

FEB 24 2005
LOCAL GOVERNMENT

HOUSE FILE 433
BY KRESSIG

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

A BILL FOR

1 An Act relating to city development, annexation, and regional
2 planning authorities.

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

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HF-433

1 Section 1. NEW SECTION. 368.7B VOLUNTARY ANNEXATION --
2 ZONING COMMISSION RECOMMENDATION.

3 1. An annexing city shall mail a copy of an application
4 for annexation, and a notice of any public hearing, to its
5 zoning commission at least fourteen business days prior to any
6 action taken by the city council or the board on the
7 application. The application must contain a legal description
8 and a map of the territory showing its location in
9 relationship to the city.

10 2. The zoning commission shall, by written recommendation,
11 state whether or not it supports the application or whether it
12 takes no position in support of or against the application.
13 The written recommendation shall be filed with the annexing
14 city and with the board at least one business day prior to any
15 action taken on the application. The city council and the
16 board shall consider the zoning commission's recommendation
17 when taking action on the application. However, the
18 recommendation is not binding on the city council or on the
19 board. Failure of the zoning commission to make a
20 recommendation shall not delay the proceedings on the
21 application and such failure shall not be considered a
22 deficiency either in the application or in the annexing city's
23 proceedings.

24 Sec. 2. Section 368.11, subsection 1, Code 2005, is
25 amended to read as follows:

26 1. A petition for incorporation, discontinuance, or
27 boundary adjustment may be filed with the board by a city
28 council, a county board of supervisors, ~~a-regional-planning~~
29 ~~authority~~, or five percent of the registered voters of a city
30 or territory involved in the proposal. Notice of the filing,
31 including a copy of the petition, must be served upon the
32 council of each city for which a discontinuance or boundary
33 adjustment is proposed, the board of supervisors for each
34 county which contains a portion of a city to be discontinued
35 or territory to be incorporated, annexed or severed, the

1 council of a city if an incorporation includes territory
2 within the city's urbanized area, and ~~any~~ the regional
3 planning authority for ~~the-area-involved~~ each such city and
4 county.

5 Sec. 3. Section 368.11, subsections 4 and 6, Code 2005,
6 are amended to read as follows:

7 4. At least fourteen business days before a petition for
8 involuntary annexation is filed as provided in this section,
9 the petitioner shall make its intention known by sending a
10 letter of intent by certified mail to the council of each city
11 whose urbanized area contains a portion of the territory, the
12 board of supervisors of each county which contains a portion
13 of the territory, the regional planning authority ~~of-the~~
14 territory-involved of each such city and county, each affected
15 public utility, and to each property owner listed in the
16 petition. The written notification shall include notice that
17 the petitioners shall hold a public meeting on the petition
18 for involuntary annexation prior to the filing of the
19 petition.

20 6. Within thirty days after receiving notice that a
21 petition for involuntary annexation has been filed with the
22 board, ~~the:~~

23 a. The board of supervisors of each county that contains
24 all or a portion of the territory to be annexed shall, by
25 resolution, state whether or not it supports the petition or
26 whether it takes no position in support of or against the
27 petition. If there is a comprehensive plan for the county,
28 the board shall take the plan into account when considering
29 its resolution. A copy of the resolution shall be immediately
30 filed with the annexing city and with the city development
31 board. Failure of a board of supervisors to adopt a
32 resolution shall not delay the proceedings on the petition ~~nor~~
33 ~~shall~~ and such failure shall not be considered a deficiency
34 either in the petition or in the annexing city's proceedings.

35 b. The city zoning commission shall, by recommendation,

1 state whether or not it supports the petition or whether it
2 takes no position in support of or against the petition. The
3 recommendation shall be filed with the annexing city and with
4 the city development board at least one business day prior to
5 any action taken on the application. The zoning commission's
6 recommendation is not binding on the city council or on the
7 board. Failure of a zoning commission to make a
8 recommendation shall not delay the proceedings on the petition
9 and such failure shall not be considered a deficiency either
10 in the petition or in the annexing city's proceedings.

11 Sec. 4. Section 368.15, Code 2005, is amended to read as
12 follows:

13 368.15 PUBLIC HEARING.

14 The committee shall conduct a public hearing on a proposal
15 as soon as practicable. Notice of the hearing must be served
16 upon the council of each city for which a discontinuance or
17 boundary adjustment is proposed, the county board of
18 supervisors for each county which contains a portion of a city
19 to be discontinued or territory to be incorporated, annexed,
20 or severed, and ~~any~~ the regional planning authority for ~~the~~
21 ~~area~~ each such city and county involved. A notice of the
22 hearing, which includes a brief description of the proposal
23 and a statement of where the petition or plan is available for
24 public inspection, must be published as provided in section
25 362.3, except that there must be two publications in a
26 newspaper having general circulation in each city and each
27 territory involved in the proposal. Any person may submit
28 written briefs, and in the committee's discretion, may be
29 heard on the proposal. The board may subpoena witnesses and
30 documents relevant to the proposal.

31 Sec. 5. Section 368.16, subsection 2, Code 2005, is
32 amended to read as follows:

33 2. Recommendations of the regional planning authority for
34 ~~the-area~~ each such city and county.

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EXPLANATION

1 This bill amends voluntary and involuntary annexation
2 procedures to provide for input from the city zoning
3 commission.

4 The bill provides that the commission shall make a written
5 recommendation stating whether or not it supports an
6 application or petition, or whether it takes no position
7 either way. A recommendation is required in both voluntary
8 and involuntary annexations. The recommendation is filed with
9 the city council and the city development board; however, the
10 recommendation is not binding on the council or the board.

11 Code section 368.11 is amended to strike a regional
12 planning authority as an entity that can file a petition for
13 incorporation, discontinuance, or boundary adjustment.

14 The bill amends Code sections 368.11, 368.15, and 368.16 to
15 extend notice to the regional planning authority of each city
16 and county involved in proceedings for annexation,
17 incorporation, discontinuance, and boundary adjustments.

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