

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2027

Page 1, line 2, remove "and" and after "date" insert "; and to declare an emergency"

Page 4, line 24, remove "beyond one-half mile [.80]"

Page 4, line 25, remove "kilometer]"

Page 4, line 29, remove "beyond one mile [1.61 kilometers]"

Page 5, line 3, remove "beyond two"

Page 5, line 4, remove "miles [3.22 kilometers]"

Page 5, line 6, replace "The zoning and subdivision regulations of the city govern the entire extraterritorial" with "Joint jurisdiction in the area within the first half of the distance in subsection 1 is jurisdiction in which the city receives applications and issues permits and imposes administrative fees for applications and permits relating to zoning and subdivision regulation. In addition, under this jurisdiction the city adopts, modifies, and enforces any zoning designation or regulation and approves any subdivision plat or regulation. The political subdivision that would otherwise have zoning and subdivision regulation jurisdiction may approve or reject any decision made by the city under the city's jurisdiction. For a decision to be final, the city shall give written notice to the governing body of the political subdivision that would otherwise have jurisdiction and the decision of the city must be approved or rejected by the governing body within sixty days of notice. If the governing body does neither, the decision is deemed approved. If the decision of the city is rejected by the governing body of the political subdivision that would otherwise have jurisdiction, the governing body shall state on the record the reasons for rejection. If the city and governing body of the political subdivision that would otherwise have jurisdiction do not come to an agreement as to the disputed zoning or subdivision regulation within thirty days of the rejection, the regulation of the city prevails unless the governing body petitions the office of administrative hearings to appoint an administrative law judge to make a determination as to the dispute between the city and the governing body. The governing body of the political subdivision that would otherwise have jurisdiction is liable for the costs of the administrative law judge.

3. Joint jurisdiction in the area outside the area in subsection 2 is jurisdiction in which the political subdivision that would otherwise have zoning and subdivision regulation jurisdiction maintains that jurisdiction and receives applications and issues permits and imposes administrative fees for applications and permits. In addition, under this jurisdiction that political subdivision adopts, modifies, and enforces any zoning designation or regulation and approves any subdivision plat or regulation. For a decision to be final, the political subdivision shall give written notice to the city. The city may approve or reject any decision made by the political subdivision under the political subdivision's jurisdiction. The decision of the political subdivision must be approved or rejected by the city within sixty days of notice. If the city does neither, the decision is deemed approved. If the decision of the political subdivision is rejected by the city, the city shall state on the record the reasons for rejection. If the political subdivision and

city do not come to an agreement as to the disputed zoning or subdivision regulation within thirty days of the rejection, the regulation of the political subdivision prevails unless the city petitions the office of administrative hearings to appoint an administrative law judge to make a determination as to the dispute between the political subdivision and the city. The city is liable for the costs of the administrative law judge.

4. Upon petition, the office of administrative hearings shall appoint an administrative law judge to resolve the dispute. A hearing may not be held until after at least two weeks' written notice has been given to the governing bodies of the jurisdictions involved in the dispute. Each governing body and any person affected by the regulation may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge is binding on all jurisdictions involved in the dispute and remains effective until the governing bodies in the area of joint jurisdiction agree to change the zoning or subdivision regulation. The administrative law judge shall enter an order setting forth what the administrative law judge determines to be fair and reasonable terms and conditions. In all cases, the administrative law judge shall set forth in writing a decision, including findings of fact, conclusions of law, and an order. The decision must include the factors upon which the decision is based. Within thirty days after receipt of the administrative law judge's order, any interested party dissatisfied with the decision may apply to the district court for a writ of certiorari. The review upon the writ may extend only to the determination of whether the administrative law judge has acted regularly and has not exceeded the administrative law judge's jurisdiction or abused the administrative law judge's discretion under this section. In making a decision under this subsection, the administrative law judge shall consider the following factors:
 - a. Whether the proposed change is consistent with a projected growth plan;
 - b. Whether the proposed change is substantially related to planning practices consistent with the portions of the adopted comprehensive plans which directly relate to a particular subdivision or the development of land, services, and utilities necessary to support the development but a comprehensive plan may not be used by the administrative law judge to limit the right of a person to determine the use of that person's property unless the use of the property is determined to threaten the health, safety, or welfare of an adjacent property owner or other individuals who use the adjacent property;
 - c. The impact of the proposed change on the present and planned uses of the area under review;
 - d. The impact of the proposed change on the health and safety of the residents of the area;
 - e. The effect of the change on the liability of the affected jurisdiction to adequately staff and enforce the change;
 - f. The economic, physical, and social relationship of the inhabitants, businesses, and industries in the area affected by the change and the effect of the change on other political subdivisions;
 - g. The economic impact of the proposed change on the property owners in the area of the proposed change and the economic impact on the city of a decision to deny the change; and

h. Any other factor determined to be relevant by the administrative law judge."

Page 5, remove lines 7 through 19

Page 5, line 20, replace "4." with "5."

Page 5, line 25, replace "5." with "6."

Page 6, line 3, replace "6." with "7."

Page 6, line 19, replace "7." with "8."

Page 6, line 26, replace "6" with "7"

Page 7, line 21, replace "8." with "9."

Page 7, line 25, replace "9." with "10."

Page 7, line 29, replace "10." with "11."

Page 8, after line 4, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly