

FEB 22 1999

LOCAL GOVERNMENT

HOUSE FILE 340
BY FALLON

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

A BILL FOR

1 An Act relating to farmland protection, city development and
2 annexation, city and county land use planning, and state land
3 use planning and providing an effective date.

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

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HF 340

1 Section 1. NEW SECTION. 366.1 CITY DEVELOPMENT BOARD
2 CREATED.

3 1. A city development board is created. The department of
4 economic development shall provide office space and staff
5 assistance, and shall budget funds to cover expenses of the
6 board and committees in carrying out duties assigned to the
7 board in this chapter and in chapter 368. The board shall
8 consist of nine members appointed by the governor subject to
9 confirmation by the senate. The appointments shall be for
10 six-year staggered terms beginning and ending as provided in
11 section 69.19, or to fill an unexpired term in case of a
12 vacancy. Members are eligible for reappointment, but a member
13 shall not serve more than two complete six-year terms.

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

15 a. One member appointed from a city with a population of
16 forty-five thousand or less.

17 b. One member appointed from a city with a population of
18 more than forty-five thousand but less than one hundred
19 thousand.

20 c. One member appointed from a city with a population of
21 one hundred thousand or more.

22 d. One member appointed from a county with a population of
23 fifty thousand or less.

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

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

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

29 h. One member appointed by the director of the department
30 of natural resources.

31 i. One member appointed to represent the general public.

32 3. Each member is entitled to receive from the state
33 actual and necessary expenses in performance of board duties
34 and may also be eligible to receive compensation as provided
35 in section 7E.6.

1 Sec. 2. NEW SECTION. 366.2 DUTIES AND POWERS OF THE
2 BOARD.

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

4 a. Adopt by rule any procedures necessary to administer
5 this chapter and chapters 367 and 368.

6 b. Adopt by rule any statewide land use policies that it
7 considers necessary to administer chapter 367.

8 c. Review land use decisions of the court of appeals and
9 the supreme court within one hundred twenty days of the date
10 the decisions are issued to determine if rule amendments are
11 necessary.

12 d. Prepare, collect, provide, or cause to be prepared,
13 collected, or provided, county land use inventories for all
14 counties.

15 e. Coordinate planning efforts of state agencies to assure
16 compatibility with city and county growth plans.

17 f. Perform other duties required by law, including
18 functions necessary in administering its duties under this
19 chapter and chapters 367 and 368.

20 2. The board may do any of the following:

21 a. Contract with any public agency for the performance of
22 services or the exchange of employees or services by one to
23 the other necessary in administering this chapter and chapters
24 367 and 368.

25 b. Contract for the services of and consult with
26 professional persons or organizations, not otherwise available
27 through federal, state, and local governmental agencies, in
28 administering its duties under this chapter and chapters 367
29 and 368.

30 c. Apply for and receive moneys from the federal
31 government and from this state or any of its agencies or
32 departments.

33 d. Establish filing fees for applications and petitions
34 submitted to the board under chapter 368.

35 Sec. 3. NEW SECTION. 366.3 RULES -- ESTABLISHMENT OF

1 FILING FEES.

2 The board shall adopt rules pursuant to chapter 17A
3 necessary for the performance of its duties and the conduct of
4 proceedings before it pursuant to this chapter and chapters
5 367 and 368.

6 Sec. 4. NEW SECTION. 366.4 STATE LAND USE STRATEGIC
7 DEVELOPMENT COUNCIL.

8 1. The state land use strategic development council is
9 created as the state's principal agency overseeing planning by
10 major state agencies involved in large-scale development
11 projects. The purpose of the council is to ensure that
12 development by state agencies is coordinated, including
13 through the adoption of a state strategic development plan as
14 provided in section 366.7.

15 2. The council shall be composed of all of the following
16 persons:

17 a. The governor or the governor's designee who shall serve
18 as the chairperson of the council.

19 b. The director of the department of economic development
20 or a designee.

21 c. The director of the department of natural resources or
22 a designee.

23 d. The director of the department of transportation or a
24 designee.

25 e. The director of the department of corrections or a
26 designee.

27 f. The director of the department of general services or a
28 designee.

29 g. The secretary of agriculture or a designee.

30 h. The state historic preservation officer appointed by
31 the director of the department of cultural affairs.

32 i. A designee appointed by the state board of regents as
33 provided for in chapter 262. The member shall be appointed
34 from the university of Iowa, Iowa state university, and the
35 university of northern Iowa on a rotating basis. Each

1 appointee shall serve one term prior to replacement. A member
2 appointed under this proposal shall be an expert in issues
3 relating to land use planning.

4 | j. Four members of the general assembly, who shall serve
5 as nonvoting, ex officio members. The members shall include
6 two members of the senate appointed by the president of the
7 senate, after consultation with the majority leader and the
8 minority leader of the senate, and two members of the house of
9 representatives appointed by the speaker of the house, after
10 consultation with the majority leader and the minority leader
11 of the house. The legislative members shall be appointed upon
12 the convening and for the period of each general assembly.
13 Not more than one member from each house shall be of the same
14 political party.

15 | Sec. 5. NEW SECTION. 366.5 COUNCIL -- POWERS AND DUTIES.

16 | 1. The purpose of the council is to ensure that
17 development by state agencies is coordinated, including
18 through the adoption of a state strategic development plan as
19 provided in section 366.7.

20 | 2. The board shall adopt rules pursuant to chapter 17A
21 which are necessary to administer its duties under this
22 chapter.

23 | Sec. 6. NEW SECTION. 366.6 CONSULTATION DURING MAJOR
24 DEVELOPMENT PROJECTS.

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

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

33 | 3. In reviewing a major public project, the council shall
34 to every extent practical ensure that the missions, policies,
35 and goals of affected member agencies are not negatively

1 impacted. The major public project shall be consistent with
2 the state strategic development plan as required by section
3 366.7.

4 Sec. 7. NEW SECTION. 366.7 STATE STRATEGIC DEVELOPMENT
5 PLAN.

6 1. The council shall establish, maintain, and revise a
7 state strategic development plan.

8 2. The state plan shall require that development comply
9 with requirements that to every degree practical preserve the
10 most productive farmland; protect soil from wind and water
11 erosion; protect and enhance natural and recreational areas
12 and wildlife; encourage higher density and efficient urban
13 development patterns; foster alternative transportation
14 systems; encourage mixed use development; and preserve,
15 protect, and maintain significant historic or cultural
16 resources.

17 3. Each state agency shall adopt policies governing
18 development, including planning and construction of projects,
19 which implement development standards and practices as
20 required in the state strategic development plan.

21 4. A state agency shall not begin construction of a major
22 public project unless the state agency consults with member
23 agencies during a council meeting. The state agency proposing
24 construction shall submit a plan of development to the council
25 for consideration. The plan shall summarize the major public
26 project and explain how the major public project complies with
27 the requirements of this section. The state agency shall
28 regularly inform the council of the progress of the major
29 public project during the course of its construction.

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

1 6. The council shall approve an initial state strategic
2 development plan by July 1, 2001.

3 Sec. 8. NEW SECTION. 366.8 OVERSIGHT.

4 1. The council shall report to the commission during its
5 October meeting as provided in section 366.9. The report
6 shall include a summary of any major public projects
7 considered by the council, including any comments or
8 objections noted by the council or member agencies.

9 2. The council shall annually report to the commission as
10 required by the commission. The council shall regularly
11 report to the committee of the general assembly which is
12 primarily responsible for legislative oversight of state
13 agencies, as required, by the committee. The council shall do
14 all of the following:

15 a. Present information to the committee as requested by
16 the committee.

17 b. Notify the committee of the planning stages of a major
18 public project initiated by a member agency, including any
19 comments or objections of the council or a member agency.

20 c. Submit a copy of its state strategic development plan
21 and any amendments to or revisions of the plan with the
22 committee.

23 Sec. 9. NEW SECTION. 366.9 LAND USE PLANNING COMMISSION
24 FOR DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA
25 PROTECTION.

26 1. The land use planning commission for development
27 management and farmland and natural area protection is created
28 as the state's advisory and oversight body responsible for
29 monitoring the administration of sections 366.4 through 366.8
30 and chapter 367, and considering policies and approaches
31 required to accomplish the purposes of those provisions.

32 2. The commission shall be composed of twenty-one voting
33 members with diverse expertise in planning development,
34 design, zoning, annexation, agriculture, historic
35 preservation, and conservation, including all of the

1 following:

2 a. Four members of the general assembly, as follows:

3 (1) Not more than one member from each chamber shall be
4 from the same political party. The two senators shall be
5 appointed by the majority leader of the senate after
6 consultation with the president of the senate and the minority
7 leader of the senate. The two representatives shall be
8 appointed by the speaker of the house of representatives after
9 consultation with the majority and minority leaders of the
10 house of representatives.

11 (2) Of the members from each chamber, one member shall
12 represent a district which is primarily urban, while the other
13 member shall represent a district which is primarily rural.

14 b. One member appointed by the governor.

15 c. The executive director of the Iowa farm bureau
16 federation or a designee of the executive director.

17 d. The executive director of the Iowa farmers' union or a
18 designee of the executive director.

19 e. The executive director of the Iowa league of cities or
20 a designee of the executive director.

21 f. The executive director of the Iowa state association of
22 counties or a designee of the executive director.

23 g. The chairperson of the department of community and
24 regional planning in the college of design at Iowa state
25 university of science and technology.

26 h. The president of the Iowa chapter of the American
27 planning association or a designee of the president.

28 i. The executive director of the associated builders and
29 contractors of Iowa, inc. or a designee of the executive
30 director.

31 j. The executive director of the Iowa association of soil
32 and water conservation district commissioners or a designee of
33 the executive director.

34 k. The executive director of the Iowa historic
35 preservation alliance or a designee of the executive director.

1 1. The president of the Iowa chapter of the American
2 society of landscape architects or a designee of the
3 president.

4 m. The executive director of the Iowa chapter of the
5 American institute of architects or a designee of the
6 executive director.

7 n. The executive director of the Iowa natural heritage
8 foundation or a designee of the executive director.

9 o. The executive director of the Iowa public transit
10 association or a designee of the executive director.

11 p. The executive director of the Iowa sportsmen's
12 federation or a designee of the executive director.

13 q. The president of the Iowa Audubon council or a designee
14 of the president.

15 r. One member appointed jointly by the Iowa cattlemen's
16 association, the Iowa pork producers association, the Iowa
17 sheep producers association, the Iowa turkey federation, the
18 Iowa poultry association, the Iowa state dairy association,
19 the Iowa corn growers association, and the Iowa soybean
20 association.

21 3. An appointee or a designee appointed under this section
22 serves at the pleasure of the appointing authority.

23 4. The commission shall be chaired by two members of the
24 general assembly, one appointed by the majority leader of the
25 senate and one appointed by the speaker of the house of
26 representatives. The commission shall meet on call of the co-
27 chairpersons each year during the first week of October. The
28 commission may meet at other times on call of the co-
29 chairpersons, if the co-chairpersons determine that
30 extraordinary circumstances require a meeting.

31 Sec. 10. NEW SECTION. 366.10 COMMISSION POWERS AND
32 DUTIES.

33 1. The commission shall oversee the administration of this
34 chapter, monitor the effectiveness of public agencies in
35 achieving the purposes of sections 366.4 through 366.8 and

1 chapter 367, and study methods to better achieve those
2 purposes. The council and the board shall report to the
3 commission as required by the commission.

4 2. The commission shall study issues of special concern
5 affecting land use planning, urban growth management, and the
6 protection of farmland and natural areas.

7 3. The commission shall submit a report to the governor
8 and the general assembly by January 10 of each year. The
9 report shall include findings and recommendations, including
10 any proposed legislation, which shall be submitted as a
11 departmental bill.

12 Sec. 11. NEW SECTION. 366.11 REPEAL OF COMMISSION --
13 DIRECTIONS TO CODE EDITOR.

14 Sections 366.9 and 366.10 and this section are repealed on
15 January 1, 2003. The Iowa Code editor shall eliminate those
16 sections from the 2003 Code of Iowa and correct internal
17 references as necessary.

18 Sec. 12. NEW SECTION. 367.1 INTENT.

19 It is the intent of the general assembly to provide for the
20 orderly use and development of land in the state, to preserve
21 private property rights, to preserve the use of prime
22 agricultural land for agricultural production, to preserve
23 natural, cultural, and historical areas, and to provide for
24 the coordination of comprehensive plans for land use. It is
25 the further intent of the general assembly to control urban
26 sprawl, and thereby provide for the protection and
27 preservation of the private and public interest in the land,
28 water, and related resources of this state for the public
29 health, safety, and general welfare, and for the benefit of
30 present and future generations.

31 Sec. 13. NEW SECTION. 367.2 LAND USE COMMITTEE CREATED.

32 1. Except as provided in subsection 2 or 3, on or before
33 October 1, 1999, a land use committee is created within each
34 county which shall be composed of the following members:

35 a. A member of the county board of supervisors appointed

1 by the county board of supervisors.

2 b. The mayor of each city in the county or the mayor's
3 designee as confirmed by the city council.

4 c. One member appointed by the board of directors of the
5 county's soil conservation district, who shall represent
6 agricultural interests.

7 d. One member appointed by the board of the school
8 district having the largest student enrollment in the county.

9 e. Two members appointed by the county board of
10 supervisors and two members appointed by the mayor of the
11 largest city, to assure broad representation of agricultural,
12 environmental, construction, and homeowner interests.

13 2. In lieu of the land use committee created in subsection
14 1, in any county in which the largest city comprises at least
15 sixty percent of the population of the county and in which no
16 other city has a population in excess of one thousand, the
17 land use committee shall be the municipal planning commission
18 of the largest city in the county.

19 3. In lieu of the land use committee created in subsection
20 1, a joint land use committee shall be created between any
21 county with a population over three hundred thousand and all
22 the counties adjoining such county. Appointments to the joint
23 committee shall be as provided in subsection 1, for each
24 county represented on the joint committee.

25 Sec. 14. NEW SECTION. 367.3 RECOMMENDED GROWTH PLAN.

26 1. The land use committee shall develop a recommended
27 growth plan for the county or counties. The recommended
28 growth plan shall identify urban growth areas for each city
29 within the county or counties and shall identify planned
30 growth areas and rural areas outside cities within the county
31 or counties, all in conformance with the provisions of this
32 chapter.

33 2. In developing a recommended growth plan, the land use
34 committee shall give due consideration to proposals for urban
35 growth areas as may be timely proposed and submitted to the

1 land use committee by each city council. The land use
2 committee shall also give due consideration to such planned
3 growth areas and rural areas as may be timely proposed and
4 submitted to the land use committee by the county board of
5 supervisors.

6 3. The land use committee shall utilize planning resources
7 that are available within the county, including city and
8 county planning commissions and zoning administrators. The
9 land use committee is also encouraged to utilize the services
10 of the councils of governments, Iowa state university of
11 science and technology, the university of Iowa, and the
12 university of northern Iowa.

13 Sec. 15. NEW SECTION. 367.4 PUBLIC HEARINGS REQUIRED.

14 Prior to final approval of the recommended growth plan by
15 the land use committee, the land use committee shall hold at
16 least two public hearings on the proposed recommended growth
17 plan. The county auditor shall give at least ten days' notice
18 of the time, place, and purpose of the public hearing by
19 notice published in a newspaper of general circulation in the
20 county or counties.

21 Sec. 16. NEW SECTION. 367.5 RATIFICATION OF RECOMMENDED
22 GROWTH PLAN.

23 1. Not later than January 1, 2001, the land use committee
24 shall submit the recommended growth plan to the board of
25 supervisors and the city council of each city for ratification
26 by each governing body. However, if a city is completely
27 contiguous to and surrounded by one or more cities, or by one
28 or more cities and the boundaries of another state, the
29 corporate limits of the surrounded city shall constitute the
30 boundaries of the city's urban growth areas and such city
31 shall not be eligible to ratify or reject the recommended
32 growth plan. Not later than one hundred twenty days after
33 receiving the recommended growth plan, the county board of
34 supervisors or city council, as the case may be, shall either
35 ratify or reject the recommended growth plan. Failure to act

1 within one hundred twenty days shall be deemed to constitute
2 ratification by the county or city of the recommended growth
3 plan.

4 2. If the county or any city in the county rejects the
5 recommended growth plan submitted by the land use committee,
6 the county or city shall submit its objections to the plan.
7 After receiving objections to the plan, the land use committee
8 may recommend a revised growth plan and shall submit the
9 revised growth plan for ratification to the county board of
10 supervisors and the city council of each city.

11 Sec. 17. NEW SECTION. 367.6 DISPUTE RESOLUTION -- CITY
12 DEVELOPMENT BOARD.

13 1. If a recommended growth plan or a revised growth plan
14 is rejected pursuant to section 367.5, the land use committee
15 shall submit each of the rejected plans to the city
16 development board created in section 366.1 for resolution of
17 the matter.

18 2. The city development board shall review the plans and,
19 if necessary, shall amend a plan giving due consideration to
20 the following:

21 a. In a dispute over urban growth areas or planned growth
22 areas, whether one city is better able than another to provide
23 urban services in the disputed territory.

24 b. In a dispute over rural growth areas whether territory
25 which is prime agricultural or prime natural resource land
26 according to the county's land use inventory for the area is
27 identified as such.

28 3. The city development board shall submit to the board of
29 supervisors a recommended growth plan for distribution to each
30 city in the county. The board of supervisors and the city
31 council of each city in the county shall be given a reasonable
32 time to consider the recommended growth plan proposed by the
33 city development board. If the board of supervisors and the
34 city council of each city eligible to approve a plan do not
35 approve the recommended growth plan submitted by the city

1 development board, the city development board shall be
2 notified of such fact by the county board of supervisors. A
3 notice of rejection submitted to the city development board
4 may be accompanied by final recommendations for amendment to
5 the growth plan.

6 Sec. 18. NEW SECTION. 367.7 RECOMMENDED GROWTH PLAN TO
7 CITY DEVELOPMENT BOARD.

8 No later than July 1, 2001, the growth plan recommended or
9 revised by the land use committee and ratified by the board of
10 supervisors and the city council of each city in the county or
11 alternatively adopted by the city development board shall be
12 submitted to and approved by the city development board. If
13 the city development board determines that the plan conforms
14 with the requirements of this chapter, the board shall grant
15 its approval, and the growth plan shall become effective upon
16 its recording with the county recorder. If the city
17 development board determines that the growth plan does not
18 conform to this chapter, the board shall adopt and grant its
19 approval of amendments to the plan for the sole purpose of
20 complying with the requirements of this chapter.

21 Sec. 19. NEW SECTION. 367.8 RECORDING OF GROWTH PLAN.

22 After the city development board has approved a growth
23 plan, the board shall forward a copy to the county auditor who
24 shall record the plan in the office of county recorder no
25 later than five days after receiving the plan from the board.

26 Sec. 20. NEW SECTION. 367.9 DURATION.

27 After a growth plan has been recorded, the plan shall
28 remain in effect for not less than five years absent a showing
29 of extraordinary circumstances necessitating a change in the
30 plan. After expiration of the five-year period, a city or the
31 county may propose an amendment to the growth plan by filing
32 notice with the county board of supervisors and the city
33 council of each city in the county. Upon receipt of such
34 notice, the county board of supervisors and city councils of
35 each city shall promptly take the appropriate action necessary

1 to reconvene the land use committee. The burden of proving
2 the reasonableness of a proposed amendment to the plan shall
3 be upon the party proposing the amendment. The procedures for
4 amending the growth plan shall be the same as the procedures
5 in this chapter for establishing the original plan.

6 Sec. 21. NEW SECTION. 367.10 EFFECT OF GROWTH PLAN.

7 A growth plan approved by the city development board shall
8 be the basis for the comprehensive plan of each county
9 required pursuant to section 335.5, if the county has adopted
10 a zoning ordinance, and for the comprehensive plan of each
11 city in the county required pursuant to section 414.3. The
12 county and each city shall amend its comprehensive plan to
13 conform to the growth plan approved by the city development
14 board. After a growth plan is approved, all land use
15 decisions made by the governing body of each city and county
16 and the city's or county's planning commission shall be
17 consistent with the growth plan.

18 Sec. 22. NEW SECTION. 367.11 APPEAL -- JUDICIAL REVIEW.

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

28 2. Appeal must be filed within sixty days after the growth
29 plan is recorded upon final approval of the city development
30 board. In accordance with the Iowa rules of civil procedure
31 pertaining to service of process, copies of the petition shall
32 be served upon the city development board, the county, and
33 each city located in the county.

34 3. The court's review on appeal of a decision is limited
35 to questions relating to jurisdiction, regularity of

7 approval of a growth plan in conformance with the procedures
8 set forth in this chapter.

9 4. The filing of a petition for review does not stay the
10 effectiveness of the growth plan and the urban growth areas,
11 planned growth areas, and rural areas identified in the plan.
12 However, the court may order a stay upon appropriate terms if
13 it is shown to the satisfaction of the court that any party or
14 the public at large is likely to suffer significant injury if
15 a stay is not granted. If more than one petition for review
16 regarding a single board decision is filed, all such petitions
17 shall be consolidated and tried as a single civil action.

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

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

22 b. Subsection 5.

23 c. Subsection 8.

24 d. Subsections 10 through 12.

25 Sec. 23. NEW SECTION. 367.12 GROWTH PLAN -- GOALS AND
26 OBJECTIVES.

27 The purpose of a growth plan is to direct the coordinated,
28 efficient, and orderly development of the political
29 subdivision and its environs that will, based on an analysis
30 of present and future needs, best promote the public health,
31 safety, morals, and general welfare. The goals and objectives
32 of a growth plan include the following:

33 1. Protect agricultural land for use in agricultural
34 production.

35 2. Provide a unified physical design for the development

1 of the local community.

2 | 3. Encourage a pattern of compact and contiguous high-
3 density development to be guided into urban growth areas or
4 planned growth areas.

5 | 4. Establish an acceptable and consistent level of public
6 services and community facilities and ensure timely provision
7 of those services and facilities.

8 | 5. Promote the adequate provision of employment
9 opportunities and the economic health of the political
10 subdivision.

11 | 6. Conserve features of significant statewide or regional
12 architectural, cultural, historical, or archaeological
13 interest.

14 | 7. Protect life and property from the effects of natural
15 hazards and natural disasters, such as flooding, winds, and
16 wildfires.

17 | 8. Take into consideration such other matters that may be
18 logically related to or form an integral part of a plan for
19 the coordinated, efficient, and orderly development of the
20 local community.

21 | 9. Provide for a variety of housing choices and assure
22 affordable housing for future population growth.

23 | 10. Protect and preserve natural resource land and natural
24 resource areas.

25 Sec. 24. NEW SECTION. 367.13 GROWTH PLAN REQUIREMENTS.

26 | The growth plan shall include, at a minimum, documents
27 describing and depicting city corporate limits, as well as
28 urban growth areas, planned growth areas, if any, and rural
29 areas, if any. A growth plan may address land use,
30 transportation, public infrastructure, housing, and economic
31 development.

32 | Sec. 25. NEW SECTION. 367.14 URBAN GROWTH AREAS.

33 | 1. The urban growth areas of a city shall:

34 | a. Identify territory that is reasonably compact yet
35 sufficiently large to accommodate residential and

1 nonresidential growth projected to occur during the next
2 twenty years.

3 b. Identify territory that is contiguous to the existing
4 boundaries of the city.

5 c. Identify territory that a reasonable and prudent person
6 would project as the likely site of high-density commercial,
7 industrial, and residential growth over the next twenty years
8 based on historical experience, economic trends, population
9 growth patterns, topographical characteristics, and any
10 professional planning, engineering, and economic studies that
11 are available.

12 d. Identify territory in which the city is better able and
13 prepared than other cities to efficiently and effectively
14 provide urban services.

15 e. Reflect the city's duty to facilitate full development
16 of resources within the current boundaries of the city and to
17 manage and control urban expansion outside of such current
18 boundaries, taking into account the impact to agricultural
19 lands, forests, recreational areas, and wildlife management
20 areas.

21 2. Before a city may propose urban growth areas to the
22 land use committee for inclusion in the growth plan, the city
23 shall do all of the following:

24 a. Report population growth projections for the city based
25 upon state and federal census data.

26 b. Determine and report the current costs and the
27 projected costs of core infrastructure, urban services, and
28 public facilities necessary to facilitate full development of
29 resources within the current boundaries of the city and to
30 expand such infrastructure, services, and facilities
31 throughout the territory under consideration for inclusion
32 within the urban growth area.

33 c. Determine and report on the need for additional land
34 suitable for high-density, industrial, commercial, and
35 residential development after taking into account all areas

1 within the city's current boundaries that can be used, reused,
2 or redeveloped to meet such needs.

3 d. Examine and report on agricultural lands, forests,
4 recreational areas, and wildlife management areas within the
5 territory under consideration for inclusion within the urban
6 growth areas and examine and report on the likely long-term
7 effects of urban expansion on such agricultural lands,
8 forests, recreational areas, and wildlife management areas.

9 3. Before a city may propose urban growth areas to the
10 land use committee, the city shall conduct at least two public
11 hearings on the proposed areas. Notice of the time, place,
12 and purpose of the public hearing shall be published in a
13 newspaper of general circulation in the city not less than
14 four nor more than twenty days before the hearing.

15 4. For any city in which ten percent or more of the city's
16 geographical area is vacant or undeveloped land or land which
17 contains an abandoned building, the corporate limits of the
18 city at the time the growth plan is prepared shall constitute
19 the boundaries of the city's urban growth areas. For the
20 purposes of this subsection, "vacant or undeveloped land"
21 means land that has no structures or improvements on it and
22 for which no building permit has been requested by any person
23 for the last twelve months. For the purposes of this
24 subsection, abandoned building means that a building has
25 remained vacant and has been in violation of the housing code
26 of the city in which the property is located for a period of
27 six consecutive months.

28 5. An urban growth area shall not contain any agricultural
29 land which has a corn suitability rating of sixty or higher,
30 according to information released by Iowa state university to
31 the department of revenue and finance for purposes of
32 determining the productivity formula for assessment and
33 taxation of agricultural land, unless there is a showing by
34 the land use committee that the land is necessary for the
35 orderly development of the city and the city has no other

1 outlet for growth beyond its current corporate boundaries and
2 that the city contains primarily high density residential,
3 commercial, and industrial areas.

4 Sec. 26. NEW SECTION. 367.15 PLANNED GROWTH AREAS.

5 1. Each planned growth area of a county shall:

6 a. Identify territory that is reasonably compact yet
7 sufficiently large to accommodate residential and
8 nonresidential growth projected to occur during the next
9 twenty years.

10 b. Identify territory that is not within the existing
11 corporate boundaries of a city.

12 c. Identify territory that a reasonable and prudent person
13 would project as the likely site of high or moderate density
14 commercial, industrial, and residential growth over the next
15 twenty years based on historical experience, economic trends,
16 population growth patterns, topographical characteristics, and
17 professional planning, engineering, and economic studies that
18 may be available.

19 d. Identify territory that is not contained within urban
20 growth areas.

21 e. Reflect the county's duty to manage natural resources
22 and to manage and control urban growth, taking into account
23 the impact to agricultural lands, forests, recreational areas,
24 and wildlife management areas.

25 2. Before a county may propose planned growth areas to the
26 land use committee for inclusion in the growth plan, the
27 county shall do all of the following:

28 a. Report population growth projections for the county
29 based upon state and federal census data.

1 | c. Determine and report on the need for additional land
2 suitable for high-density industrial, commercial, and
3 residential development, after taking into account all areas
4 within the current boundaries of cities, that can be used,
5 reused, or redeveloped to meet such needs.

6 | d. Determine and report on the likelihood that the
7 territory under consideration for inclusion within the planned
8 growth area will eventually incorporate as a new city or be
9 annexed.

10 | e. Examine and report on agricultural lands, forests,
11 recreational areas, and wildlife management areas within the
12 territory under consideration for inclusion within the planned
13 growth areas and examine and report on the likely long-term
14 effects of urban expansion on such agricultural lands,
15 forests, recreational areas, and wildlife management areas.

16 | 3. Before the county may propose planned growth areas to
17 the land use committee, the county shall conduct at least two
18 public hearings. Notice of the time, place, and purpose of
19 the public hearing shall be published in a newspaper of
20 general circulation in the county not less than ten nor more
21 than twenty days before the hearing.

22 | Sec. 27. NEW SECTION. 367.16 RURAL AREAS.

23 | 1. Each rural area shall:

24 | a. Identify territory that is not within an urban growth
25 area.

26 | b. Identify territory that is not within a planned growth
27 area.

28 | c. Identify territory that, over the next twenty years, is
29 to be preserved as agricultural lands, forests, recreational
30 areas, wildlife management areas, or for uses other than high-
31 density commercial, industrial, or residential development.

32 | d. Reflect the county's duty to manage growth and natural
33 resources in a manner which reasonably minimizes detrimental
34 impact to agricultural lands, forests, recreational areas, and
35 wildlife management areas.

1 2. Before the county may propose rural areas to the land
2 use committee for inclusion in the growth plan, the county
3 shall conduct at least two public hearings. Notice of the
4 time, place, and purpose of the public hearing shall be
5 published in a newspaper of general circulation in the county
6 not less than ten nor more than twenty days before the
7 hearing.

8 Sec. 28. Section 362.9, Code 1999, is amended to read as
9 follows:

10 362.9 APPLICATION OF CITY CODE.

11 The provisions of this chapter and chapters 364, 366, 367,
12 368, 372, 376, 380, 384, 388 and 392 are applicable to all
13 cities.

14 Sec. 29. Section 368.7, subsection 3, Code 1999, is
15 amended to read as follows:

16 3. An application for annexation of territory within an
17 urbanized area of a city other than the city to which the
18 annexation is directed must be approved both by resolution of
19 the council which receives the application and by the board.
20 The board shall not approve an application which creates an
21 island. The board shall not approve an application that
22 proposes to annex territory that is not located in the urban
23 growth area of the annexing city, as designated in the city's
24 growth plan created pursuant to chapter 367. Notice of the
25 application shall be mailed by certified mail, by the city to
26 which the annexation is directed, at least ten days prior to
27 any action by the city council on the application to the
28 council of each city whose boundary adjoins the territory or
29 is within two miles of the territory, to the board of
30 supervisors of each county which contains a portion of the
31 territory, each affected public utility, and to the regional
32 planning authority of the territory. Notice of the
33 application shall be published in an official county newspaper
34 in each county which contains a portion of the territory at
35 least ten days prior to any action by the city council on the

1 approved pursuant to this section, the board shall cause the
2 conversion of the application to a petition pursuant to
3 section 368.13 and shall proceed under section 368.14A. The
4 conversion of an application to a petition shall not prejudice
5 the status of the applicant. Judicial review of a board
6 decision under this subsection may be requested by an
7 aggrieved party.

8 c. Notwithstanding paragraph "a", if an application
9 proposes to annex territory that is not located within the
10 boundaries of the annexing city's urban growth area, the
11 application shall be dismissed. The board shall file for
12 record a statement of the dismissal and the reason for it, and
13 shall promptly notify the parties to the proceeding of its
14 decision. In the alternative, and if the offending area
15 comprises less than five percent of the total territory
16 proposed to be annexed, the board may amend the application to
17 sever such area from the territory to be annexed.

18 Sec. 31. Section 368.12, Code 1999, is amended to read as
19 follows:

20 368.12 DISMISSAL.

21 The board may dismiss a petition ~~only~~ if it finds ~~that-the~~
22 one of the following:

23 1. The petition does not meet the requirements of this
24 chapter, ~~or-that-substantially.~~

25 2. Substantially the same incorporation, discontinuance,
26 or boundary adjustment has been disapproved by a committee
27 formed to consider the proposal, or by the voters, within the
28 two years prior to the date the petition is filed with the
29 board, ~~or-that-the.~~

30 3. The territory to be annexed, or a portion of that
31 territory, has been voluntarily annexed under section 368.7.

32 4. The petition proposes to annex territory that is not
33 located within the boundaries of the annexing city's urban
34 growth area, as designated in the city's growth plan. The

35 board shall file for record a statement of each dismissal and

1 the reason for it, and shall promptly notify the parties to
2 the proceeding of its decision.

3 If the petition proposes to annex territory that is not
4 located within the boundaries of the annexing city's urban
5 growth area, as designated in the city's growth plan, the
6 board may, in the alternative, and if the offending area
7 comprises less than five percent of the total territory
8 proposed to be annexed, amend the petition to sever such area
9 from the territory to be annexed.

10 Sec. 32. Section 368.19, unnumbered paragraph 1, Code
11 1999, is amended to read as follows:

12 The committee shall approve or disapprove the petition or
13 plan as amended, within ninety days of the final hearing, and
14 shall file its decision for record and promptly notify the
15 parties to the proceeding of its decision. If a petition or
16 plan is approved, the board shall set a date not less than
17 thirty days nor more than ninety days after approval for a
18 special election on the proposal and the county commissioner
19 of elections shall conduct the election. In a case of
20 incorporation or discontinuance, registered voters of the
21 territory or city may vote, and the proposal is authorized if
22 a majority of those voting approves it. In a case of
23 annexation ~~or-severance~~, registered voters of the territory
24 and of the city may vote, and the proposal is authorized if a
25 majority of the total number of persons residing in the
26 territory and voting approves it and if a majority of the
27 total number of persons residing in the city and voting
28 approves it. In case of severance, registered voters of that
29 area of the city to be severed and of the remainder of the
30 city may vote, and the proposal is authorized if a majority of
31 the total number of persons residing in the area to be severed
32 and voting approves it and if a majority of the total number
33 of persons residing in the remainder of the city and voting
34 approves it. In a case of consolidation, registered voters of
35 each city to be consolidated may vote, and the proposal is

1 authorized only if it receives a favorable majority vote in
2 each city. The county commissioner of elections shall publish
3 notice of the election as provided in section 49.53 and shall
4 conduct the election in the same manner as other special city
5 elections.

6 Sec. 33. Section 384.38, subsection 2, Code 1999, is
7 amended to read as follows:

8 2. Upon petition as provided in section 384.41, subsection
9 1, a city may assess to private property affected by public
10 improvements within three miles of the city's boundaries the
11 cost of construction and repair of public improvements within
12 that area. The right-of-way of a railway company shall not be
13 assessed unless the company joins as a petitioner for said
14 improvements. In the petition the property owners shall waive
15 the limitation provided in section 384.62 that an assessment
16 may not exceed twenty-five percent of the value of the lot.
17 The petition shall contain a statement that the owners agree
18 to pay the city an amount equal to five percent of the cost of
19 the improvements, to cover administrative expenses incurred by
20 the city. This amount may be added to the cost of the
21 improvements. Before the council may adopt the resolution of
22 necessity, the preliminary resolution, preliminary plans and
23 specifications, plat, schedule, and estimate of cost must be
24 submitted to, and receive written approval from, the board of
25 supervisors of any county which contains part of the property,
26 and the city development board established in section 368-9
27 366.1.

28 Sec. 34. Effective July 1, 2001, the following loan and
29 grant programs shall be unavailable in those counties and
30 cities that do not have growth plans approved by the city
31 development board pursuant to section 367.7, and shall remain
32 unavailable until growth plans have been approved:

33 1. Iowa housing development agency grant programs.

34 2. Community development block grants and programs funded
35 with community development block grant funds.

1 3. Intermodal surface transportation efficiency act funds
2 or any subsequent federal authorization for transportation
3 funds.

4 4. Tourism development grants.

5 5. Community economic betterment account.

6 6. Economic development set-aside program.

7 7. Export trade assistance program.

8 8. Self-employment loan program.

9 9. Targeted small business financial assistance program.

10 10. Iowa small business loan program through the Iowa
11 finance authority.

12 11. Iowa economic development loan program through the
13 Iowa finance authority.

14 Sec. 35. MORATORIUM ON ANNEXATION BY A CITY.

15 Notwithstanding chapter 368, division III, from the effective
16 date of this Act until July 1, 2001, the city development
17 board shall not accept a petition for a voluntary annexation
18 or a petition for an involuntary annexation of territory to a
19 city. The board shall also discontinue any actions or
20 proceedings relating to a hearing, approval, or election on a
21 petition or plan for an involuntary annexation of territory
22 pending before the board during the moratorium from the
23 effective date of this Act until July 1, 2001. On or after
24 July 1, 2001, the board may proceed with the implementation of
25 petitions and plans relating to involuntary annexations of
26 territory pursuant to chapter 368, division III.

27 Sec. 36. MORATORIUM ON CERTAIN DEVELOPMENT ACTIONS BY
28 COUNTIES. Notwithstanding chapter 354, from the effective
29 date of this Act until July 1, 2001, a county shall not issue
30 any permits, authorizations, or approvals necessary for the
31 subdivision and partitioning of, or construction on, any land
32 located in the unincorporated areas of the county. On or
33 after July 1, 2001, a county may proceed with issuance of any
34 permits, authorizations, or approvals necessary for the
35 subdivision and partitioning of, or construction on, any land

1 located in the unincorporated areas of the county.

2 Sec. 37. Sections 368.9 and 368.10, Code 1999, are
3 repealed.

4 Sec. 38. This Act, being deemed of immediate importance,
5 takes effect upon enactment.

6

EXPLANATION

7 This bill makes several changes relating to city
8 development, annexation, city and county land use planning,
9 and state land use planning. The bill enacts a new chapter
10 366 which establishes the city development board, a state land
11 use strategic development council, and the land use planning
12 commission for development management and farmland and natural
13 area protection.

14 The bill provides that the state land use strategic
15 development council is the state's principal agency overseeing
16 planning of major state sponsored projects. The council is a
17 consultative body that reviews policies regarding major
18 development initiatives undertaken by state agencies. The
19 council must establish, maintain, and revise a state strategic
20 development plan that provides for development by member state
21 agencies. The council has members representing major agencies
22 involved or interested in development, including the state
23 department of transportation, the department of natural
24 resources, the department of agriculture and land stewardship,
25 and the department of general services.

26 The land use planning commission for development management
27 and farmland and natural area protection is comprised of the
28 same membership as was represented on the legislative
29 commission. The commission is charged to monitor the
30 administration of the chapter and the extent to which the
31 purposes of the chapter are being satisfied. The commission
32 sunsets on July 1, 2003.

33 The bill requires each county and each city within a county
34 to establish a land use committee to develop a proposed growth
35 plan for the county and each city in the county. The land use

1 committee is composed of local government representatives, a
2 representative from the largest school district in the county,
3 a representative from the county's soil conservation district,
4 and representatives of the general public. The land use
5 committee in each county must develop a recommended growth
6 plan designating urban growth areas, planned growth areas, and
7 rural areas in the county.

8 The recommended growth plan must be ratified by the county
9 and each city in the county, with the exception of those
10 cities whose boundaries are also the boundaries of other
11 cities or of other cities and another state. If the county
12 and cities cannot agree on ratification of the recommended
13 growth plan, it is sent to the city development board for
14 resolution of the dispute. Any changes made by the board may
15 be ratified by the county and cities in the county. However,
16 if not ratified, the amendments made by the city development
17 board are still effective. After a growth plan is ratified,
18 it is submitted to the city development board for its
19 approval. The growth plan approved by the city development
20 board takes effect upon recording with the county recorder.
21 An approved and recorded growth plan remains in effect for
22 five years before it may be reviewed for changes, absent a
23 showing of extraordinary circumstances necessitating a change
24 in the plan. The bill requires that cities and counties, if
25 applicable, shall conform their comprehensive plans to the
26 growth plan.

27 The bill allows for judicial review of a growth plan
28 approved by the city development board. Appeal must be filed
29 within 60 days after the growth plan is recorded with the
30 county recorder and the appeal may be taken by the affected
31 county, an affected city, a resident of the county, or an
32 owner of real property located in the county. The filing of
33 an appeal does not stay effectiveness of a growth plan unless
34 it is shown that a party or the general public is likely to
35 suffer significant injury if a stay is not granted.

1 The bill amends the law on annexation by requiring
2 dismissal of a voluntary annexation application or an
3 involuntary annexation petition if the application or petition
4 identifies territory to be annexed that is not within the
5 urban growth area of the annexing city. However, if the
6 territory that is not located within the urban growth area of
7 the annexing city comprises less than 5 percent of the
8 territory to be annexed, the city development board may amend
9 the application or petition to sever the offending territory.

10 The bill also provides that an annexation or severance of
11 territory to or from a city shall be approved by a majority of
12 the city voters voting on the issue and by a majority of the
13 voters voting and residing in the territory to be affected by
14 the annexation or severance. The city voters and the voters
15 of the affected territory must separately approve the
16 proposal. Under current law, the proposal is authorized if a
17 majority of the combined votes of the city voters and the
18 affected territory voters approve the proposal.

19 The bill provides that, effective July 1, 2001, certain
20 specified loan and grant programs shall be unavailable in
21 those counties and cities that do not have growth plans
22 approved by the city development board and shall remain
23 unavailable until growth plans have been approved.

24 The bill places a moratorium on annexation by a city from
25 the effective date of the bill until July 1, 2001. The
26 moratorium also applies to annexation agreements between
27 cities. The bill also imposes a moratorium on counties
28 prohibiting them from issuing any permits, authorizations, or
29 approvals necessary for the subdivision and partitioning of,
30 or construction on, any land located in the unincorporated
31 areas of the county. The moratorium on counties is also in
32 effect from the effective date of the bill to July 1, 2001.

33 The bill takes effect upon enactment.

34

35