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LOCAL GOVERNMENT

HOUSE FILE 273
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Passed House, Date _____ Passed Senate, 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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HF-273

1 DIVISION I

2 STATE LAND MANAGEMENT AND PLANNING

3 Section 1. NEW SECTION. 6C.1 TITLE.

4 This chapter shall be known and may be cited as the "Land
5 Management Planning Act".

6 Sec. 2. NEW SECTION. 6C.2 LAND DEVELOPMENT AND USE --
7 STATE POLICY ESTABLISHED.

8 It is the policy of this state to provide for the sound and
9 orderly development and use of land and to provide for the
10 protection and preservation of the private and public interest
11 in the land, water, and related resources of this state for
12 the public health, safety, morals, and general welfare of
13 present and future generations. It is further the policy of
14 this state to preserve the use of prime agricultural land for
15 agricultural production and to preserve natural, cultural, and
16 historical areas while striking a balance between legitimate
17 public purposes and private property rights.

18 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.

19 1. "Agricultural land" means agricultural land as that
20 term is defined in section 9H.1.

21 2. "Board" means the land management planning board
22 established in section 6C.5.

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

25 4. "Public agency" mean an agency as defined in section
26 17A.2, a county, a city, or other political subdivision,
27 including but not limited to a principal department as
28 provided in section 7E.5, a school corporation organized under
29 chapter 273 or 274, a community college as provided in chapter
30 260C, or a township as provided in chapter 359.

31 5. "Strategic development plan" means a plan adopted by a
32 county and the cities within the county and approved by the
33 land management planning board as provided in chapter 366.

34 Sec. 4. NEW SECTION. 6C.4 FINANCIAL ASSISTANCE
35 PROHIBITED.

1 1. Beginning with the fiscal year beginning July 1, 2003,
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 rural community 2000 financing programs created in
16 sections 15.283 and 16.141.

17 e. The community economic betterment account established
18 in section 15.320.

19 f. The community attraction and tourism program
20 established in section 15F.202.

21 g. The small business loan program created in section
22 16.62.

23 h. The economic development bond bank program established
24 pursuant to section 16.102.

25 i. The export business finance program created in section
26 16.122.

27 j. The sewage treatment and drinking water facilities
28 financing program created in section 16.131.

29 k. The revitalize Iowa's sound economy fund created in
30 section 315.2.

31 l. Tax increment financing created pursuant to section
32 403.19.

33 m. Tax exemptions within revitalization areas as provided
34 in chapter 404.

35 n. Intermodal surface transportation efficiency Act funds

1 or any subsequent federal authorization for transportation
2 funds.

3 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
4 BOARD.

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

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

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

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

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

20 d. One member appointed from a county with a population of
21 fifty thousand or less.

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

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

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

27 h. One member appointed by the director of the department
28 of natural resources.

29 i. One member appointed by the director of the department
30 of economic development.

31 j. Two members representing the general public.

32 3. With the exception of members appointed under
33 subsection 2, paragraphs "g", "h", and "i", the members shall
34 be appointed by the governor subject to confirmation by the
35 senate as provided in section 2.32. The appointments shall be

1 for six-year staggered terms beginning and ending as provided
2 in section 69.19, or for an unexpired term if a vacancy
3 occurs. No member shall serve more than two complete six-year
4 terms.

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

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

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

15 Sec. 6. NEW SECTION. 6C.6 POWERS AND DUTIES OF THE
16 BOARD.

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

18 a. Review strategic development plans submitted for
19 dispute resolution pursuant to section 366.6.

20 b. Review and approve plans submitted for final approval
21 pursuant to section 366.7.

22 c. Approve or disapprove petitions for boundary adjustment
23 as provided in chapter 368.

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

26 e. Adopt rules pursuant to chapter 17A necessary to
27 administer its duties under this chapter and chapters 366 and
28 368.

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

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

33 1. A land management planning fund is created within the
34 state treasury under the control of the department. Moneys in
35 the fund shall be used exclusively to pay for the costs of

1 administration of this chapter and chapters 366 and 368 by the
2 department.

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

4 a. Moneys appropriated by the general assembly.

5 b. Moneys available to and obtained or accepted by the
6 department from the federal government or private sources for
7 deposit in the fund.

8 DIVISION II

9 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

10 Sec. 8. NEW SECTION. 366.1 DEFINITIONS.

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

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

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

23 Sec. 9. NEW SECTION. 366.2 LOCAL STRATEGIC DEVELOPMENT
24 COMMITTEE.

25 1. A local strategic development committee is created
26 within each county. Members shall be appointed to the
27 committee on or before August 1, 2001. The committee shall be
28 composed of the following members:

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

34 b. One member appointed by the city council of each city
35 located in the county.

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

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

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

12 Sec. 10. NEW SECTION. 366.3 STRATEGIC DEVELOPMENT PLAN
13 -- GOALS AND OBJECTIVES.

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

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

22 a. Encouraging a pattern of compact development in
23 strategic development areas.

24 b. Promoting redevelopment of existing urban areas.

25 c. Promoting employment opportunities and the economic
26 health of the county and all cities in the county.

27 d. Providing for a variety of housing choices throughout a
28 city and assuring affordable housing for future population
29 growth.

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

34 f. Preserving prime agricultural land for use in
35 agricultural production.

- 1 g. Protecting private property rights.
- 2 h. Ensuring that adequate municipal services are provided
- 3 concurrently with development.
- 4 i. Taking into consideration such other matters that are
- 5 related to the coordinated, efficient, and orderly development
- 6 of the county and all cities in the county.

7 Sec. 11. NEW SECTION. 366.4 STRATEGIC DEVELOPMENT PLAN
8 -- REQUIREMENTS.

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

16 2. The committee shall conduct a review of existing
17 comprehensive plans governing the county, if applicable, and
18 governing each city located in the county.

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

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

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

34 (2) Identify agricultural land which has a corn
35 suitability rating of sixty or higher, according to

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

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

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

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

26 Sec. 12. NEW SECTION. 366.5 LOCAL GOVERNMENT
27 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

28 1. Before the committee submits the plan recommended for
29 ratification, the committee shall hold at least one public
30 hearing on the proposed recommended strategic development
31 plan. The county auditor shall publish notice of the time,
32 place, and purpose of the public hearing in a newspaper of
33 general circulation in the county. The notice must be
34 published at least ten days but no more than twenty days
35 before the hearing.

1 2. Not later than January 1, 2002, the committee shall
2 submit the recommended strategic development plan to the
3 county board of supervisors and the city council of each city
4 in the county.

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

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

29 Not later than sixty days after receiving a revised
30 strategic development plan, the county board of supervisors
31 and each city council shall either ratify or reject the
32 revised strategic development plan in the same manner as
33 provided in paragraph "a". A city or county that fails to
34 timely act on a resolution shall be deemed to have ratified
35 the revised strategic development plan on the last day of the

1 sixty-day period.

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

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

11 2. Not later than October 1, 2002, the board shall have
12 approved strategic development plans submitted to the board
13 for dispute resolution. Such approval is deemed to satisfy
14 the approval requirement of section 366.7.

15 Sec. 14. NEW SECTION. 366.7 PLAN SUBMITTED TO BOARD FOR
16 FINAL APPROVAL.

17 A strategic development plan ratified pursuant to section
18 366.5 shall be submitted to the board for approval within ten
19 days of ratification of the plan. If the board determines
20 that a plan conforms with the requirements of this chapter,
21 the board shall approve the plan. If the board determines
22 that a plan does not so conform, the board shall adopt such
23 amendments to the plan necessary for its approval by the
24 board. The board shall have approved all plans by October 1,
25 2002.

26 Sec. 15. NEW SECTION. 366.8 RECORDING OF STRATEGIC
27 DEVELOPMENT PLAN.

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

33 Sec. 16. NEW SECTION. 366.9 DURATION OF PLANS -- REVIEW
34 AND AMENDMENT.

35 After a strategic development plan has been recorded with

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

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

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

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

32 3. The court's review is limited to questions relating to
33 jurisdiction, regularity of proceedings, and whether the
34 action of the board is, by a preponderance of the evidence,
35 arbitrary, unreasonable, or without substantial supporting

1 evidence. The court may nullify an action of the board and
2 return the plan with appropriate directions to the board.

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

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

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

17 b. Subsection 5.

18 c. Subsection 8.

19 d. Subsections 10 through 12.

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

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

25 2. A strategic development plan approved pursuant to this
26 chapter shall be the basis for the comprehensive plan of each
27 county required pursuant to section 335.5, if the county has
28 adopted a zoning ordinance, and for the comprehensive plan of
29 each city in the county required pursuant to section 414.3.
30 The county and each city shall amend its comprehensive plan to
31 conform to the strategic development plan. After a strategic
32 development plan is approved, all land use decisions made by
33 the governing body of each city and county and the city's or
34 county's planning commission shall be consistent with the
35 strategic development plan.

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

4 Sec. 19. NEW SECTION. 366.12 COUNCILS OF GOVERNMENTS AND
5 JOINT PLANNING COMMISSIONS.

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

12 DIVISION III

13 CITY DEVELOPMENT

14 Sec. 20. Section 368.1, subsection 3, Code 2001, is
15 amended to read as follows:

16 3. "Board" means the city-development land management
17 planning board established in section 368-9 6C.5.

18 Sec. 21. Section 368.1, Code 2001, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 10A. "Municipal services" means benefits
21 and services provided by a local government to persons
22 residing within its jurisdiction, regardless of whether the
23 benefits and services are provided directly or by another
24 person under contract with the local government. Municipal
25 services include, but are not limited to, fire protection, law
26 enforcement, waste collection and disposal, public water
27 supply and sewer facilities, ambulance or emergency care, and
28 streets and roads.

29 Sec. 22. NEW SECTION. 368.5A ANNEXATION PROHIBITED --
30 STRATEGIC PRESERVATION AREAS.

31 Beginning October 1, 2002, only territory contained in a
32 strategic development area may be annexed. If an annexation
33 application or petition seeks to annex territory contained in
34 a strategic preservation area, the application or petition is
35 deemed invalid.

1 Sec. 23. Section 368.7A, subsection 1, Code 2001, is
2 amended to read as follows:

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

20 Sec. 24. Section 368.11, Code 2001, is amended by adding
21 the following new unnumbered paragraph before unnumbered
22 paragraph 3:

23 NEW UNNUMBERED PARAGRAPH. Plans required by this section
24 to be filed with a petition shall include specific information
25 pertaining to estimated costs of implementing the plan, the
26 time frame involved in implementing the plan, and any other
27 specific information related to implementing the plan.

28 Sec. 25. Section 368.11, Code 2001, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 14. Plans for extending municipal
31 services to be provided by the annexing city to the annexed
32 territory.

33 NEW SUBSECTION. 15. A statement describing how the
34 boundary adjustment will conform to the strategic development
35 plan governing the territory.

1 Sec. 26. NEW SECTION. 368.25 FAILURE TO PROVIDE
2 MUNICIPAL SERVICES.

3 If a city fails to provide municipal services to territory
4 involuntarily annexed, according to the plan filed pursuant to
5 section 368.11, within three years after the annexation
6 process is completed, the land management planning board shall
7 file a petition for severance to sever the annexed territory
8 from the city. The petition shall be filed and acted upon in
9 the same manner as a petition under section 368.11. For
10 purposes of this section and section 368.11, subsection 14,
11 "municipal services" includes, but is not limited to, water
12 supply, sewage disposal, solid waste collection, street and
13 road maintenance, and police and fire protection.

14 Sec. 27. Sections 368.9 and 368.10, Code 2001, are
15 repealed.

16 DIVISION IV

17 CORRESPONDING AMENDMENTS

18 Sec. 28. Section 15.108, subsection 3, paragraph a,
19 subparagraph (2), Code 2001, is amended to read as follows:

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

23 Sec. 29. Section 331.304, subsection 7, Code 2001, is
24 amended to read as follows:

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

27 Sec. 30. Section 331.321, subsection 1, paragraph t, Code
28 2001, is amended to read as follows:

29 t. Local representatives to serve with the city
30 development land management planning board as provided in
31 section 368.14.

32 Sec. 31. Section 384.38, subsection 2, Code 2001, is
33 amended to read as follows:

34 2. Upon petition as provided in section 384.41, subsection
35 1, a city may assess to private property affected by public

1 improvements within three miles of the city's boundaries the
2 cost of construction and repair of public improvements within
3 that area. The right-of-way of a railway company shall not be
4 assessed unless the company joins as a petitioner for said
5 such improvements. In the petition the property owners shall
6 waive the limitation provided in section 384.62 that an
7 assessment may not exceed twenty-five percent of the value of
8 the lot. The petition shall contain a statement that the
9 owners agree to pay the city an amount equal to five percent
10 of the cost of the improvements, to cover administrative
11 expenses incurred by the city. This amount may be added to
12 the cost of the improvements. Before the council may adopt
13 the resolution of necessity, the preliminary resolution,
14 preliminary plans and specifications, plat, schedule, and
15 estimate of cost must be submitted to, and receive written
16 approval from, the board of supervisors of any county which
17 contains part of the property, and the city-development land
18 management planning board established in section 368-9 6C.5.

19 Sec. 32. LAND MANAGEMENT PLANNING BOARD TRANSITION. Terms
20 of current city development board members shall continue until
21 the appointing authority has appointed the members of the land
22 management planning board. Upon enactment of this Act, the
23 appointing authority shall immediately appoint members of the
24 land management planning board. The appointing authority
25 shall provide for staggered terms for newly appointed members
26 of the land management planning board with four members being
27 appointed for six-year terms, four members being appointed for
28 four-year terms, and three members being appointed for two-
29 year terms.

30 Sec. 33. IMPLEMENTATION OF ACT. Section 25B.2, subsection
31 3, shall not apply to this Act.

32 Sec. 34. EFFECTIVE DATES.

33 1. The sections of this Act enacting Code sections 368.5A
34 and 368.25 and amending Code section 368.11 take effect
35 October 1, 2002.

1 the revised plan are forwarded to the land management planning
2 board for dispute resolution.

3 A plan ratified by the cities and county must be approved
4 by the land management planning board. All plans must be
5 approved by the board by October 1, 2002. The board may amend
6 a plan. Approved plans must be recorded with the county
7 recorder and filed with the land management planning board. A
8 plan does not take effect until it is recorded with the county
9 recorder. A plan remains in effect for five years. The bill
10 provides that the strategic development plan shall be the
11 basis for the comprehensive zoning plan of the cities and
12 county.

13 The bill prohibits annexation of territory in a strategic
14 preservation area and requires that annexation petitions
15 include a plan for providing municipal services to the annexed
16 territory within three years of annexation. The petition must
17 also include a statement that the annexation is in conformance
18 with the strategic development plan. The bill defines
19 "municipal services" for purposes of city development. Code
20 section 368.25 is enacted to require the land management
21 planning board to initiate an action for severance of
22 territory which had been involuntarily annexed to a city if
23 the city fails to provide municipal services to the territory
24 within three years of the date the annexation is completed. A
25 petition for severance filed by the board under these
26 circumstances is to be acted upon in the same manner as an
27 involuntary petition, and is subject to approval by the
28 committee of local representatives and is subject to approval
29 at an election. These amendments take effect October 1, 2002.

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 Except as otherwise noted, the bill takes effect May 1,
3 2001.

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