

Senate Amendment 3158

Amendment Text

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1 1 Amend [Senate File 293](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "DIVISION A
1 5 SUBCHAPTER I
1 6 GENERAL
1 7 Section 1. NEW SECTION. 6C.1 TITLE.
1 8 This chapter shall be known and may be cited as the
1 9 "Land Development Management Act".
1 10 Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE
1 11 PURPOSE OF THIS CHAPTER.
1 12 1. The policy of the state is to ensure the sound
1 13 and orderly development and use of land including
1 14 agricultural, commercial, industrial, residential,
1 15 recreational, and historic uses.
1 16 2. The purposes of this chapter include all of the
1 17 following:
1 18 a. Preserving the use of prime agricultural land
1 19 for agricultural production, and preserving natural,
1 20 cultural, and historical areas.
1 21 b. Providing for the orderly development of cities
1 22 including by providing for incorporation,
1 23 discontinuation, annexation, severance, and
1 24 consolidation.
1 25 c. Striking a balance between the need to carry
1 26 out the legitimate public purposes described in this
1 27 section and the need to preserve private property
1 28 rights.
1 29 d. Encouraging economic development in this state
1 30 by providing for development in areas where
1 31 development has been planned by local governments
1 32 acting in concert pursuant to this chapter and under
1 33 state oversight.
1 34 e. Controlling urban sprawl, and thereby providing
1 35 for the protection and preservation of the private and
1 36 public interest in the land, water, and related
1 37 resources of this state for the public health, safety,
1 38 and general welfare, and for the benefit of present
1 39 and future generations.
1 40 3. All public agencies, including state and local
1 41 governments, shall cooperate in achieving the purposes
1 42 and carrying out the provisions of this chapter.
1 43 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.
1 44 1. "Adjoining" means having a common boundary for
1 45 not less than fifty feet. Territory may be adjoining
1 46 although separated by a roadway or waterway.
1 47 2. "Annexation" means the addition of territory to
1 48 a city.
1 49 3. "Area" means an area of land.
1 50 4. "Basic improvement" means the development of
2 1 land for any of the following:
2 2 a. A utility, including telephone or other
2 3 communication lines, city utility as defined in
2 4 section 362.2, public utility as defined in section
2 5 476.1, or pipeline providing gas, water, wastewater,
2 6 or sewer service.
2 7 b. A thoroughfare, such as a road or street as

2 8 defined in section 306.3.

2 9 5. "Board" means the land management planning
2 10 board as created pursuant to section 6C.14.

2 11 6. "Boundary adjustment" means annexation,
2 12 severance, or consolidation.

2 13 7. "Bounded territory" means territory proposed to
2 14 be incorporated, annexed, or severed, whether or not
2 15 contiguous to all other areas proposed to be
2 16 incorporated, annexed, or severed. "Bounded
2 17 territory" having a common boundary with the right-of-
2 18 way of a secondary road extends to the centerline of
2 19 the road.

2 20 8. "Building" means any fixed structure affording
2 21 facilities or shelter for persons, animals, or
2 22 property.

2 23 9. "City development" means an incorporation,
2 24 discontinuance, or boundary adjustment.

2 25 10. "Committee" means the local strategic
2 26 development committee required to be created pursuant
2 27 to section 6C.53.

2 28 11. "Consolidation" means the combining of two or
2 29 more cities into one city.

2 30 12. "Council" means the state strategic
2 31 development council as created pursuant to section
2 32 6C.12.

2 33 13. "Department" means the department of economic
2 34 development.

2 35 14. "Development" means the construction or
2 36 structural alteration, conversion, or enlargement of a
2 37 structure or use of land, including the construction
2 38 of basic improvements, public improvements, buildings,
2 39 structures, or impermeable structures.

2 40 15. "Discontinuance" means termination of a city.

2 41 16. "Extraterritorial area" means unincorporated
2 42 territory adjacent to the limits of a city, regardless
2 43 of whether the territory is governed by a county
2 44 zoning ordinance as provided in chapter 335. The
2 45 unincorporated area shall include any area over which
2 46 the city exercises jurisdiction under section 414.23.

2 47 17. "Extra-urban development" means development of
2 48 land for a use, which creates densities and uses
2 49 within a territory which is not designated for that
2 50 type of use according to a strategic development plan
3 1 required to be adopted by a local government as
3 2 provided in this chapter. However, "extra-urban
3 3 development" does not include development which is
3 4 part of any of the following:

3 5 a. A farm operation, including any related
3 6 structure which is constructed or installed, or any
3 7 use or practice which is implemented involving a farm
3 8 operation, including a residence constructed for
3 9 occupation by a person engaged in a farm operation.

3 10 b. The construction, installation, improvement, or
3 11 maintenance of basic improvements.

3 12 c. The preservation of natural and historic or
3 13 cultural areas, the development of recreational areas,
3 14 or the protection of natural and historic resources
3 15 and fragile ecosystems of this state including
3 16 forests, wetlands, rivers, streams, lakes and their
3 17 shorelines, aquifers, prairies, and recreational
3 18 areas.

3 19 d. Development occurring on land which has been
3 20 platted prior to the effective date of this Act.

3 21 18. "Farm operation" means a condition or activity
3 22 which occurs on a farm in connection with the
3 23 production of farm products and includes but is not
3 24 limited to the raising, harvesting, drying, or storage

3 25 of crops; the harvesting of trees; the care or feeding
3 26 of livestock; the handling or transportation of crops
3 27 or livestock; the treatment or disposal of wastes
3 28 resulting from livestock; the marketing of products at
3 29 roadside stands or farm markets; the operation of farm
3 30 machinery and irrigation pumps; ground and aerial
3 31 seeding and spraying; the application of chemical
3 32 fertilizers, conditioners, insecticides, pesticides,
3 33 and herbicides; and the employment and use of farm
3 34 labor.

3 35 19. "Farmland" means land that is used to carry on
3 36 a farm operation or is classified as land that may be
3 37 used to carry on a farm operation.

3 38 20. "Fund" means the land management planning fund
3 39 as created in section 6C.21.

3 40 21. "Incorporation" means establishment of a new
3 41 city.

3 42 22. "Island" means territory that is completely
3 43 surrounded by the corporate boundaries of one or more
3 44 cities or the boundary of the state, a river, or
3 45 similar natural barrier which prevents access to
3 46 public benefits and services originating outside the
3 47 boundaries of a city.

3 48 23. "Inventory" means a permanent land use and
3 49 natural resources inventory system as provided in
3 50 section 6C.32.

4 1 24. "Local government" means a county or city
4 2 government.

4 3 25. "Local legislation" means any ordinance,
4 4 resolution, amendment, regulation, or rule adopted by
4 5 a local government, which has the force and effect of
4 6 law.

4 7 26. "Major public project" means any of the
4 8 following:

4 9 a. The construction of a new or the relocation of
4 10 an existing highway.

4 11 b. The construction or expansion of an
4 12 improvement, including a structure or basic
4 13 improvement, other than a highway, which involves the
4 14 development of more than fifty acres of land or six
4 15 thousand tons of top soil.

4 16 c. The construction of any of the following:

4 17 (1) A dam or reservoir.

4 18 (2) A correctional institution as provided in
4 19 chapter 904.

4 20 27. "Member agency" means a state agency which is
4 21 represented on the council as provided in section
4 22 6C.12.

4 23 28. "Owner of property" means the owner of
4 24 property as shown on the records of the county
4 25 recorder.

4 26 29. "Parcel" means a specific tract of land
4 27 including an area located within a territory.

4 28 30. "Planned territory" means territory which is
4 29 governed or proposed to be governed by a strategic
4 30 development plan.

4 31 31. "Public agency" means a state agency, local
4 32 government, or other political subdivision, including
4 33 but not limited to a principal department as provided
4 34 in section 7E.5, a school corporation organized under
4 35 chapter 273 or 274, a community college as provided in
4 36 chapter 260C, a regional library as provided in
4 37 chapter 256, or a township as provided in chapter 359.

4 38 32. "Public benefits and services" means benefits
4 39 and services provided by a local government to persons
4 40 residing within the jurisdiction of the local
4 41 government, regardless of whether the benefits and

4 42 services are provided directly or by another person
4 43 under contract with the local government, including
4 44 providing for the health and safety, education, or
4 45 transportation of the public. A public benefit and
4 46 service includes but is not limited to fire protection
4 47 and suppression, law enforcement, the collection and
4 48 disposal of refuse, the delivery of public water and
4 49 sewer facilities, and ambulance or emergency care.

4 50 33. "Public building" means any building used for
5 1 human occupation constructed by a public agency other
5 2 than a state agency to either provide public benefits
5 3 and services or to accommodate the general public or
5 4 public agency employees, including but not limited to
5 5 offices, laboratories, workshops, classrooms,
5 6 auditoriums, libraries, museums, courtrooms, hearing
5 7 and meeting rooms, schools, garages, cellhouses, or
5 8 other secure sleeping facilities.

5 9 34. "Public improvement" means basic improvements
5 10 and facilities including but not limited to parks and
5 11 recreational areas and public buildings which are
5 12 constructed by or for the use of a public agency other
5 13 than state agencies.

5 14 35. "Public utility" means a public utility
5 15 subject to regulation pursuant to chapter 476.

5 16 36. "Regional development authority" means a
5 17 council of governments established pursuant to chapter
5 18 28H or a joint planning commission established
5 19 pursuant to chapter 28I.

5 20 37. "Registered voter" means a person who is
5 21 registered to vote pursuant to chapter 48A.

5 22 38. "Severance" means the deletion of territory
5 23 from a city.

5 24 39. "State agency" means the same as "agency"
5 25 defined in section 17A.2.

5 26 40. "Strategic development area" means an area
5 27 governed by a strategic development plan as provided
5 28 in subchapter IV.

5 29 41. "Strategic development plan" means a plan
5 30 adopted by a county and cities participating as
5 31 provided in subchapter III as a means to organize the
5 32 manner and location of future development within a
5 33 territory of a county.

5 34 42. "Territory" means any land area which is under
5 35 the jurisdiction of a local government as provided in
5 36 this chapter and which is subject to a strategic
5 37 development plan or city development.

5 38 43. "Urban sprawl" means the development of land
5 39 that occurs on the fringes of cities, if the
5 40 development is for a use which is not contiguous to
5 41 existing or approved development, creates urban
5 42 densities and uses within future urbanizing and
5 43 agriculturally productive land, natural or historic
5 44 areas, and is designed without regard to its
5 45 surroundings.

5 46 Sec. 4. NEW SECTION. 6C.5 FINANCIAL ASSISTANCE
5 47 AWARDED BY PUBLIC AGENCIES.

5 48 Each public agency awarding financial assistance to
5 49 persons for use in developing land shall consider
5 50 whether the development is consistent with the
6 1 purposes of this chapter as provided in section 6C.2,
6 2 the requirements of this chapter, and any relevant
6 3 strategic development plan. Financial assistance
6 4 includes but is not limited to moneys awarded from the
6 5 community economic betterment account established
6 6 pursuant to section 15.320 or the revitalize Iowa's
6 7 sound economy fund established pursuant to section
6 8 315.2, or from tax increment financing created

6 9 pursuant to section 403.19 or tax exemptions within
6 10 revitalization areas as provided in chapter 404.

6 11 SUBCHAPTER II

6 12 PART 1

6 13 STATE ADMINISTRATION

6 14 Sec. 5. NEW SECTION. 6C.11 CREATION OF STATE
6 15 ADMINISTRATIVE ENTITIES PROCEDURES.

6 16 1. The following entities are created under this
6 17 subchapter for purposes of administering this chapter:

6 18 a. The state strategic development council.

6 19 b. The land management planning board.

6 20 2. The department of economic development shall
6 21 provide office space and staff assistance, and shall
6 22 budget funds to cover expenses of the entities. The
6 23 office of attorney general shall provide legal counsel
6 24 to the entities.

6 25 3. Except as provided in this subchapter, each
6 26 entity shall meet on a regular basis and at the call
6 27 of the chairperson or upon the written request to the
6 28 chairperson of two or more members.

6 29 4. A majority of voting members appointed to an
6 30 entity constitute a quorum and the affirmative vote of
6 31 a majority of the members appointed is necessary for
6 32 any substantive action to be taken by the entity,
6 33 except that a lesser number may adjourn a meeting.
6 34 The majority shall not include any member who has a
6 35 conflict of interest and a statement by a member that
6 36 the member has a conflict of interest is conclusive
6 37 for this purpose. A vacancy in the membership does
6 38 not impair the right of a quorum to exercise all
6 39 rights and perform all duties of the entity.

6 40 5. A vacancy shall be filled in the same manner as
6 41 an original appointment. A person appointed to fill a
6 42 vacancy shall serve only for the unexpired portion of
6 43 the term. Except as provided in this subchapter, a
6 44 member is eligible for reappointment.

6 45 6. Members of an entity, other than a state
6 46 officer or employee, are entitled to receive a per
6 47 diem as specified in section 7E.6 for each day spent
6 48 in performance of duties as members, and shall be
6 49 reimbursed for all actual and necessary expenses
6 50 incurred in the performance of duties as members.

7 1 Sec. 6. NEW SECTION. 6C.12 STATE STRATEGIC
7 2 DEVELOPMENT COUNCIL.

7 3 1. The state strategic development council is
7 4 created as the state's principal agency overseeing
7 5 planning by major state agencies involved in major
7 6 public projects. The purpose of the council is to
7 7 ensure that development by state agencies is
7 8 coordinated, including through the adoption of a state
7 9 strategic development plan as provided in section
7 10 6C.42.

7 11 2. The council shall be composed of all of the
7 12 following persons:

7 13 a. The governor or the governor's designee who
7 14 shall serve as the chairperson of the council.

7 15 b. The director of the department of economic
7 16 development or a designee.

7 17 c. The director of the department of natural
7 18 resources or a designee.

7 19 d. The director of the department of
7 20 transportation or a designee.

7 21 e. The director of the department of corrections
7 22 or a designee.

7 23 f. The director of the department of general
7 24 services or a designee.

7 25 g. The secretary of agriculture or a designee.

7 26 h. The state historic preservation officer
7 27 appointed by the director of the department of
7 28 cultural affairs.
7 29 i. A designee appointed by the state board of
7 30 regents as provided for in chapter 262. The member
7 31 shall be appointed from the university of Iowa, Iowa
7 32 state university of science and technology, and the
7 33 university of northern Iowa on a rotating basis. Each
7 34 appointee shall serve one term prior to replacement.
7 35 A member appointed under this proposal shall be an
7 36 expert in issues relating to land use planning.
7 37 j. Four members of the general assembly, who shall
7 38 serve as nonvoting, ex officio members. The members
7 39 shall include two members of the senate appointed by
7 40 the president of the senate, after consultation with
7 41 the majority leader and the minority leader of the
7 42 senate, and two members of the house of
7 43 representatives appointed by the speaker of the house,
7 44 after consultation with the majority leader and the
7 45 minority leader of the house. The legislative members
7 46 shall be appointed upon the convening and for the
7 47 period of each general assembly. Not more than one
7 48 member from each house shall be of the same political
7 49 party.

7 50 Sec. 7. NEW SECTION. 6C.13 COUNCIL POWERS AND
8 1 DUTIES.

8 2 1. The purpose of the council is to ensure that
8 3 development by state agencies is coordinated,
8 4 including through the adoption of a state strategic
8 5 development plan as provided in section 6C.42.

8 6 2. The council shall adopt rules pursuant to
8 7 chapter 17A which are necessary to administer its
8 8 duties under this chapter.

8 9 Sec. 8. NEW SECTION. 6C.14 LAND MANAGEMENT
8 10 PLANNING BOARD.

8 11 1. The land management planning board is created
8 12 as the state's principal agency overseeing planning by
8 13 local governments. The board shall oversee
8 14 administration of this chapter, monitor the
8 15 effectiveness of public agencies in achieving the
8 16 purposes of this chapter as provided in section 6C.2,
8 17 and study methods to better achieve those purposes.

8 18 2. The board shall be composed of the following
8 19 members:

8 20 a. One member appointed from a city with a
8 21 population of forty-five thousand or less.

8 22 b. One member appointed from a city with a
8 23 population of more than forty-five thousand but less
8 24 than one hundred thousand.

8 25 c. One member appointed from a city with a
8 26 population of one hundred thousand or more.

8 27 d. One member appointed from a county with a
8 28 population of fifty thousand or less.

8 29 e. One member appointed from a county with a
8 30 population of more than fifty thousand but less than
8 31 one hundred thousand.

8 32 f. One member appointed from a county with a
8 33 population of one hundred thousand or more.

8 34 g. One member appointed by the secretary of
8 35 agriculture.

8 36 h. One member appointed by the director of the
8 37 department of natural resources.

8 38 i. One member appointed by the director of the
8 39 department of economic development.

8 40 j. Two members appointed by the governor to
8 41 represent the general public.

8 42 4. The members shall be appointed by the governor

8 43 subject to confirmation by the senate as provided in
8 44 section 2.32. The appointments must be for six-year
8 45 staggered terms beginning and ending as provided in
8 46 section 69.19, or for an unexpired term if a vacancy
8 47 occurs. No member shall serve more than two complete
8 48 six-year terms.

8 49 5. A member may be removed from office by the
8 50 governor for misfeasance, malfeasance, willful neglect
9 1 of duty, or other just cause, after notice and
9 2 hearing, unless the notice and hearing is expressly
9 3 waived in writing.

9 4 6. The board shall elect a chairperson each year.

9 5 Sec. 9. NEW SECTION. 6C.15 POWERS AND DUTIES OF
9 6 THE BOARD.

9 7 1. The board shall do all of the following:

9 8 a. Approve or disapprove strategic development
9 9 plans and petitions for city development, including
9 10 plans for annexation, as provided in this chapter.

9 11 b. Administer the land use planning fund for
9 12 development management and farmland and natural area
9 13 protection as created in section 6C.21. The board
9 14 shall pay claims by eligible local governments for
9 15 reimbursement of expenses relating to preparing
9 16 strategic development plans as provided in section
9 17 6C.22.

9 18 c. Adopt rules pursuant to chapter 17A which are
9 19 necessary to administer its duties under this chapter.
9 20 The rules shall include establishing filing fees for
9 21 petitions and applications submitted to the board.
9 22 The board may establish a schedule of fees required to
9 23 file these documents with the board, based on criteria
9 24 established by the board, which may include the size
9 25 of the local government filing the document.

9 26 2. The board may adopt forms to be completed and
9 27 submitted by local governments as required for the
9 28 efficient administration of this chapter. The board
9 29 shall adopt a simple form for strategic development
9 30 plans to be completed by small local governments.

9 31 PART 2

9 32 Sec. 10. NEW SECTION. 6C.21 LAND MANAGEMENT
9 33 PLANNING FUND.

9 34 1. A land management planning fund is created
9 35 within the state treasury under the control of the
9 36 department.

9 37 2. The fund shall consist of all of the following:

9 38 a. Moneys appropriated by the general assembly.

9 39 b. Moneys available to and obtained or accepted by
9 40 the department from the federal government or private
9 41 sources for placement in the fund.

9 42 c. Fees paid to the department of revenue and
9 43 finance which have been collected by county auditors
9 44 for deposit into the fund pursuant to section 331.507.

9 45 3. Moneys in the fund shall be used exclusively
9 46 for the following purposes:

9 47 a. First, to pay for the costs of administration
9 48 of this chapter by the board.

9 49 b. Second, to reimburse local governments for
9 50 preparing strategic development plans as provided in
10 1 section 6C.22.

10 2 c. Finally, to the extent that moneys are
10 3 remaining under this subsection, the moneys may be
10 4 used to reimburse Iowa state university of science and
10 5 technology and counties for costs associated with
10 6 preparing permanent land use and natural resource
10 7 inventories, as provided in section 6C.31.

10 8 4. The treasurer of state shall act as custodian
10 9 of the fund. The treasurer of state is authorized to

10 10 invest the moneys deposited in the fund. The income
10 11 from such investment shall be credited to and
10 12 deposited in the fund. Notwithstanding section 8.33,
10 13 moneys in the fund are not subject to reversion to the
10 14 general fund of the state. The fund shall be
10 15 administered by the board which shall make
10 16 expenditures from the fund consistent with the
10 17 purposes set out in this section. The moneys in the
10 18 fund shall be disbursed upon warrants drawn by the
10 19 director of revenue and finance pursuant to the order
10 20 of the board. The fiscal year of the fund begins July
10 21 1. The finances of the fund shall be calculated on an
10 22 accrual basis in accordance with generally accepted
10 23 accounting principles. The auditor of state shall
10 24 regularly perform audits of the fund.

10 25 Sec. 11. NEW SECTION. 6C.22 REIMBURSEMENT OF
10 26 LOCAL GOVERNMENTS FOR PREPARATION OF PLANS.

10 27 1. a. The board shall approve a claim against the
10 28 fund to reimburse local governments for costs
10 29 associated with preparing strategic development plans.

10 30 b. The board may approve a claim against the fund
10 31 to reimburse Iowa state university of science and
10 32 technology or counties for costs associated with
10 33 preparing land use and natural resource inventories.

10 34 2. a. Except as provided in paragraph "b", a
10 35 claim is eligible to be paid if all of the following
10 36 apply:

10 37 (1) The claim is made in a manner and according to
10 38 procedures required in this section and established by
10 39 the board.

10 40 (2) The claim is complete and accurate, and
10 41 contains no significant false or misleading
10 42 statements.

10 43 (3) There are sufficient moneys in the fund in
10 44 order to satisfy the claim.

10 45 (4) The person filing the claim for preparing a
10 46 strategic development plan is a local government. The
10 47 person filing the claim for preparing a land use and
10 48 natural resource inventory is Iowa state university of
10 49 science and technology or a county.

10 50 (5) The amount of the claim is for reasonable
11 1 costs associated with preparing the strategic
11 2 development plan or land use and natural resource
11 3 inventory.

11 4 (6) If the claim is for costs related to preparing
11 5 a strategic development plan, the claim is submitted
11 6 by all local governments which are parties to the
11 7 strategic development plan.

11 8 b. The board is not required to approve a claim
11 9 for reimbursement of costs incurred in preparing part
11 10 of a strategic development plan as provided in section
11 11 6C.57, until the entire plan is approved.

11 12 3. The claim must include supporting evidence that
11 13 the claim is for reasonable costs related to
11 14 preparation of the strategic development plan or land
11 15 use and natural resource inventory, which may include
11 16 invoices, as required by the board.

11 17 4. The amount of the claim for preparing a
11 18 strategic development plan shall be based on the local
11 19 government's ability to pay according to a schedule of
11 20 rates reimbursing a percentage of the total costs
11 21 expended by the local government in preparing the
11 22 strategic development plan. However, a local
11 23 government shall not be required to incur more than
11 24 one hundred thousand dollars in unreimbursed expenses
11 25 for preparing a strategic development plan.

11 26 5. If at any time the board determines that there

11 27 are insufficient moneys in the fund to make payment of
11 28 all claims for preparing strategic development plans,
11 29 the department shall pay claims according to the date
11 30 that the claims are received by the department. To
11 31 the extent that a claim cannot be fully satisfied, the
11 32 department shall order that the unpaid portion of the
11 33 payment be deferred until the claim can be satisfied.

11 34 SUBCHAPTER III

11 35 LAND USE INVENTORIES

11 36 Sec. 12. NEW SECTION. 6C.31 IOWA STATE
11 37 UNIVERSITY OF SCIENCE AND TECHNOLOGY REPOSITORY
11 38 STUDY AND REPORT.

11 39 To the extent that moneys are appropriated and data
11 40 is available, Iowa state university of science and
11 41 technology shall do all of the following:

11 42 1. Serve as the repository of permanent land use
11 43 and natural resources inventories completed pursuant
11 44 to section 6C.32. The university shall provide for
11 45 computer access of these inventories by the department
11 46 for use by the council or board created and described
11 47 in subchapter II.

11 48 2. Study the extent to which land in Iowa is being
11 49 converted from agricultural use to residential,
11 50 commercial, industrial, or public uses, including
12 1 farmland, recreational areas, natural areas, and
12 2 public facilities and basic improvements.

12 3 a. At least every two years, the university shall
12 4 prepare a report that includes all of the following:

12 5 (1) A description of counties that have a farmland
12 6 protection program or strategies in place, including
12 7 the use of zoning, or a farmland preservation
12 8 ordinance adopted pursuant to chapter 335 or programs
12 9 such as conservation easements.

12 10 (2) A description of land use changes in each
12 11 county, which may include an analysis of data
12 12 collected by the department of revenue and finance.
12 13 The report to every extent practical shall identify
12 14 changes in the use or classification of use for
12 15 parcels of land, including from an agricultural class
12 16 to a nonagricultural class.

12 17 (3) An assessment of the productive quality of
12 18 soil of farmland converted to another use. The
12 19 assessment of the soil may be by using crop yields,
12 20 corn suitability ratings, or classifications by the
12 21 United States department of agriculture.

12 22 (4) An evaluation of urban growth patterns
12 23 throughout the state, including areas of urban sprawl
12 24 and extra-urban development.

12 25 b. The report shall be delivered to the governor,
12 26 the general assembly, and the department of economic
12 27 development not later than September 1 of each
12 28 reporting year.

12 29 3. Iowa state university of science and technology
12 30 shall provide technical advice to the board in
12 31 adopting rules necessary to implement a permanent land
12 32 use and natural resources inventory system as required
12 33 pursuant to section 6C.32. The university shall
12 34 provide technical assistance to counties in completing
12 35 the system according to a schedule established by the
12 36 university in cooperation with the board.

12 37 Sec. 13. NEW SECTION. 6C.32 PERMANENT LAND USE
12 38 AND NATURAL RESOURCES INVENTORY SYSTEM.

12 39 1. Counties shall establish a permanent land use
12 40 and natural resources inventory system. The system
12 41 shall assess and categorize land uses, the productive
12 42 quality of farmland soil, and the changes in use or
12 43 classifications for use of the land.

12 44 a. A county board of supervisors may establish a
12 45 county land preservation and use commission in order
12 46 to carry out this section, as provided by the county
12 47 board of supervisors.

12 48 b. The data shall be systematically collected by
12 49 the county, subject to all of the following:

12 50 (1) Whenever possible, the data shall be enhanced
13 1 by aerial imagery.

13 2 (2) The data shall be converted to or entered in a
13 3 digital format capable of access by computer systems.

13 4 (3) The data shall be structured in a uniform
13 5 manner that allows comparisons between counties.

13 6 (4) To every extent practical, the system shall
13 7 include any data collected for county land use
13 8 inventories pursuant to 1982 Iowa Acts, chapter 1245.

13 9 c. The system shall provide for the regular update
13 10 of data, but not less than every five years.

13 11 2. The system shall be instituted by a county
13 12 according to rules adopted by the board. The rules
13 13 shall provide for implementation according to a
13 14 schedule adopted by the board in cooperation with Iowa
13 15 state university of science and technology. All
13 16 counties shall have a system implemented by June 30,
13 17 2003. However, a county shall not be required to
13 18 implement a system until the state appropriates moneys
13 19 to the county for implementation.

13 20 SUBCHAPTER IV

13 21 STRATEGIC DEVELOPMENT PLANNING

13 22 PART 1

13 23 STATE AGENCY PLANNING

13 24 Sec. 14. NEW SECTION. 6C.41 CONSULTATION DURING
13 25 MAJOR PUBLIC PROJECTS.

13 26 1. The state strategic development council shall
13 27 meet regularly and its members shall consult when a
13 28 state agency is engaged in a major public project.
13 29 The state agency must consult with the council during
13 30 regularly scheduled meetings conducted throughout the
13 31 planning stages of a major public project.

13 32 2. A state agency shall not begin construction of
13 33 a major public project prior to consulting with the
13 34 council.

13 35 3. In reviewing a major public project, the
13 36 council shall to every extent practical ensure that
13 37 the missions, policies, and goals of affected member
13 38 agencies are not negatively impacted. The major
13 39 public project shall be consistent with the state
13 40 strategic development plan as required by section
13 41 6C.42.

13 42 Sec. 15. NEW SECTION. 6C.42 STATE STRATEGIC
13 43 DEVELOPMENT PLAN.

13 44 1. a. The council shall establish, maintain, and
13 45 revise a state strategic development plan which shall
13 46 be implemented by state agencies, as provided in this
13 47 section. State agencies shall consult with the
13 48 council regarding major public projects. The council
13 49 may adopt rules which exempt major public projects
13 50 from the requirements of this section, to the extent
14 1 that the council determines that compliance with the
14 2 state strategic development plan or consultation with
14 3 the council is inconsistent with or unnecessary to
14 4 carry out the purposes of this chapter as provided in
14 5 section 6C.2.

14 6 b. The state plan shall include development
14 7 standards and practices that ensure that development
14 8 conducted by state agencies carries out the purposes
14 9 of this chapter as provided in section 6C.2, the
14 10 requirements of this chapter, and relevant strategic

14 11 development plans. Each state agency shall adopt
14 12 policies governing development, including planning and
14 13 construction of projects, which implement development
14 14 standards and practices as required in the state
14 15 strategic development plan.

14 16 2. a. A state agency shall not begin construction
14 17 of a major public project unless the state agency
14 18 consults with member agencies during a council
14 19 meeting. The state agency proposing construction
14 20 shall submit a plan of development to the council for
14 21 consideration. The plan shall summarize the major
14 22 public project and explain how the major public
14 23 project complies with the requirements of the state
14 24 strategic development plan and any appropriate
14 25 strategic development plan governing the area where
14 26 the major public project is proposed to be developed.
14 27 The state agency shall regularly inform the council of
14 28 the progress of the major public project during the
14 29 course of its construction.

14 30 b. Any concern about or objection to the planning
14 31 or construction of a major public project expressed by
14 32 a member agency or the council shall be noted in the
14 33 minutes of the council. Nothing in this section
14 34 authorizes the council to disapprove a plan for
14 35 development or alter construction of the major public
14 36 project.

14 37 3. The council shall approve an initial state
14 38 strategic development plan by July 1, 2001.

14 39 Sec. 16. NEW SECTION. 6C.43 OVERSIGHT.

14 40 1. The council shall report to the board as
14 41 required by the board.

14 42 2. The council shall report to the committee of
14 43 the general assembly which is primarily responsible
14 44 for legislative oversight of state agencies, as
14 45 required, by the committee. The council shall do all
14 46 of the following:

14 47 a. Present information to the committee as
14 48 requested by the committee.

14 49 b. Notify the committee of the planning stages of
14 50 a major public project initiated by a member agency,
15 1 including any comments or objections of the council or
15 2 a member agency.

15 3 c. Submit a copy of its state strategic
15 4 development plan and any amendments to or revisions of
15 5 the plan with the committee.

15 6 PART 2
15 7 LOCAL GOVERNMENT PLANNING

15 8 Sec. 17. NEW SECTION. 6C.51 SHORT DESCRIPTION.

15 9 A strategic development plan shall integrate the
15 10 planning functions of the local government, including
15 11 the planning of basic improvements and the provision
15 12 of public benefits and services.

15 13 Sec. 18. NEW SECTION. 6C.52 PURPOSES.

15 14 1. A strategic development plan shall carry out
15 15 the purposes of this chapter as provided in section
15 16 6C.2 and the requirements of this chapter.

15 17 2. The purpose of a strategic development plan is
15 18 to direct the coordinated, efficient, and orderly
15 19 development of local governments and their environs
15 20 that will, based on an analysis of present and future
15 21 needs, best promote the public health, safety, morals,
15 22 and general welfare. The goals and objectives of a
15 23 strategic development plan include the following:

15 24 a. Providing a unified physical design for the
15 25 development of the local community.

15 26 b. Encouraging a pattern of compact and contiguous
15 27 high-density development to be guided into appropriate

15 28 areas.

15 29 c. Establishing an acceptable and consistent level
15 30 of public benefits and services and ensuring timely
15 31 provision of those public benefits and services.

15 32 d. Promoting the adequate provision of employment
15 33 opportunities and the economic health of the local
15 34 governments.

15 35 e. Conserving features of significant statewide or
15 36 regional architectural, cultural, historical, or
15 37 archaeological interest.

15 38 f. Protecting life and property from the effects
15 39 of natural hazards and natural disasters, such as
15 40 flooding, winds, and wildfires.

15 41 g. Taking into consideration such other matters
15 42 that may be logically related to or form an integral
15 43 part of a plan for the coordinated, efficient, and
15 44 orderly development of the local communities.

15 45 h. Providing for a variety of housing choices and
15 46 assure affordable housing for future population
15 47 growth.

15 48 i. Identifying and protecting nonreplaceable
15 49 farmland, natural areas, environmentally sensitive
15 50 land, historical or cultural areas, and critical areas
16 1 of local or statewide concern.

16 2 j. Preventing the occurrence of urban sprawl,
16 3 including the economic, environmental, and social
16 4 costs that accompany it, and by encouraging infill and
16 5 redevelopment of existing urban sites.

16 6 k. Allowing local governments to plan for
16 7 development in a comprehensive, orderly, and
16 8 cooperative manner.

16 9 l. Ensuring that adequate basic improvements and
16 10 public benefits and services are provided concurrently
16 11 with development.

16 12 Sec. 19. NEW SECTION. 6C.53 STRATEGIC
16 13 DEVELOPMENT PLAN.

16 14 1. A strategic development plan shall govern a
16 15 strategic development area designated within a county
16 16 as provided in this section in order to organize the
16 17 manner and location of future development in a way
16 18 that carries out the purposes of this chapter as
16 19 provided in section 6C.2 and the purposes of a
16 20 strategic development plan as provided in section
16 21 6C.52. A strategic development plan shall govern a
16 22 strategic preservation area if created in the plan in
16 23 order to preserve prime agricultural land for
16 24 agricultural production, or natural, cultural, or
16 25 historical areas. The participants of the strategic
16 26 development plan shall be all of the following:

16 27 a. The county.

16 28 b. All participating cities as provided in this
16 29 section which are located in the county.

16 30 c. Any city that adjoins the county that is
16 31 allowed to participate in the strategic development
16 32 plan. An adjoining city shall be included as a
16 33 participant, if inclusion satisfies the purposes of
16 34 section 6C.52. The city shall be included by either
16 35 of the following:

16 36 (1) The county, all participating cities in the
16 37 county, and the city seeking participation by the
16 38 adoption of a resolution providing for the
16 39 participation.

16 40 (2) The board orders participation upon
16 41 application to the board by the city adopting a
16 42 resolution seeking participation.

16 43 2. A strategic development plan may rely upon a
16 44 comprehensive plan adopted pursuant to section 335.5

16 45 or section 414.3, to the extent that the comprehensive
16 46 plan complies with this part.

16 47 3. A strategic development plan approved by the
16 48 board shall be the basis for the comprehensive plan of
16 49 each county required pursuant to section 335.5, if the
16 50 county has adopted a zoning ordinance, and for the
17 1 comprehensive plan of each participating city required
17 2 pursuant to section 414.3. The county and each
17 3 participating city shall amend its comprehensive plan
17 4 as necessary to conform to the strategic development
17 5 plan approved by the board.

17 6 4. A county and participating cities are
17 7 encouraged to continue to plan for development and
17 8 land use jointly and to use the strategic development
17 9 plan as a basis for subsequent joint planning.

17 10 5. A strategic development plan shall include, at
17 11 a minimum, documents describing and depicting city
17 12 corporate limits, as well as a strategic development
17 13 area. A strategic development plan may address land
17 14 use, transportation, public infrastructure, housing,
17 15 and economic development.

17 16 a. A strategic development plan shall establish
17 17 one or more strategic development areas.

17 18 (1) In establishing a strategic development area,
17 19 the plan shall do all of the following:

17 20 (a) Identify territory that is reasonably compact
17 21 yet sufficiently large to accommodate residential and
17 22 nonresidential growth projected to occur during the
17 23 next twenty years.

17 24 (b) Identify territory that is contiguous to the
17 25 existing boundaries of a city.

17 26 (c) Identify territory that a reasonable and
17 27 prudent person would project as the likely site of
17 28 high-density commercial, industrial, and residential
17 29 growth over the next twenty years based on historical
17 30 experience, economic trends, population growth
17 31 patterns, topographical characteristics, and any
17 32 professional planning, engineering, and economic
17 33 studies that are available. The city shall report
17 34 population growth projections for the city based upon
17 35 state and federal census data.

17 36 (2) A strategic development area shall not contain
17 37 any agricultural land which has a corn suitability
17 38 rating of sixty or higher, according to information
17 39 released by Iowa state university to the department of
17 40 revenue and finance for purposes of determining the
17 41 productivity formula for assessment and taxation of
17 42 agricultural land, unless there is a showing by the
17 43 committee that the land is necessary for the orderly
17 44 development of the city.

17 45 b. A strategic development plan may establish one
17 46 or more strategic preservation areas. In establishing
17 47 a strategic preservation area, the plan shall identify
17 48 territory to be preserved for the next twenty years
17 49 for agricultural purposes, forests, recreational
17 50 areas, wildlife management areas, cultural areas,
18 1 historical areas, or other areas planned for
18 2 development.

18 3 6. a. A city may be excused from participating as
18 4 a party to a strategic development plan, if the city
18 5 council adopts a resolution declaring that it elects
18 6 not to be a party to the plan. The city's resolution
18 7 shall become part of the strategic development plan.
18 8 The city shall not exercise jurisdiction within its
18 9 extraterritorial area including as provided in section
18 10 414.23.

18 11 b. A city shall not be eligible to participate in

18 12 a strategic development plan if the city is completely
18 13 contiguous to and surrounded by one or more cities, or
18 14 by one or more cities and the boundaries of another
18 15 state. The corporate limits of the surrounded city
18 16 shall constitute the boundaries of the city's
18 17 strategic development area and such city shall not be
18 18 eligible to ratify or reject the recommended strategic
18 19 development plan as provided in section 6C.55.

18 20 Sec. 20. NEW SECTION. 6C.54 LOCAL STRATEGIC
18 21 DEVELOPMENT COMMITTEE.

18 22 1. On or before October 1, 1999, a local strategic
18 23 development committee is created within each county
18 24 which shall be composed of the following members:

18 25 a. A member of the county board of supervisors
18 26 appointed by the county board of supervisors.

18 27 b. The mayor of each participating city as
18 28 provided in section 6C.53 or the mayor's designee as
18 29 confirmed by the city council.

18 30 c. One member appointed by the board of directors
18 31 of the county's soil conservation district or
18 32 districts, who shall represent agricultural interests.

18 33 d. Two members appointed by the county board of
18 34 supervisors and one member appointed by the mayor of
18 35 each of the two largest participating cities, to
18 36 assure broad representation of agricultural,
18 37 environmental, construction, educational, and
18 38 homeowner interests.

18 39 2. The department of economic development shall
18 40 provide for facilitating the coordination of the
18 41 committees.

18 42 Sec. 21. NEW SECTION. 6C.55 LOCAL GOVERNMENT
18 43 ADOPTION OF STRATEGIC DEVELOPMENT PLAN.

18 44 1. The committee shall recommend a strategic
18 45 development plan that conforms with section 6C.52.

18 46 2. When designating that part of a strategic
18 47 development area contiguous to a city, the committee
18 48 shall identify, and give consideration to, the amount
18 49 of territory within the current incorporated
18 50 boundaries of the city that is vacant or undeveloped
19 1 land.

19 2 3. The committee shall utilize planning resources
19 3 that are available within the county, including city
19 4 and county planning commissions and zoning
19 5 administrators. The committee is also encouraged to
19 6 utilize the services of a regional development
19 7 authority, Iowa state university of science and
19 8 technology, the university of Iowa, and the university
19 9 of northern Iowa.

19 10 4. Prior to final approval of the recommended
19 11 strategic development plan by the committee, the
19 12 committee shall hold at least one public hearing on
19 13 the proposed recommended strategic development plan.
19 14 The county auditor shall give at least thirty days'
19 15 notice of the time, place, and purpose of the public
19 16 hearing by notice published in a newspaper of general
19 17 circulation in the county.

19 18 5. Not later than January 1, 2002, the committee
19 19 shall submit the recommended strategic development
19 20 plan to the county board of supervisors and the city
19 21 council of each participating city for ratification by
19 22 each local government.

19 23 a. Not later than one hundred twenty days after
19 24 receiving the recommended strategic development plan,
19 25 the county board of supervisors and the city council
19 26 for each participating city shall adopt a resolution
19 27 to either ratify or reject the recommended strategic
19 28 development plan. A local government that fails to

19 29 timely adopt the resolution shall be deemed to have
19 30 ratified the recommended strategic development plan on
19 31 the last day of the one hundred twenty-day period.
19 32 b. If the county board of supervisors or the city
19 33 council of any participating city rejects the
19 34 recommended strategic development plan submitted by
19 35 the committee, the county or participating city shall
19 36 submit its objections to the plan, as provided by the
19 37 committee. After receiving objections to the plan,
19 38 the committee may recommend a revised strategic
19 39 development plan. The committee shall submit the
19 40 revised strategic development plan for ratification to
19 41 the county board of supervisors and the city council
19 42 of each participating city.

19 43 Not later than one hundred twenty days after
19 44 receiving the revised recommended strategic
19 45 development plan, the county board of supervisors and
19 46 city council for each participating city shall either
19 47 ratify or reject the revised recommended strategic
19 48 development plan in the same manner as provided in
19 49 paragraph "a". A local government that fails to
19 50 timely adopt a resolution shall be deemed to have
20 1 ratified the recommended strategic development plan on
20 2 the last day of the one hundred twenty-day period.

20 3 6. The committee shall submit the revised
20 4 recommended strategic development plan to the board,
20 5 if the plan has been rejected by a local government.
20 6 However, the committee may submit an unrevised
20 7 recommended strategic development plan to the board,
20 8 if the committee determines that there is a
20 9 substantial probability that a revised recommended
20 10 strategic development plan would not be ratified by
20 11 all the local governments. The committee shall submit
20 12 the recommended strategic development plan and any
20 13 revisions or objections to the board as provided in
20 14 section 6C.56.

20 15 Sec. 22. NEW SECTION. 6C.56 DISPUTE RESOLUTION.

20 16 1. If a recommended strategic development plan or
20 17 a revised strategic development plan is rejected
20 18 pursuant to section 6C.55, the committee shall submit
20 19 each of the considered plans, revisions, and
20 20 objections to the board for resolution of the matter.
20 21 The board shall review the plans, revisions, and
20 22 objections and resolve the dispute by approving a
20 23 proposed strategic development plan based on the
20 24 extent to which the plan furthers the purposes of this
20 25 chapter as provided in section 6C.2 and the purposes
20 26 of the strategic development plan as provided in
20 27 section 6C.52. If the dispute involves competing
20 28 strategic development plans by two or more cities
20 29 governing the same strategic development area, the
20 30 board shall determine the city best able to provide
20 31 public benefits and services in the strategic
20 32 development area.

20 33 2. The board shall submit to the board of
20 34 supervisors a proposed strategic development plan for
20 35 consideration by the county supervisors in the county
20 36 and distribution to the city council of each city in
20 37 the county and any other participating city. The
20 38 local governments participating in the strategic
20 39 development plan shall be provided a reasonable time
20 40 to consider the proposed strategic development plan as
20 41 required by the board.

20 42 The proposed strategic development plan must be
20 43 approved by resolution by the board of supervisors in
20 44 the county and the city council of each participating
20 45 city.

20 46 The board of supervisors for the county shall
20 47 notify the board of the ratification or rejection of
20 48 the proposed strategic development plan in a manner
20 49 required by the board. A notice of rejection
20 50 submitted to the board may be accompanied by final
21 1 recommendations for amendment to the proposed
21 2 strategic development plan. The board shall adopt the
21 3 proposed plan as provided in section 6C.57.

21 4 Sec. 23. NEW SECTION. 6C.57 STRATEGIC
21 5 DEVELOPMENT PLAN APPROVED BY THE BOARD.

21 6 Not later than July 1, 2002, the board shall
21 7 approve every strategic development plan ratified by a
21 8 board of supervisors and the city councils of
21 9 participating cities or alternatively proposed by the
21 10 board. The board shall approve a strategic
21 11 development plan, if the plan accomplishes the
21 12 purposes of this chapter as provided in section 6C.2,
21 13 and the purposes of a strategic development plan as
21 14 provided in section 6C.52. If the board determines
21 15 that a ratified strategic development plan does not
21 16 accomplish these purposes, the board shall adopt and
21 17 grant its approval of amendments to the plan for the
21 18 sole purpose of accomplishing those purposes.

21 19 Sec. 24. NEW SECTION. 6C.58 RECORDING OF
21 20 STRATEGIC DEVELOPMENT PLAN.

21 21 After the board has approved a strategic
21 22 development plan as provided in section 6C.57, the
21 23 board shall forward a copy to the county auditor who
21 24 shall record the plan in the office of county recorder
21 25 no later than five days after receiving the plan from
21 26 the board. The plan shall become effective upon its
21 27 recording with the county recorder.

21 28 Sec. 25. NEW SECTION. 6C.59 EFFECTIVENESS.

21 29 After a strategic development plan has been
21 30 recorded, the plan shall remain in effect for not less
21 31 than five years absent a showing of extraordinary
21 32 circumstances necessitating a change in the plan.
21 33 After expiration of the five-year period, the county
21 34 or a participating city may propose an amendment to
21 35 the strategic development plan or may propose a review
21 36 of the plan by filing notice with the county board of
21 37 supervisors for the county, the city council of each
21 38 city in the county, and any other participating city.
21 39 Upon receipt of such notice, the county board of
21 40 supervisors and city councils of each participating
21 41 city shall promptly reconvene the committee. The
21 42 burden of proving the reasonableness of a proposed
21 43 amendment to the plan shall be upon the party
21 44 proposing the amendment. The procedures for amending
21 45 the strategic development plan shall be the same as
21 46 the procedures set forth in this part for establishing
21 47 the original strategic development plan.

21 48 Sec. 26. NEW SECTION. 6C.60 APPEAL JUDICIAL
21 49 REVIEW.

21 50 1. The affected county, an affected participating
22 1 city, a resident of such county, or an owner of real
22 2 property located within such county may appeal a
22 3 decision of the board relating to the strategic
22 4 development plan presented to the board for its
22 5 approval. The judicial review provisions of this
22 6 section and chapter 17A shall be the exclusive means
22 7 by which a person or party who is aggrieved or
22 8 adversely affected by action of the board may seek
22 9 judicial review of that board action.

22 10 2. Appeal must be filed within sixty days after
22 11 the strategic development plan is recorded upon final
22 12 approval of the board. In accordance with the Iowa

22 13 rules of civil procedure pertaining to service of
22 14 process, copies of the petition shall be served upon
22 15 the board, the county, and each city located in the
22 16 county.

22 17 3. The court's review on appeal of a decision is
22 18 limited to questions relating to jurisdiction,
22 19 regularity of proceedings, and whether the decision
22 20 appealed from is, by a preponderance of the evidence,
22 21 arbitrary, unreasonable, or without substantial
22 22 supporting evidence. The court may reverse and remand
22 23 a decision of the board with appropriate directions to
22 24 the county and the participating cities in order to
22 25 identify and obtain adoption or approval of a growth
22 26 plan in conformance with the procedures set forth in
22 27 this part.

22 28 4. The filing of a petition for review does not
22 29 stay the effectiveness of the strategic development
22 30 plan and strategic development areas identified in the
22 31 plan. However, the court may order a stay upon
22 32 appropriate terms if it is shown to the satisfaction
22 33 of the court that any party or the public at large is
22 34 likely to suffer significant injury if a stay is not
22 35 granted. If more than one petition for review
22 36 regarding a single board decision is filed, all such
22 37 petitions shall be consolidated and tried as a single
22 38 civil action.

22 39 5. The following portions of section 17A.19 are
22 40 not applicable to this chapter:

22 41 a. The portion of subsection 2 relating to where
22 42 proceedings for judicial review shall be instituted.

22 43 b. Subsection 5.

22 44 c. Subsection 8.

22 45 d. Subsections 10 through 12.

22 46 Sec. 27. NEW SECTION. 6C.61 LOCAL LEGISLATION.

22 47 A local government may adopt local legislation
22 48 regulating development within its territory in order
22 49 to carry out the purposes of this chapter that is
22 50 consistent with the local government's strategic
23 1 development plan. A local government shall cooperate
23 2 with any other local government, which is a party to a
23 3 strategic development plan in adopting local
23 4 legislation regulating development within a strategic
23 5 development area. The local legislation may provide
23 6 for all of the following:

23 7 1. Defraying development costs incurred by the
23 8 local government to the extent determined appropriate
23 9 by the local government. The local legislation may
23 10 provide for financing the construction of basic
23 11 improvements and the delivery of public benefits and
23 12 services to its territory, including the imposition of
23 13 any impact fees to defray the costs of providing off-
23 14 site or adjacent basic improvements or public benefits
23 15 and services.

23 16 2. Providing for the establishment of conservation
23 17 easements; the acquisition of development rights,
23 18 including the purchase of development rights or the
23 19 transfer of development rights; and development
23 20 standards.

23 21 Sec. 28. NEW SECTION. 6C.62 REGIONAL DEVELOPMENT
23 22 AUTHORITIES.

23 23 A regional development authority shall not provide
23 24 development assistance, including planning,
23 25 investigations, or studies, that is inconsistent with
23 26 a strategic development plan for the area served by
23 27 the regional development authority.

23 30

PART 1

23 31

GENERAL

23 32 Sec. 29. NEW SECTION. 6C.71 PURPOSE.

23 33 The purpose of this subchapter is to establish a
23 34 process for the approval of a petition for city
23 35 development which furthers the purposes of this
23 36 chapter as provided in section 6C.2, is consistent
23 37 with a strategic development plan governing the
23 38 territory as provided in subchapter IV, and which
23 39 considers the desire of the residents of the territory
23 40 subject to a boundary change and the interests of the
23 41 residents of all territories affected by a city
23 42 development.

23 43 Sec. 30. NEW SECTION. 6C.73 AGREEMENTS VOID.

23 44 A local government shall not execute an agreement
23 45 with another local government under chapter 28E that
23 46 annexes territory. Local governments who are parties
23 47 in an agreement on the effective date of this Act that
23 48 provides for annexation under chapter 28 shall amend
23 49 the agreement to the extent necessary in order to be
23 50 consistent with the provisions of this chapter. The
24 1 local governments must amend the agreement prior to
24 2 the date on which a strategic development plan
24 3 governing the territory subject to the agreement is
24 4 recorded with the county recorder as provided in
24 5 section 6C.58. Any agreement that is inconsistent
24 6 with the provisions of this chapter shall be void on
24 7 the date that a strategic development plan governing
24 8 the territory is recorded with the county recorder as
24 9 provided in section 6C.58.

24 10

PART 2

24 11

PETITIONS

24 12 Sec. 31. NEW SECTION. 6C.81 INVOLUNTARY CITY
24 13 DEVELOPMENT PETITIONS.

24 14 1. The board may accept a petition for city
24 15 development submitted by a city council, a county
24 16 board of supervisors, or five percent of the qualified
24 17 electors of a city or territory subject to the
24 18 petition.

24 19 2. a. A petitioner shall provide notice by
24 20 certified mail to all of the following:

24 21 (1) The city council of each city subject to the
24 22 city development.

24 23 (2) The board of supervisors for each county,
24 24 which contains a portion of a city subject to the city
24 25 development.

24 26 (3) The city council of a city if an incorporation
24 27 includes territory within the city's extraterritorial
24 28 area.

24 29 (4) Any regional planning authority for the area.

24 30 (5) Each owner of land within the bounded
24 31 territory. The notice shall also be mailed to each
24 32 person who has purchased land under real estate
24 33 contract under chapter 656, if the contract is
24 34 recorded with the county recorder.

24 35 b. The notice shall provide information regarding
24 36 the petition as required by the board and shall
24 37 include a copy of the petition.

24 38 3. Within ninety days of receipt of a petition,
24 39 the board shall initiate appropriate proceedings or
24 40 dismiss the petition as provided in this paragraph.
24 41 The board may combine petitions which concern the same
24 42 territory or city or which provide for city
24 43 development affecting common territory.

24 44 4. a. A petition must provide how the city
24 45 development will further the city's strategic
24 46 development plan. The petition shall include all of

24 47 the following:

- 24 48 (1) A general statement of the city development.
 - 24 49 (2) A map of the territory, city, or cities
24 50 involved.
 - 25 1 (3) The location of public improvements planned to
25 2 be constructed in the proposed bounded territory.
 - 25 3 (4) An assessed valuation of platted and unplatted
25 4 land in the bounded territory.
 - 25 5 (5) The names of owners of property located in the
25 6 bounded territory.
 - 25 7 (6) The population density of the bounded
25 8 territory.
 - 25 9 (7) A description of the bounded territory's
25 10 topography.
 - 25 11 (8) Plans for the disposal of assets and
25 12 assumption of liabilities.
 - 25 13 (9) A description of existing public benefits and
25 14 services available in the bounded territory.
 - 25 15 (10) Plans for agreements with any existing
25 16 special service districts.
 - 25 17 (11) In a case of annexation or incorporation, the
25 18 petition must state that none of the territory is
25 19 within a city.
 - 25 20 (12) In a case of incorporation or consolidation,
25 21 the petition must state the name of the proposed city.
 - 25 22 (13) Any formal agreement between affected cities
25 23 and counties for the maintenance, improvement, and
25 24 traffic control of any shared roads involved in an
25 25 incorporation or boundary adjustment.
 - 25 26 (14) In the discretion of a city council, a
25 27 provision for a transition for the imposition of city
25 28 taxes against property within an annexation area.
 - 25 29 (a) The provision shall not allow a greater
25 30 exemption from taxation than the tax exemption formula
25 31 schedule provided under section 427B.3, subsections 1
25 32 through 5, and shall be applied in the levy and
25 33 collection of taxes.
 - 25 34 (b) The provision may also allow for the partial
25 35 provision of city services during the time in which
25 36 the exemption from taxation is in effect.
- 25 37 Sec. 32. NEW SECTION. 6C.82 SPECIAL REQUIREMENTS
25 38 FOR ANNEXATIONS PUBLIC HEARINGS.
- 25 39 1. Before a petition for involuntary annexation is
25 40 submitted to the board, the petitioner must hold a
25 41 public hearing on the petition. The petition shall
25 42 identify all property owners listed in the petition.
25 43 The petitioner shall provide notice of the hearing
25 44 which shall include the time and place of the public
25 45 hearing.
 - 25 46 a. At least thirty days before a petition for
25 47 annexation is submitted to the board, the petitioner
25 48 must deliver a notice by certified mail to all of the
25 49 following:
 - 25 50 (1) Any party to a strategic development plan
26 1 governing the bounded territory.
 - 26 2 (2) The city council of each city whose urbanized
26 3 area contains a portion of the bounded territory.
 - 26 4 (3) The board of supervisors of each county which
26 5 contains a portion of the bounded territory.
 - 26 6 (4) The regional planning authority for the
26 7 bounded territory.
 - 26 8 (5) Each affected public utility.
 - 26 9 (6) Each owner of property located in the bounded
26 10 territory. The notice shall also be mailed to each
26 11 person who has purchased land under real estate
26 12 contract under chapter 656, if the contract is
26 13 recorded with the county recorder.

26 14 (7) Each owner of adjacent property located within
26 15 the bounded territory.

26 16 b. At least five days before the date of the
26 17 public hearing, the petitioner shall publish the
26 18 notice of the hearing in an official county newspaper
26 19 in each county which contains a part of the territory.

26 20 2. The mayor of the city proposing to annex the
26 21 bounded territory, or that person's designee, shall
26 22 serve as chairperson of the public hearing. The city
26 23 clerk of the city or the city clerk's designee shall
26 24 record the proceedings of the public hearing. Any
26 25 person attending the public hearing may provide oral
26 26 or written comments regarding the petition. The
26 27 minutes of the public hearing and all documents
26 28 submitted at the public meeting shall be forwarded to
26 29 the board by the chairperson of the hearing in a
26 30 manner and according to procedures required by the
26 31 board.

26 32 Sec. 33. NEW SECTION. 6C.83 VOLUNTARY
26 33 ANNEXATIONS PETITIONS TO CITY COUNCIL.

26 34 1. A petition for voluntary annexation of
26 35 territory by a city must be approved by resolution of
26 36 the council which receives the petition. The city
26 37 council shall approve or deny the petition following a
26 38 public hearing as provided in this section. If
26 39 approved by the council, the petition must be
26 40 delivered to the board for approval.

26 41 2. All of the owners of land in a territory
26 42 adjoining a city must petition the council of the
26 43 adjoining city requesting the voluntary annexation.
26 44 Territory comprising railway right-of-way or territory
26 45 comprising not more than twenty percent of the land
26 46 area may be included in the petition without the
26 47 consent of an owner to avoid creating an island or to
26 48 create more uniform boundaries.

26 49 3. The petition must contain any information
26 50 required by the board, including a legal description
27 1 and a map of the territory showing its location in
27 2 relationship to the city.

27 3 4. The city shall provide notice of the petition
27 4 as follows:

27 5 a. At least thirty days prior to any action by the
27 6 city council regarding the petition, the city shall
27 7 provide notice as follows:

27 8 (1) The city shall mail a notice of the petition
27 9 by certified mail to all of the following:

27 10 (a) Any party to a strategic development plan
27 11 governing the bounded territory.

27 12 (b) The board of supervisors of each county which
27 13 contains a portion of the territory proposed to be
27 14 annexed.

27 15 (c) Each affected public utility.

27 16 (d) The regional planning authority of the
27 17 territory.

27 18 (e) Each owner of property located within the
27 19 bounded territory who is not a party to the petition.
27 20 The notice shall also be mailed to each person who has
27 21 purchased land under real estate contract under
27 22 chapter 656, if the contract is recorded with the
27 23 county recorder.

27 24 (f) Each owner of property which adjoins the
27 25 bounded territory.

27 26 (2) The city shall publish notice of the petition
27 27 and hearing in an official county newspaper in each
27 28 county which contains a portion of the territory.

27 29 b. The notice shall include the time and place of
27 30 the public hearing and a legal description of the

27 31 territory petitioned to be annexed. If the city
27 32 publishes additional notices, at least one of the
27 33 notices shall identify the territory by a description
27 34 using common landmarks.

27 35 5. a. A petition for voluntary annexation of
27 36 territory without the consent of all the property
27 37 owners in the territory must be approved by eight
27 38 members of the board.

27 39 b. A resolution approving an annexation may
27 40 provide for the transition for the imposition of
27 41 taxes.

27 42 Sec. 34. NEW SECTION. 6C.84 SPECIAL NOTICE
27 43 REQUIRED FOR ANNEXATIONS INVOLVING LAND OWNED BY
27 44 GOVERNMENTS.

27 45 1. If territory owned by the state is to be
27 46 annexed under this subchapter, the attorney general
27 47 must be provided with a copy of the petition, and
27 48 notified of each hearing or meeting provided under
27 49 this part.

27 50 2. If territory within the road right-of-way owned
28 1 by a county is annexed as provided in this subchapter,
28 2 the county attorney must be provided with a copy of
28 3 the petition, and notified of each hearing or meeting
28 4 provided in this part.

28 5 Sec. 35. NEW SECTION. 6C.85 SPECIAL SEVERANCE
28 6 PROCEEDINGS.

28 7 The board, a city, or the owners of land in bounded
28 8 territory may provide for the severance of the bounded
28 9 territory as provided in this section.

28 10 1. a. The board may order a severance upon its
28 11 own initiative or upon petition by a city as provided
28 12 in section 6C.95.

28 13 b. Any territory may be severed upon the unanimous
28 14 consent of all owners of the territory, approval by
28 15 resolution of the city council of the city in which
28 16 the territory is located, and approval by the board.

28 17 2. The board shall approve a severance if the
28 18 severance satisfies the purposes of this chapter as
28 19 provided in section 6C.2, the purposes of this
28 20 subchapter as provided in section 6C.71, and any
28 21 strategic development plan governing the territory
28 22 proposed to be severed. The board shall conduct a
28 23 special proceeding under this section to consider
28 24 issuing an order or approving a petition for a
28 25 severance in a manner and according to procedures
28 26 adopted by the board. The board may establish an
28 27 expedited process for considering a severance.
28 28 However, the board shall not issue an order or approve
28 29 a petition for a severance, if the board would not
28 30 have approved a severance under section 6C.90.

28 31 3. If the bounded territory is severed, the city
28 32 council shall provide by resolution for the equitable
28 33 distribution of assets and equitable distribution and
28 34 assumption of liabilities of the territory as between
28 35 the city and the severed territory.

28 36 Sec. 36. NEW SECTION. 6C.86 APPROVAL OF CITY
28 37 DEVELOPMENT PETITIONS REQUIRED.

28 38 City development shall not occur unless a petition
28 39 is submitted and approved by the board as provided in
28 40 this subchapter. The petition may be for
28 41 incorporation, discontinuance, or boundary adjustment.

28 42 Sec. 37. NEW SECTION. 6C.87 SUBMISSION OF CITY
28 43 DEVELOPMENT PETITIONS.

28 44 1. A person eligible to file a petition for city
28 45 development with the board shall comply with the
28 46 requirements of this subchapter, according to
28 47 procedures and in a manner required by the board. A

28 48 petition must include all elements required to be
28 49 included by the board pursuant to rules adopted by the
28 50 board, which carries out the purposes of this chapter
29 1 as provided in section 6C.2, the purposes of this
29 2 subchapter as provided in section 6C.71, and the
29 3 requirements of this subchapter.

29 4 2. A petition for annexation must contain a plan
29 5 of annexation which provides for how the annexation
29 6 complies with the requirements of a strategic
29 7 development plan governing the bounded territory as
29 8 provided in subchapter IV. The plan shall provide all
29 9 of the following:

29 10 a. A description of public benefits and services
29 11 planned to be extended to the bounded territory and a
29 12 schedule of when the public benefits and services will
29 13 be extended to residents of the bounded territory.

29 14 b. The location of public buildings planned to be
29 15 constructed within the bounded territory.

29 16 c. The rationale for the annexation and for
29 17 inclusion of the bounded territory.

29 18 Sec. 38. NEW SECTION. 6C.88 PUBLIC MEETING AND
29 19 CONSIDERATION OF EVIDENCE.

29 20 1. The board shall conduct a public meeting
29 21 regarding a petition as soon as practicable for a city
29 22 development petition.

29 23 a. The board shall provide notice as follows:

29 24 (1) The notice shall be delivered to all of the
29 25 following:

29 26 (a) Each party participating in a strategic
29 27 development plan.

29 28 (b) The city council of each city for which a
29 29 discontinuance or boundary adjustment is proposed.

29 30 (c) The county board of supervisors for each
29 31 county, which contains a portion of a city to be
29 32 discontinued or territory to be incorporated, annexed,
29 33 or severed.

29 34 (d) Any regional planning authority for the
29 35 territory involved.

29 36 (e) All the owners of property located within a
29 37 bounded territory subject to annexation. The notice
29 38 shall also be delivered to each person who has
29 39 purchased land within the bounded territory under real
29 40 estate contract under chapter 656, if the contract is
29 41 recorded with the county recorder.

29 42 (f) All the owners of property adjoining property
29 43 within the bounded territory subject to annexation.

29 44 (2) The board shall publish notice of the petition
29 45 and hearing in two issues of a newspaper having
29 46 general circulation in each city and each territory
29 47 involved in the proposal.

29 48 b. The notice shall include a brief description of
29 49 the petition and a statement of where the petition is
29 50 available for public inspection.

30 1 c. Any person may submit written briefs, and in
30 2 the board's discretion, may present oral comments.

30 3 d. The board may subpoena witnesses and documents
30 4 relevant to the proposed city development.

30 5 2. In considering a petition for a boundary
30 6 adjustment, the board shall receive and weigh evidence
30 7 of all of the following:

30 8 a. The potential effect of the proposed city
30 9 development on adjacent areas, and on other local
30 10 governments directly affected, including but not
30 11 limited to the potential impact of the proposed
30 12 boundary adjustment on future revenues of affected
30 13 local governments.

30 14 b. Whether the petition is based on a voluntary

30 15 boundary adjustment.

30 16 c. The desire of persons residing in the bounded
30 17 territory.

30 18 3. If the petition is for an annexation, the board
30 19 shall receive and weigh evidence of all of the
30 20 following:

30 21 a. Existing and projected commercial and
30 22 industrial development within the bounded territory.

30 23 b. Existing and projected population in the
30 24 bounded territory.

30 25 c. The potential effects of extending public
30 26 benefits and services and constructing proposed public
30 27 improvements as required in the plan of annexation,
30 28 including but not limited to the cost and adequacy of
30 29 providing existing public benefits and services and
30 30 constructing public improvements within the bounded
30 31 territory.

30 32 d. The extent of available and suitable
30 33 developable land within the corporate limits of the
30 34 city.

30 35 e. The extent to which the bounded territory
30 36 included in the proposed annexation is as compact and
30 37 contiguous to the city as possible.

30 38 f. The extent to which a voluntary boundary
30 39 adjustment was attempted.

30 40 Sec. 39. NEW SECTION. 6C.89 DISMISSAL OF
30 41 PETITIONS.

30 42 The board may dismiss a petition if it finds that
30 43 it proposes substantially the same city development
30 44 that has been disapproved by the board, a city, or by
30 45 election within the two years prior to the date the
30 46 petition is submitted to the board, or that any
30 47 bounded territory proposed to be annexed has been
30 48 voluntarily annexed under section 6C.83. The board
30 49 shall file for record a statement of each dismissal
30 50 and the reason for it, and shall promptly notify the
31 1 parties to the proceeding of its decision.

31 2 Sec. 40. NEW SECTION. 6C.90 APPROVAL OR
31 3 DISAPPROVAL OF PETITIONS.

31 4 1. The board shall base its decision to approve or
31 5 disapprove a petition for a city development on all
31 6 evidence determined relevant by the board. The
31 7 decision shall be based on the extent to which a
31 8 petition and evidence supporting the petition
31 9 satisfies the purposes of this chapter as provided in
31 10 section 6C.2, the purposes of this subchapter as
31 11 provided in section 6C.71, the requirements of this
31 12 subchapter, and any strategic development plan
31 13 governing the territory proposed to be adjusted as
31 14 required pursuant to subchapter IV.

31 15 2. The board shall approve or disapprove a
31 16 petition as amended, within ninety days of the final
31 17 meeting, and shall file its decision for record and
31 18 promptly notify the parties to the proceeding of its
31 19 decision.

31 20 3. The board shall consider any objection by a
31 21 county to the plan of annexation, if the bounded
31 22 territory is located in the county. The board may
31 23 disapprove the petition based only on the objection.
31 24 If land in an adjoining county could reasonably be
31 25 annexed as part of future city development, the board
31 26 shall consider comments regarding the plan of
31 27 annexation presented by the adjoining county.

31 28 4. The board may establish an expedited process to
31 29 approve any of the following:

31 30 a. A petition for the voluntary annexation of
31 31 territory as provided in section 6C.83 or the

31 32 voluntary severance of territory as provided in
31 33 section 6C.85.

31 34 b. A petition submitted by a city to sever annexed
31 35 territory because the city cannot provide public
31 36 benefits or services to the territory.

31 37 c. A board action to sever territory as provided
31 38 in section 6C.95.

31 39 5. The board shall deny a petition based on any of
31 40 the following:

31 41 a. An inadequate quantity or quality of evidence
31 42 submitted by the petitioner.

31 43 b. The petition is premature.

31 44 c. For a petition for incorporation, any of the
31 45 following apply:

31 46 (1) The city proposed to be incorporated will be
31 47 unable to provide customary public benefits and
31 48 services.

31 49 (2) Any part of the territory is within an
31 50 extraterritorial area. The board shall deny the
32 1 petition, unless a petition for annexation of
32 2 substantially the same territory to such city has been
32 3 dismissed, disapproved, or voted upon unfavorably
32 4 within the last five years.

32 5 d. For a discontinuance or severance, any of the
32 6 following apply:

32 7 (1) The city proposed to be discontinued or the
32 8 territory to be severed will be surrounded by one or
32 9 more cities and a petition for annexation of the same
32 10 bounded territory has not been approved by the board.

32 11 (2) The county or another city will be unable to
32 12 provide necessary public benefits and services to the
32 13 residents of the territory.

32 14 e. For a boundary adjustment, the city development
32 15 would create an island.

32 16 f. For an annexation, any of the following apply:

32 17 (1) The bounded territory does not adjoin the city
32 18 applying for the annexation.

32 19 (2) The establishment of the boundaries of the
32 20 bounded territory is not rational. Establishing the
32 21 boundaries of bounded territory that fail to follow
32 22 property lines is presumed not to be rational.

32 23 (3) It is unreasonable or impracticable for the
32 24 city applying for annexation to extend public benefits
32 25 and services to the bounded territory within four
32 26 years.

32 27 (4) The motive for annexation is solely to
32 28 increase revenues to the city applying for annexation.

32 29 (5) The bounded territory is not located within a
32 30 strategic development area of the annexing city as
32 31 designated in the strategic development plan governing
32 32 the territory.

32 33 g. For a consolidation of cities, if the cities
32 34 are not contiguous.

32 35 8. Upon approval by the board, the city clerk
32 36 shall file a copy of related documents with the county
32 37 board of supervisors, secretary of state, and state
32 38 department of transportation. The documents shall
32 39 include the board's order, any city resolution, and a
32 40 map and a legal description of the territory. The
32 41 city clerk shall also record a copy of the map and
32 42 resolution with the county recorder.

32 43 9. If a petition is approved, the board shall
32 44 provide for an election as provided in section 6C.91.

32 45 Sec. 41. NEW SECTION. 6C.91 ELECTION.

32 46 1. If the board approves a petition as provided in
32 47 section 6C.90 for city development, the board shall
32 48 provide for an election. However, an election is not

32 49 required if one of the following applies:

32 50 a. The city development is a voluntary annexation
33 1 under section 6C.83, the bounded territory is within
33 2 an extraterritorial area of the city, and the
33 3 territory is not within an extraterritorial area of
33 4 another city.

33 5 b. The city development is a severance under
33 6 section 6C.85.

33 7 2. The date for the election shall not be less
33 8 than thirty days nor more than ninety days after the
33 9 board orders the election as provided in section
33 10 6C.90. The county commissioner of elections shall
33 11 conduct the election.

33 12 a. A city development which is an incorporation,
33 13 discontinuance, annexation, or severance, shall be
33 14 authorized if a majority of the total number of
33 15 persons voting approves the city development. In the
33 16 case of incorporation or discontinuance, the
33 17 registered voters of the territory or city
33 18 respectively are eligible to vote in the election. In
33 19 the case of annexation or severance, the registered
33 20 voters of the territory and of the city are eligible
33 21 to vote in the election.

33 22 b. A city development which is a consolidation
33 23 shall be authorized if a favorable majority vote in
33 24 each city approves a consolidation. The registered
33 25 voters of each city are eligible to vote in the
33 26 election.

33 27 3. The county commissioner of elections shall
33 28 publish notice of the election as provided in section
33 29 49.53 and shall conduct the election in the same
33 30 manner as other special city elections.

33 31 4. The city shall provide to the commissioner of
33 32 elections a map of the area subject to the petition
33 33 for city development. The commissioner of elections
33 34 shall approve the map for posting. The map shall be
33 35 displayed prominently in at least four places within
33 36 the voting precinct, and inside each voting booth, or
33 37 on the left-hand side inside the curtain of each
33 38 voting machine.

33 39 5. The costs of an incorporation election shall be
33 40 borne by the initiating petitioners if the election
33 41 fails. However, if the proposition is approved the
33 42 cost shall become a charge of the new city.

33 43 Sec. 42. NEW SECTION. 6C.92 PROCEDURE AFTER
33 44 APPROVAL.

33 45 1. After the county commissioner of elections has
33 46 certified the results to the board of an election
33 47 conducted pursuant to section 6C.91, the board shall
33 48 do all of the following:

33 49 a. Provide for the publication of a notice of the
33 50 result as provided in section 362.3.

34 1 b. File with the secretary of state and the clerk
34 2 of each city incorporated or involved in a boundary
34 3 adjustment, and record with the recorder of each
34 4 county which contains a portion of any city or
34 5 territory involved, all of the following:

34 6 (1) Copies of the proceedings including the
34 7 original petition and any amendments.

34 8 (2) The order of the board approving the petition.

34 9 (3) Evidence that notice has been delivered or
34 10 published as provided in this subchapter.

34 11 (4) Certification of the election result conducted
34 12 pursuant to section 6C.91.

34 13 (5) Any other material that the board determines
34 14 to be of primary importance to the proceedings.

34 15 c. File with the state department of

34 16 transportation a copy of the map and legal land
34 17 description of each completed incorporation or
34 18 boundary adjustment.
34 19 2. Upon proper filing and expiration of time for
34 20 appeal, the incorporation, discontinuance, or boundary
34 21 adjustment is complete. However, if an appeal to any
34 22 of the proceedings is pending, completion does not
34 23 occur until the appeal is decided, unless a subsequent
34 24 date is provided in the petition as approved by the
34 25 board.

34 26 Sec. 43. NEW SECTION. 6C.93 APPEAL.

34 27 1. A city, or a resident or property owner in the
34 28 territory or city affected by a city development
34 29 petition may appeal a decision of the board rendered
34 30 under section 6C.90 or an election conducted under
34 31 section 6C.91.

34 32 2. An appeal must be filed within thirty days of
34 33 the filing of a decision or the publication of notice
34 34 of the result of an election.

34 35 3. Except as provided in this subsection the
34 36 judicial review provisions of this section and chapter
34 37 17A shall be the exclusive means by which a person or
34 38 party who is aggrieved or adversely affected may seek
34 39 judicial review of a board's decision or an election
34 40 result. The court may reverse and remand a decision
34 41 of the board or election result with appropriate
34 42 directions.

34 43 4. Notwithstanding section 17A.19, subsection 2,
34 44 the appeal shall be made to the district court of a
34 45 county which contains a portion of any city or
34 46 territory involved in the petition. Notwithstanding
34 47 section 17A.19, subsection 5, an appeal of an approval
34 48 of a petition does not stay an election.

34 49 Notwithstanding section 17A.19, subsection 8, the
34 50 court upon review of the appeal shall not reverse or
35 1 remand a board's decision or election result unless
35 2 any of the following apply:

35 3 a. For an election result, the election was
35 4 conducted in an illegal manner.

35 5 b. For a decision by the board, any of the
35 6 following apply:

35 7 (1) The board did not have jurisdiction to
35 8 consider the petition.

35 9 (2) The board conducted its proceedings in an
35 10 irregular manner.

35 11 (3) The decision of the board is any of the
35 12 following:

35 13 (a) Conducted according to irregular procedures.

35 14 (b) Unsupported by substantial evidence in the
35 15 record.

35 16 (c) Unreasonable, arbitrary, or capricious.

35 17 (d) Characterized by an abuse of discretion or a
35 18 clearly unwarranted exercise of discretion.

35 19 Sec. 44. NEW SECTION. 6C.94 SUPERVISION OF
35 20 PROCEDURES.

35 21 1. When a city development is complete, the board
35 22 shall supervise procedures necessary to carry out the
35 23 petition as approved by the board.

35 24 2. In implementing the petition approved by the
35 25 board, all of the following shall apply:

35 26 a. For an incorporation, the county commissioner
35 27 of elections shall conduct an election for mayor and
35 28 council of the city, who shall serve until their
35 29 successors take office following the next regular city
35 30 election.

35 31 b. For a discontinuance, the board shall publish
35 32 two notices as provided in section 368.15 that it will

35 33 do all of the following:

35 34 (1) Receive and adjudicate claims against the
35 35 discontinued city for a period of six months from the
35 36 date of last notice.

35 37 (2) Levy necessary taxes against the property
35 38 within the discontinued city to pay claims allowed.
35 39 All records of a discontinued city shall be deposited
35 40 with the county auditor of the county designated by
35 41 the board. Any remaining balances shall be deposited
35 42 in the county treasury where the former city was
35 43 located.

35 44 c. For a boundary adjustment, the proper city
35 45 officials shall carry out procedures necessary to
35 46 implement the petition.

35 47 Sec. 45. NEW SECTION. 6C.95 COMPLIANCE WITH
35 48 REQUIREMENTS FOR A BOUNDARY ADJUSTMENT
35 49 RECONSIDERATION.

35 50 1. A city shall comply with any conditions
36 1 provided in a petition for a boundary adjustment or
36 2 conditions imposed on the city by the board in
36 3 approving the petition.

36 4 2. A city shall provide public benefits and
36 5 services to a bounded territory annexed under a plan
36 6 of annexation approved by the board as part of a
36 7 petition for boundary adjustment, as provided in
36 8 section 6C.90. If a city fails to provide public
36 9 benefits and services within its bounded territory
36 10 within four years from the date that the annexation
36 11 becomes final, the city may apply for an extension to
36 12 provide the public benefits and services for a period
36 13 not to exceed two additional years. The board may
36 14 grant the extension, if the board determines that the
36 15 city has acted in good faith to provide the public
36 16 benefits and services and that unforeseen events
36 17 contributed to the delay. The board may grant an
36 18 extension for one additional year if the board
36 19 determines that exigent circumstances warrant the
36 20 extension. However, in no case may the board approve
36 21 an extension for more than seven years following the
36 22 date that the annexation becomes final.

36 23 3. The board shall reconsider approving a petition
36 24 upon its own initiative for a boundary adjustment if
36 25 the board finds that the petition may be disapproved
36 26 under this subsection.

36 27 a. If the petition was for an annexation, the
36 28 board may reconsider the petition upon receipt of an
36 29 appeal brought by an owner of land located in the
36 30 bounded territory annexed pursuant to a plan of
36 31 annexation approved as part of the petition. The
36 32 appeal shall be submitted in a manner and according to
36 33 procedures required by the board. The board shall
36 34 disapprove a reconsidered petition, if the board
36 35 determines that one of the following applies:

36 36 b. The city fails to provide public benefits and
36 37 services to the annexed bounded territory within the
36 38 period required by this section.

36 39 c. The city misrepresented a material fact in its
36 40 petition for annexation that caused the board to
36 41 approve the petition.

36 42 4. If the board determines that the petition
36 43 should not have been approved, the board may do any of
36 44 the following:

36 45 a. Provide an order of tax relief to do either of
36 46 the following:

36 47 (1) Require that all or some property within the
36 48 annexed territory be taxed according to a reduced
36 49 rate. The reduced rate shall not be less than the

36 50 rate applicable if the territory had not been annexed.
37 1 The property shall be taxed at the reduced rate until
37 2 at least public benefits and services are extended to
37 3 property within the annexed property.

37 4 (2) Require that the city provide a rebate to
37 5 residents equaling the difference between the property
37 6 taxes paid to the city by owners of property within
37 7 the annexed territory and the amount in taxes owed
37 8 under the reduced rate.

37 9 b. Order the severance of all or any part of the
37 10 bounded territory annexed pursuant to a plan of
37 11 annexation submitted with a petition for boundary
37 12 alteration as provided in section 6C.85, if any of the
37 13 following applies:

37 14 (1) The board finds any of the following applies:

37 15 (a) The city failed to comply with purposes of
37 16 this chapter as provided in section 6C.2, the
37 17 requirements of this subchapter, a strategic
37 18 development plan as provided in subchapter IV, or
37 19 conditions provided in the petition or order approving
37 20 the petition.

37 21 (b) The failure was due to the city's bad faith,
37 22 recklessness, or disregard for the facts as stated in
37 23 the petition, including the plan of annexation.

37 24 (2) The city petitions the board to order a
37 25 severance, based on the city's failure to provide
37 26 adequate public benefits or services to land owners in
37 27 the bounded territory.

37 28 DIVISION B

37 29 MISCELLANEOUS PROVISIONS

37 30 Sec. 46. Section [15.108](#), subsection 3, paragraph
37 31 a, subparagraph (2), Code 1999, is amended to read as
37 32 follows:

37 33 (2) Provide office space and staff assistance to
37 34 the

~~city development~~

~~land management planning board as~~
37 35 provided in section

~~368.9~~

~~6C.11.~~

37 36 Sec. 47. Section [306.9](#), unnumbered paragraph 1,
37 37 Code 1999, is amended to read as follows:

37 38 It is the policy of the state of Iowa that
37 39 relocation of primary highways through cultivated land
37 40 shall be avoided to the maximum extent possible. When
37 41 the volume of traffic for which the road is designed
37 42 or other conditions, including designation as part of
37 43 the network of commercial and industrial highways,
37 44 require relocation, diagonal routes shall be avoided
37 45 if feasible and prudent alternatives consistent with
37 46 efficient movement of traffic exist. The department
37 47 shall adopt rules pursuant to chapter 17A that
37 48 establish an analytical framework for determining when
37 49 a primary highway must be relocated through cultivated
37 50 land, including by using diagonal routes. The rules
38 1 shall include a detailed list of factors for use by
38 2 the department in completing its analysis in
38 3 compliance with the state's policy.

38 4 Sec. 48. Section [331.304](#), subsection 7, Code 1999,
38 5 is amended to read as follows:

38 6 7. The board may file

~~a~~

~~an involuntary petition~~
38 7 with the

~~city development~~

- land use management planning

38 8 board as provided in section

~~368.11~~

- 6C.85.

38 9 Sec. 49. Section [331.321](#), subsection 1, paragraph
38 10 u, Code 1999, is amended by striking the paragraph.

38 11 Sec. 50. Section [331.427](#), subsection 1, unnumbered
38 12 paragraph 1, Code 1999, is amended to read as follows:

38 13 Except as otherwise provided by state law, county
38 14 revenues from taxes and other sources for general
38 15 county services shall be credited to the general fund
38 16 of the county, including revenues received under
38 17 sections [6C.94](#), 101A.3, 101A.7, 123.36, 123.143,
38 18 142B.6, 176A.8, 321.105, 321.152, 321G.7, section
38 19 331.554, subsection 6, sections 341A.20, 364.3,
38 20

~~368.21,~~

- 422A.2, 428A.8, 430A.3, 433.15, 434.19,
38 21 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1,
38 22 567.10, 583.6, 602.8108, 904.908, and 906.17, and
38 23 chapter 405A, and the following:

38 24 Sec. 51. Section [331.507](#), subsection 2, unnumbered
38 25 paragraph 1, Code 1999, is amended to read as follows:

38 26 The auditor

~~is entitled to~~

- shall collect the

38 27 following fees:

38 28 Sec. 52. Section [331.507](#), subsection 2, paragraph
38 29 a, Code 1999, is amended to read as follows:

38 30 a. For a transfer of property made in the transfer
38 31 records,

~~five~~

- nine dollars for each separate parcel of

38 32 real estate described in a deed, or transfer of title
38 33 certified by the clerk of the district court.
38 34 However, the fee shall not exceed

~~fifty~~

- fifty-four

38 35 dollars for a transfer of property which is described
38 36 in one instrument of transfer.

38 37 Sec. 53. Section [331.507](#), subsection 3, Code 1999,
38 38 is amended to read as follows:

38 39 3. Fees collected

~~or received~~

- by the auditor under

38 40 this section shall be accounted for and paid as

38 41 follows:

38 42 a. The first five dollars collected under this
38 43 section for each separate parcel of real estate, up to
38 44 fifty dollars for transfers of property described in
38 45 one instrument shall be paid into the county treasury
38 46 as provided in section 331.902.

38 47 b. The remaining moneys collected under this
38 48 section shall be paid to the department of revenue and
38 49 finance on a monthly basis for deposit in the land
38 50 management planning fund as created in section 6C.21.

39 1 Sec. 54. Section [362.1](#), Code 1999, is amended to
39 2 read as follows:

39 3 362.1 CITATION.

39 4 This chapter and chapters 364,

~~368,~~

- 372, 376, 380,

39 5 384, 388 and 392 may be cited as the "City Code of
39 6 Iowa".

39 7 Sec. 55. Section [362.9](#), Code 1999, is amended to
39 8 read as follows:

39 9 362.9 APPLICATION OF CITY CODE.

39 10 The provisions of this chapter and chapters 6C,
39 11 364,

~~368,~~

- 372, 376, 380, 384, 388 and 392 are

39 12 applicable to all cities.

39 13 Sec. 56. Section [384.38](#), subsection 2, Code 1999,
39 14 is amended to read as follows:

39 15 2. Upon petition as provided in section 384.41,
39 16 subsection 1, a city may assess to private property
39 17 affected by public improvements within three miles of
39 18 the city's boundaries the cost of construction and
39 19 repair of public improvements within that area. The
39 20 right-of-way of a railway company shall not be
39 21 assessed unless the company joins as a petitioner for
39 22 said improvements. In the petition the property
39 23 owners shall waive the limitation provided in section
39 24 384.62 that an assessment may not exceed twenty-five
39 25 percent of the value of the lot. The petition shall
39 26 contain a statement that the owners agree to pay the
39 27 city an amount equal to five percent of the cost of
39 28 the improvements, to cover administrative expenses
39 29 incurred by the city. This amount may be added to the
39 30 cost of the improvements. Before the council may
39 31 adopt the resolution of necessity, the preliminary
39 32 resolution, preliminary plans and specifications,
39 33 plat, schedule, and estimate of cost must be submitted
39 34 to, and receive written approval from, the board of
39 35 supervisors of any county which contains part of the
39 36 property, and the

~~city development board~~

- land

39 37 management planning board established in section

~~368.9~~

-

39 38 6C.11.

39 39 Sec. 57. Section [455B.306A](#), subsection 1, Code
39 40 1999, is amended to read as follows:

39 41 1. A city which annexes an area pursuant to
39 42 chapter

~~368~~

- 6C, or plans to operate or expand solid

39 43 waste collection services into an area where the
39 44 collection of solid waste is presently being provided
39 45 by a private entity, shall notify the private entity
39 46 by certified mail at least sixty days before its
39 47 annexation or expansion of its intent to provide solid
39 48 waste collection services in the area.

39 49 Sec. 58. Section [524.1202](#), subsection 1, Code
39 50 1999, is amended to read as follows:

40 1 1. Except as otherwise provided in subsection 2 of
40 2 this section, no state bank shall establish a bank
40 3 office outside the corporate limits of a municipal
40 4 corporation or in a municipal corporation in which
40 5 there is already an established state or national bank

40 6 or office, however the subsequent chartering and
40 7 establishment of any state or national bank, through
40 8 the opening of its principal place of business within
40 9 the municipal corporation where the bank office is
40 10 located, shall not affect the right of the bank office
40 11 to continue in operation in that municipal
40 12 corporation. The existence and continuing operation of
40 13 a bank office shall not be affected by the subsequent
40 14 discontinuance of a

~~municipal corporation~~

- city

40 15 pursuant to

~~the provisions of sections 368.11 to~~

40 16

~~368.22~~

- chapter 6C. A bank office existing and

40 17 operating on July 1, 1976, which is not located within
40 18 the confines of a municipal corporation, shall be
40 19 allowed to continue its existence and operation
40 20 without regard to this subsection.

40 21 Sec. 59. IMPLEMENTATION OF ACT. The fees and
40 22 funds generated as a result of the enactment of this
40 23 Act are intended to cover the costs of any state
40 24 mandate included in this Act and this specification of
40 25 state funding shall be deemed to meet all the state
40 26 funding-related requirements of section 25B.2,
40 27 subsection 3, and no additional state funding shall be
40 28 necessary for the full implementation of this Act by,
40 29 and enforcement of this Act against, all affected
40 30 political subdivisions.

40 31 Sec. 60. TRANSFER OF SECTION.

40 32 1. The Code editor is directed to transfer section
40 33 368.2, Code 1999, to chapter 380 and correct internal
40 34 references as necessary.

40 35 2. The Code editor is directed to transfer
40 36 sections 368.3, 368.7A, and 368.24, Code 1999, to part
40 37 III, of subchapter V of chapter 6C as enacted in this
40 38 Act. The Code editor is directed to change the name
40 39 of the "city development board" to the "land
40 40 management board" or "board" wherever "city
40 41 development board" appears in those transferred
40 42 sections.

40 43 Sec. 61.

40 44 1. Sections 352.3 through 352.5, Code 1999, are
40 45 repealed.

40 46 2. Sections 368.1 and 368.4 through 368.7 and
40 47 368.8 through 368.23, Code 1999, are repealed.

40 48 Sec. 62. The person appointed by the director of
40 49 the department of economic development to serve on the
40 50 land use planning board for development management and
41 1 farmland and natural area protection as created in
41 2 section 6C.14, as enacted in this Act, shall be a
41 3 member of the special commission to study and make
41 4 recommendations concerning urban planning, growth
41 5 management of cities, and protection of farmland as
41 6 provided in [House Concurrent Resolution 21](#), as passed
41 7 by the Seventy-sixth General Assembly.

41 8 Sec. 63. EFFECTIVE AND APPLICABILITY DATES.

41 9 1. Except as provided in this section, this Act
41 10 takes effect July 1, 1999.

41 11 2. The land management planning board and the
41 12 state strategic development council as created in this
41 13 Act shall be appointed as soon as practical upon the

41 14 enactment of this Act. The entities shall carry out
41 15 all functions necessary to prepare for the
41 16 administration of this Act on July 1, 1999, and
41 17 provide for the transition of administration of
41 18 provisions from under chapter 368 to chapter 6C,
41 19 including the adoption of rules.

41 20 3. a. Except as provided in paragraph "b", a
41 21 petition for city development filed with the land
41 22 management planning board prior to June 30, 2002, as
41 23 provided in this Act, shall be governed by this Act.

41 24 b. Notwithstanding requirements in this Act, the
41 25 following shall apply:

41 26 (1) If a city council approves an application or
41 27 petition for city development before the effective
41 28 date of this Act, the petition shall be governed by
41 29 chapter 368 as that chapter appears in the 1999 Code,
41 30 except that the land management planning board, as
41 31 created in section 6C.11 as enacted in this Act, shall
41 32 act in lieu of the city development board as created
41 33 in section 368.9 of the 1999 Code.

41 34 (2) If a city council approves a petition for city
41 35 development on or after the effective date of this
41 36 Act, the land management planning board as created in
41 37 section 6C.11, as enacted in this Act, may approve a
41 38 petition for city development affecting territory
41 39 required to be governed by a strategic development
41 40 plan, if the petition otherwise complies with the
41 41 provisions of this Act, including the purposes set
41 42 forth in sections 6C.2 and 6C.71. The petitioner
41 43 shall be required to file a plan of annexation as
41 44 required in this Act, absent reference to the
41 45 strategic development plan.

41 46 c. The board may adopt rules necessary to
41 47 administer this subsection."

41 48

41 49

41 50

42 1 COMMITTEE ON [LOCAL GOVERNMENT](#)

42 2 JEFF ANGELO, Chairperson

42 3 [SF 293.205](#) 78

42 4 da/gg