6 Notwithstanding section 335.4, as a part of an ordinance
1 7 changing land from one zoning district to another zoning
1 8 district or an ordinance approving a site development plan, a
1 9 board of supervisors may impose conditions on a property owner
1 10 which are in addition to existing regulations if the
1 11 additional conditions have been agreed to in writing by the
1 12 property owner before the public hearing required under this
1 13 section or any adjournment of the hearing. The conditions
1 14 must be reasonable and imposed to satisfy public needs which
1 15 are directly caused by the requested change. The board of
1 16 supervisors shall notify the appropriate reviewing authority
1 17 under section 354.8, subsection 1, if the requested change
1 18 allows the construction of a residential dwelling. In case,
1 19 however, of a protest against the change signed by the owners
1 20 of twenty percent or more either of the area included in the
1 21 proposed change, or of the area immediately adjacent to the
1 22 proposed change and within five hundred feet of the boundaries
1 23 of the proposed change, the amendment shall not become
1 24 effective except by the favorable vote of at least sixty
1 25 percent of all of the members of the board of supervisors.
1 26 The provisions of section 335.6 relative to public hearings
1 27 and official notice shall apply equally to all changes or
1 28 amendments.
1 29 Sec. 2. Section 354.8, Code 2007, is amended to read as
1 30 follows:
1 31 354.8 REVIEW AND APPROVAL BY GOVERNING BODIES.
1 32 1. Prior to approval of a subdivision plat by a governing
1 33 body pursuant to this section, all preliminary or proposed
1 34 subdivision plats that are to be served, in part or entirely,
1 35 by an on-site wastewater treatment and disposal system that
2 1 serves the proposed subdivision shall have been reviewed and
2 2 approved by the local board of health, the county sanitarian,
2 3 or the entity delegated authority by the department of natural
2 4 resources over nonpublic water wells and supplies and on-site
2 5 wastewater treatment systems. In addition to other
2 6 requirements specified by the governing body, approval of a
2 7 wastewater treatment and disposal system is subject to a
2 8 determination that the system is able to accommodate future
2 9 expansion of the proposed subdivision.
2 10 2. a. A proposed subdivision plat lying within the
2 11 jurisdiction of a governing body shall be submitted to that
2 12 governing body for review and approval prior to recording.
2 13 Governing bodies shall apply reasonable standards and
2 14 conditions in accordance with applicable statutes and
2 15 ordinances for the review and approval of subdivisions. The
2 16 governing body, within sixty days of application for final
2 17 approval of the subdivision plat, shall determine whether the
2 18 subdivision conforms to its comprehensive plan and shall give
2 19 consideration to the possible burden on public improvements
2 20 and to a balance of interests between the proprietor, future

2 21 purchasers, and the public interest in the subdivision when
2 22 reviewing the proposed subdivision and when requiring the
2 23 installation of public improvements in conjunction with
2 24 approval of a subdivision. The governing body shall not issue
2 25 final approval of a subdivision plat unless the subdivision
2 26 plat conforms to sections 354.6, 354.11, and 355.8.

2 27 b. If the subdivision plat and all matters related to
2 28 final approval of the subdivision plat conform to the
2 29 standards and conditions established by the governing body,
2 30 and conform to this chapter and chapter 355, the governing
2 31 body, by resolution, shall approve the plat and certify the
2 32 resolution which shall be recorded with the plat. The
2 33 recorder shall refuse to accept a subdivision plat presented
2 34 for recording without a resolution from each applicable
2 35 governing body approving the subdivision plat or waiving the
3 1 right to review.

3 2 3. A city may establish jurisdiction to review
3 3 subdivisions or plats of survey outside its boundaries
3 4 pursuant to the provisions of section 354.9. In the case of a
3 5 city, the provisions of this section apply to the review by
3 6 the city of both subdivision plats and plats of survey.

3 7 Sec. 3. Section 414.5, Code 2007, is amended to read as
3 8 follows:

3 9 414.5 CHANGES == PROTEST.

3 10 The regulations, restrictions, and boundaries may, from
3 11 time to time, be amended, supplemented, changed, modified, or
3 12 repealed. Notwithstanding section 414.2, as a part of an
3 13 ordinance changing land from one zoning district to another
3 14 zoning district or an ordinance approving a site development
3 15 plan, a council may impose conditions on a property owner
3 16 which are in addition to existing regulations if the
3 17 additional conditions have been agreed to in writing by the
3 18 property owner before the public hearing required under this
3 19 section or any adjournment of the hearing. The conditions
3 20 must be reasonable and imposed to satisfy public needs which
3 21 are directly caused by the requested change. The council
3 22 shall notify the appropriate reviewing authority under section
3 23 354.8, subsection 1, if the requested change allows the
3 24 construction of a residential dwelling. In case, however, of
3 25 a written protest against a change or repeal which is filed
3 26 with the city clerk and signed by the owners of twenty percent
3 27 or more of the area of the lots included in the proposed
3 28 change or repeal, or by the owners of twenty percent or more
3 29 of the property which is located within two hundred feet of
3 30 the exterior boundaries of the property for which the change
3 31 or repeal is proposed, the change or repeal shall not become
3 32 effective except by the favorable vote of at least
3 33 three-fourths of all the members of the council. The protest,
3 34 if filed, must be filed before or at the public hearing. The
3 35 provisions of section 414.4 relative to public hearings and
4 1 official notice apply equally to all changes or amendments.

4 2 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3 3, shall not apply to this Act.

4 4 EXPLANATION

4 5 This bill relates to the review of subdivision plats by a
4 6 local board of health or a county sanitarian.

4 7 The bill provides that prior to approval of a subdivision
4 8 plat by a governing body, all preliminary or proposed
4 9 subdivision plats that are to be served, in part or entirely,
4 10 by an on-site wastewater treatment and disposal system that
4 11 serves the proposed subdivision shall have been reviewed and
4 12 approved by the local board of health, the county sanitarian,
4 13 or the entity delegated authority by the department of natural
4 14 resources over nonpublic water wells and supplies and on-site
4 15 wastewater treatment systems.

4 16 The bill also requires the governing body to notify the
4 17 appropriate local board of health, county sanitarian, or
4 18 entity delegated authority by the department of natural
4 19 resources if a requested zoning change would allow the
4 20 construction of a residential dwelling.

4 21 The bill may include a state mandate as defined in Code
4 22 section 25B.3. The bill makes inapplicable Code section
4 23 25B.2, subsection 3, which would relieve a political
4 24 subdivision from complying with a state mandate if funding for
4 25 the cost of the state mandate is not provided or specified.
4 26 Therefore, political subdivisions are required to comply with
4 27 any state mandate included in the bill.

4 28 LSB 6172HH 82

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