

3/20/02 Rereferred To Local Gov.

FEB 27 2002  
Place On Calendar

HOUSE FILE 2567  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 2178)

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 2567

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 that term is defined in section 9H.1.

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

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.5 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  
5 assistance, and shall budget funds to cover expenses of the

1 board. The office of attorney general shall provide legal  
2 counsel to the board.

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

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

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

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

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

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

14 e. Adopt rules pursuant to chapter 17A necessary to  
15 administer its duties under this chapter and chapters 366 and  
16 368.

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

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

21 1. A land management planning fund is created within the  
22 state treasury under the control of the department. Moneys in  
23 the fund shall be used exclusively to pay for the costs of  
24 administration of this chapter and chapters 366 and 368 by the  
25 department.

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

27 a. Moneys appropriated by the general assembly.

28 b. Moneys available to and obtained or accepted by the  
29 department from the federal government or private sources for  
30 deposit in the fund.

31 DIVISION II

32 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

33 Sec. 7. NEW SECTION. 366.1 DEFINITIONS.

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

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

3 Sec. 8. NEW SECTION. 366.2 LOCAL STRATEGIC DEVELOPMENT  
4 COMMITTEE.

5 1. A local strategic development committee is created  
6 within each county. Members shall be appointed to the  
7 committee on or before September 1, 2002. The committee shall  
8 be composed of the following members:

9 a. Three members appointed by the county board of  
10 supervisors. Two of the three members must be residents of  
11 the unincorporated area of the county.

12 b. One member appointed by the city council of each city  
13 located in the county.

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

16 d. An additional member shall be appointed by the mayor of  
17 each participating city for every fifty thousand residents in  
18 the city.

19 2. A city shall be represented on a committee if any part  
20 of the city is located in the county. However, if the portion  
21 of the city in the county is less than one-half of the entire  
22 geographical area of the city, the member representing the  
23 city shall be a nonvoting member of the committee.

24 3. Two or more contiguous counties may organize as one  
25 combined strategic development committee.

26 4. The committee shall hold an organizational meeting no  
27 later than ten days after appointment of members. The  
28 organizational meeting shall be convened by the chairperson of  
29 the county board of supervisors.

30 Sec. 9. NEW SECTION. 366.3 STRATEGIC DEVELOPMENT PLAN --  
31 GOALS AND OBJECTIVES.

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

34 2. The purpose of a strategic development plan is to  
35 direct coordinated, efficient, and orderly urban development

1 that will, based on an analysis of present and future needs,  
2 best promote the public health, safety, morals, and general  
3 welfare. The goals and objectives of a strategic development  
4 plan include the following:

5 a. Encouraging a pattern of compact development in  
6 strategic development areas.

7 b. Promoting redevelopment of existing urban areas.

8 c. Promoting employment opportunities and the economic  
9 health of the county and all cities in the county.

10 d. Providing for a variety of housing choices within  
11 strategic development areas and assuring affordable housing  
12 for future population growth.

13 e. Identifying and conserving natural resource areas,  
14 environmentally sensitive land, and features of significant  
15 local, statewide, or regional architectural, cultural,  
16 historical, or archaeological interest.

17 f. Preserving land identified by the strategic development  
18 committee as prime agricultural land for use in agricultural  
19 production.

20 g. Balancing the need for land management regulations with  
21 the protection of private property rights.

22 h. Ensuring the efficient use of infrastructure and that  
23 adequate municipal services are provided concurrently with  
24 development.

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

28 Sec. 10. NEW SECTION. 366.4 STRATEGIC DEVELOPMENT PLAN  
29 -- REQUIREMENTS.

30 1. A strategic development plan shall divide the county  
31 into strategic development areas where future development  
32 would be allowed to occur and strategic preservation areas  
33 where development would not be allowed. A strategic  
34 development plan shall address transportation, public  
35 infrastructure, municipal services, economic development,

1 housing, recreation, natural resources, and land use. A  
2 strategic development plan may address hazard mitigation,  
3 energy systems, cultural preservation, and other elements  
4 appropriate to the area governed by the plan.

5 2. The committee shall conduct a review of existing  
6 comprehensive plans governing the county, if applicable, and  
7 governing each city located in the county.

8 3. Before the committee drafts a strategic development  
9 plan, the committee shall hold a public hearing in order to  
10 obtain citizen input on preparation of the strategic  
11 development plan. The hearing shall be held no later than  
12 thirty days after the committee's organizational meeting. The  
13 county auditor shall publish notice of the time, date, place,  
14 and purpose of the public hearing in a newspaper of general  
15 circulation in the county. The notice must be published not  
16 less than ten days but no more than twenty days before the  
17 hearing. The notice shall include a description of the  
18 general duties of the strategic development committee and the  
19 cities and counties represented on the strategic development  
20 committee.

21 4. A strategic development plan shall include documents  
22 describing and depicting the corporate limits of each city in  
23 the county and the boundaries of each strategic development  
24 area and each strategic preservation area.

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

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

35 (2) Identify agricultural land which has a corn

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

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

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

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

27 Sec. 11. NEW SECTION. 366.5 LOCAL GOVERNMENT  
28 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

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

1 before the hearing.

2 2. Not later than January 1, 2004, the committee shall  
3 submit the recommended strategic development plan to the  
4 county board of supervisors and the city council of each city  
5 in the county.

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

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

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

1 the revised strategic development plan on the last day of the  
2 sixty-day period.

3 Sec. 12. NEW SECTION. 366.6 DISPUTE RESOLUTION.

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

12 2. Not later than October 1, 2004, the board shall have  
13 approved strategic development plans submitted to the board  
14 for dispute resolution. Such approval is deemed to satisfy  
15 the approval requirement of section 366.7.

16 Sec. 13. NEW SECTION. 366.7 PLAN SUBMITTED TO BOARD FOR  
17 FINAL APPROVAL.

18 A strategic development plan ratified pursuant to section  
19 366.5 shall be submitted to the board for approval within ten  
20 days of ratification of the plan. If the board determines  
21 that a plan conforms with the requirements of this chapter,  
22 the board shall approve the plan. If the board determines  
23 that a plan does not so conform, the board shall adopt such  
24 amendments to the plan necessary for its approval by the  
25 board. The board shall have approved all plans by January 1,  
26 2005.

27 Sec. 14. NEW SECTION. 366.8 RECORDING OF STRATEGIC  
28 DEVELOPMENT PLAN.

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

34 Sec. 15. NEW SECTION. 366.9 DURATION OF PLANS -- REVIEW  
35 AND AMENDMENT.

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

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

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

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

33 3. The court's review is limited to questions relating to  
34 jurisdiction, regularity of proceedings, and whether the  
35 action of the board is, by a preponderance of the evidence,

1 arbitrary, unreasonable, or without substantial supporting  
2 evidence. The court may nullify an action of the board and  
3 return the plan with appropriate directions to the board.

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

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

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

18 b. Subsection 5.

19 c. Subsection 8.

20 d. Subsections 10 through 12.

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

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

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

1 strategic development plan.

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

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

6 Cities shall provide regulatory incentives, including  
7 expedited permitting and waiver of permit fees, for new  
8 development, expansion of existing development, and  
9 redevelopment within all or part of the incorporated  
10 boundaries of the city in areas containing undeveloped or  
11 underdeveloped land or buildings that are substandard,  
12 dilapidated, vacant, abandoned, or functionally obsolete.

13 DIVISION III

14 CITY DEVELOPMENT

15 Sec. 19. Section 368.1, subsection 3, Code 2001, is  
16 amended to read as follows:

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

19 Sec. 20. NEW SECTION. 368.5A ANNEXATION PROHIBITED --  
20 STRATEGIC PRESERVATION AREAS.

21 Beginning January 1, 2005, only territory contained in a  
22 strategic development area may be annexed. The city council  
23 or land management planning board shall not approve any  
24 application or petition that seeks to annex territory  
25 contained in a strategic preservation area.

26 Sec. 21. Section 368.7A, subsection 1, Code 2001, is  
27 amended to read as follows:

28 1. The board of supervisors of each affected county shall  
29 notify the city-development land management planning board of  
30 the existence of that portion of any secondary road which  
31 extends to the center line but has not become part of the city  
32 by annexation and has a common boundary with a city. The  
33 notification shall include a legal description and a map  
34 identifying the location of the secondary road. The city  
35 development land management planning board shall provide

1 notice and an opportunity to be heard to each city in or next  
2 to which the secondary road is located. The city-development  
3 land management planning board shall certify that the  
4 notification is correct and declare the road, or portion of  
5 the road extending to the center line, annexed to the city as  
6 of the date of certification. This section is not intended to  
7 interfere with or modify existing chapter 28E agreements on  
8 jurisdictional transfer of roads, or continuing negotiations  
9 between jurisdictions.

10 Sec. 22. Section 368.11, Code Supplement 2001, is amended  
11 by adding the following new unnumbered paragraph before  
12 unnumbered paragraph 3:

13 NEW UNNUMBERED PARAGRAPH. Plans required by this section  
14 to be filed with a petition shall include specific information  
15 pertaining to estimated costs of implementing the plan, the  
16 time frame involved in implementing the plan, and any other  
17 specific information related to implementing the plan.

18 Sec. 23. Section 368.11, Code Supplement 2001, is amended  
19 by adding the following new subsection:

20 NEW SUBSECTION. 14. A statement describing how the  
21 boundary adjustment will conform to the strategic development  
22 plan governing the territory.

23 Sec. 24. Sections 368.9 and 368.10, Code 2001, are  
24 repealed.

25 DIVISION IV

26 CORRESPONDING AMENDMENTS

27 Sec. 25. Section 15.108, subsection 3, paragraph a,  
28 subparagraph (2), Code Supplement 2001, is amended to read as  
29 follows:

30 (2) Provide office space and staff assistance to the city  
31 development land management planning board as provided in  
32 section 368-9 6C.5.

33 Sec. 26. Section 331.304, subsection 7, Code 2001, is  
34 amended to read as follows:

35 7. The board may file a petition with the city-development

1 land management planning board as provided in section 368.11.

2 Sec. 27. Section 331.321, subsection 1, paragraph t, Code  
3 Supplement 2001, is amended to read as follows:

4 t. Local representatives to serve with the city  
5 development land management planning board as provided in  
6 section 368.14.

7 Sec. 28. Section 384.38, subsection 2, Code 2001, is  
8 amended to read as follows:

9 2. Upon petition as provided in section 384.41, subsection  
10 1, a city may assess to private property affected by public  
11 improvements within three miles of the city's boundaries the  
12 cost of construction and repair of public improvements within  
13 that area. The right-of-way of a railway company shall not be  
14 assessed unless the company joins as a petitioner for ~~said~~  
15 such improvements. In the petition the property owners shall  
16 waive the limitation provided in section 384.62 that an  
17 assessment may not exceed twenty-five percent of the value of  
18 the lot. The petition shall contain a statement that the  
19 owners agree to pay the city an amount equal to five percent  
20 of the cost of the improvements, to cover administrative  
21 expenses incurred by the city. This amount may be added to  
22 the cost of the improvements. Before the council may adopt  
23 the resolution of necessity, the preliminary resolution,  
24 preliminary plans and specifications, plat, schedule, and  
25 estimate of cost must be submitted to, and receive written  
26 approval from, the board of supervisors of any county which  
27 contains part of the property, and the city-development land  
28 management planning board established in section 368-9 6C.5.

29 Sec. 29. LAND MANAGEMENT PLANNING BOARD TRANSITION. Terms  
30 of current city development board members shall continue until  
31 their expiration.

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

34 Sec. 31. EFFECTIVE DATES.

35 1. The sections of this Act enacting Code section 368.5A

1 and amending Code section 368.11 take effect January 1, 2005.

2 2. The remainder of this Act takes effect May 1, 2002.

3 EXPLANATION

4 This bill makes changes to the law relating to local land  
5 management planning and development.

6 The bill establishes a statewide land management planning  
7 board, which is the current city development board with  
8 expanded duties. The land management planning board, besides  
9 being involved with city development and annexation, will  
10 oversee administration of the land management planning fund.  
11 The land management planning fund is created to help pay the  
12 costs of administering the board's duties.

13 The bill requires each county and cities in the county to  
14 establish a strategic development committee by September 1,  
15 2002, for the purpose of creating a strategic development plan  
16 for the entire county. Two or more contiguous counties may  
17 form one combined strategic development committee. Prior to  
18 writing a strategic development plan, the committee is to hold  
19 a public hearing. The purpose of the plan is to direct  
20 coordinated, efficient, and orderly urban development. A  
21 strategic development plan shall identify areas for future  
22 development and shall identify strategic preservation areas  
23 where development would not be allowed to occur. Prior to  
24 recommendation of a strategic development plan, the committee  
25 is required to hold a public hearing on the proposed plan.  
26 Plans are to be submitted by the committee to the cities and  
27 county by January 1, 2004, for ratification. If a proposed  
28 strategic development plan is not ratified by the cities and  
29 county, the committee shall revise the plan and submit it to  
30 the cities and county for ratification. If the revised plan  
31 is not ratified, both the recommended plan and the revised  
32 plan are forwarded to the land management planning board for  
33 dispute resolution. The board must dispose of plans submitted  
34 for dispute resolution by October 1, 2004.

35 A plan ratified by the cities and county must be approved

1 by the land management planning board. All plans must be  
2 approved by the board by January 1, 2005. The board may amend  
3 a plan. Approved plans must be recorded with the county  
4 recorder and filed with the land management planning board. A  
5 plan does not take effect until it is recorded with the county  
6 recorder. A plan remains in effect for five years. The bill  
7 provides that the strategic development plan shall be the  
8 basis for the comprehensive zoning plan of the cities and  
9 county. The bill requires cities to provide regulatory  
10 incentives, such as expedited permitting and waiver of permit  
11 fees, for development within certain parts of the city.

12 The bill prohibits annexation of territory in a strategic  
13 preservation area. The bill requires that an annexation  
14 petition must include a statement that the annexation is in  
15 conformance with the strategic development plan. These  
16 amendments take effect January 1, 2005.

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

24 Except as otherwise noted, the bill takes effect May 1,  
25 2002.

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## HOUSE FILE 2567

H-8276

1 Amend House File 2567 as follows:

2 1. Page 4, line 6, by inserting after the word  
3 "county" the following: "whose population is forty  
4 thousand or more or whose population is over ten  
5 thousand and increased by six percent or more between  
6 the 1990 federal decennial census and the 2000 federal  
7 decennial census".

8 2. Page 4, by striking lines 20 through 23, and  
9 inserting the following: "of the city is located in  
10 the county."

11 3. Page 4, line 24, by inserting after the word  
12 "counties" the following: "required to create a  
13 strategic development plan".

14 4. Page 11, line 22, by inserting after the word  
15 "county" the following: "governed by a strategic  
16 development plan".

17 5. Page 11, by striking lines 26 through 30, and  
18 inserting the following:

19 "2. A county that has approved a strategic  
20 development plan pursuant to this chapter, and any  
21 city in such county, shall use the strategic  
22 development plan as the basis for the comprehensive  
23 plan required pursuant to section 335.5 or 414.3 if  
24 the county or city has adopted a zoning ordinance."

25 6. Page 12, line 6, by striking the word "shall"  
26 and inserting the following: "may".

27 7. Page 12, line 21, by inserting after the  
28 figure "2005," the following: "for territory located  
29 in a county governed by a strategic development  
30 plan,".

31 8. Page 12, line 25, by inserting after the word  
32 "area." the following: "However, a city may annex  
33 territory in a strategic preservation area if the city  
34 intends to retain the area's designation as a  
35 strategic preservation area and if the annexation is a  
36 voluntary annexation applied for pursuant to section  
37 368.7."

38 9. Page 13, line 22, by inserting after the word  
39 "territory" the following: ", if applicable".

By FALLON of Polk  
CARROLL of Poweshiek

H-8276 FILED MARCH 12, 2002

HOUSE FILE 2567

H-8254

1 Amend House File 2567 as follows:

2 1. Page 3, line 1, by inserting after the word  
3 "board" the following: "and of committees established  
4 pursuant to chapter 368".

5 2. Page 3, line 16, by inserting after the figure  
6 "368." the following: "The rules may include  
7 establishing filing fees for applications and  
8 petitions submitted to the board pursuant to chapter  
9 368."

10 3. Page 3, by inserting after line 30, the  
11 following:

12 "c. Filing fees paid for applications and  
13 petitions submitted to the board pursuant to chapter  
14 368."

15 4. Page 8, line 27, by inserting after the word  
16 "plan" the following: ", or resubmit the original  
17 plan,".

18 5. Page 8, line 31, by inserting after the word  
19 "plan" the following: "or resubmitted original plan".

20 6. Page 8, line 33, by striking the words  
21 "revised strategic development".

22 7. Page 9, line 1, by striking the words "revised  
23 strategic development".

24 8. Page 9, line 6, by inserting after the figure  
25 "366.5," the following: "subsection 2, paragraph  
26 "b",,".

By CARROLL of Poweshiek

H-8254 FILED MARCH 12, 2002

# Legislative Fiscal Bureau

## Fiscal Note

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HF 2567 - Land Management & Planning (LSB 5415 HV)

Analyst: Dwayne Ferguson (Phone: (515) 281-6561) (dwayne.ferguson@legis.state.ia.us)

Fiscal Note Version - New

Requested by: Representative Ed Fallon

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### Description

House File 2567 establishes a statewide Land Management Planning Board, which replaces the current City Development Board, and expands the Board's duties. The Bill requires each county and cities in the county 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, after the proposed plan has been developed, and if the plan is revised after not being ratified by the cities. After the plan is approved locally, it is reviewed by the statewide Land Management Planning Board for approval. 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.

The Bill notwithstanding Section 25B.3, Code of Iowa, which deals with State mandates.

### Assumptions

6. 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.)
7. The Bill does not require a county or city to have a comprehensive plan. The Bill does require those with plans to amend their comprehensive plans to be consistent with the Strategic Development Plan.
8. 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.
9. Sections 335.5 and 414.3, Code of Iowa, require counties and cities, respectively, to have comprehensive plans as a basis for zoning regulations. Counties and cities that have implemented zoning without comprehensive plans or implemented zoning that conflicts with their comprehensive plans will need to develop or update their comprehensive plans. It is assumed there will be no additional costs to make their new comprehensive plans conform to the Strategic Development Plan created in this Bill.
10. The cost to create a plan is approximately \$6,000 for small communities, \$30,000 for a medium-size community or county, and \$100,000 to \$150,000 for a large community or large county. It is assumed that the cost to amend a comprehensive plan that is not outdated is equal to the cost of developing a plan for a small community.
11. There are 327 cities and 71 counties with comprehensive plans.
12. Comprehensive plans have a useful life of five to seven years, therefore in this analysis, it is assumed one seventh of the plans will be in need of updating in any given year. If a plan is in need of updating, it is assumed there will be no additional cost to update the comprehensive plan so that it is also consistent with the Strategic Development Plan established in this Bill.
13. Counties and cities with comprehensive plans currently in need of updating and those in need of updating prior to January 1, 2004, will delay updating their plans until the

Strategic Development Plan is in place, and thus will avoid the costs of amending their plans to conform to the Strategic Development Plan.

14. There are 539 municipalities with zoning ordinances, which exceeds the 327 cities with plans. Of those with plans, 239 did not implement zoning regulations that were consistent with their comprehensive plans.
15. There are 77 counties with zoning regulations, and 7 have zoning without a comprehensive plan. Forty-four percent based their zoning on their comprehensive plan.
16. Public hearings will need to be published at a cost of \$50 per public hearing. Two public hearings will be held in each county. A third public hearing will be held if a Strategic Development Plan is revised. The counties will be able to hold the public hearings in available public facilities at no cost.
17. The Department of Economic Development will provide staffing for the Land Management Board utilizing appropriated resources.
18. Only a portion of the cities and counties will be required to amend their comprehensive plans as a result of this Bill.

<b>Cities That May Need to Amend Their Comprehensive Plans</b>		
Cities with zoning		539
Cities that zoned without a comprehensive plan	- 212	
Cities with comprehensive plans		327
Cities that did not comply with comprehensive plans when zoning	- 239	
Cities with plans in need of updating	- 13	
Cities that will delay updating plans until 2004	- 16	
Cities that may have updating costs as a result of this Bill		59

<b>Counties That May Need to Amend Their Comprehensive Plans</b>		
Counties with zoning		77
Counties that zoned without a comprehensive plan	- 7	
Counties that did not comply with comprehensive plans when zoning	- 43	
Counties with plans in need of updating	- 4	
Counties that will delay updating plans until 2004	- 5	
Counties that may have updating costs as a result of this Bill		18

### **Fiscal Impact**

The cost for the 59 cities affected by HF 2567 to amend their comprehensive plans to come into compliance with the local Strategic Development Plan is estimated to cost up to \$354,000 statewide.

The cost for the 18 counties who may be required to amend their comprehensive plans to come into compliance with the local Strategic Development Plan is estimated to cost up to \$108,000. The publication costs for three public hearings could be up to \$15,000. The total statewide costs could be up to \$123,000.

The local Strategic Development Committee will utilize volunteers and appointees who serve unpaid, and the Committees will not have budgets. Staffing and support costs will be provided by the counties as part of normal operations.

The Department of Economic Development will experience costs of \$181,000 annually for staffing, per diem payments, and expenses.

