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SSB-3178

Local Government

Succeeded By

SENATE FILE

SE/HF 2437

BY (PROPOSED COMMITTEE ON

LOCAL GOVERNMENT BILL

BY CHAIRPERSON ANGELO)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to state and local land management planning and
2 development and providing transition, effective date, and
3 applicability provisions.

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

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DIVISION I

STATE LAND MANAGEMENT AND PLANNING POLICY

Section 1. NEW SECTION. 6C.1 TITLE.

This chapter shall be known and may be cited as the "Land Development Management Act".

Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE --
PURPOSE OF THIS CHAPTER.

1. The policy of the state is to ensure the sound and orderly development and use of land including agricultural, commercial, industrial, residential, recreational, and historic uses.

2. The purposes of this chapter include all of the following:

a. Preserving the use of prime agricultural land for agricultural production, and preserving natural, cultural, and historical areas.

b. Striking a balance between the need to carry out the legitimate public purposes described in this section and the need to preserve private property rights.

c. Encouraging economic development in this state by providing for development in areas where development has been planned by local governments.

d. Controlling urban sprawl, and thereby providing for the protection and preservation of the private and public interest in the land, water, and related resources of this state for the public health, safety, and general welfare, and for the benefit of present and future generations.

3. All public agencies shall cooperate in achieving the purposes and carrying out the provisions of this chapter.

Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.

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

2. "Council" means the state strategic development council as created pursuant to section 6C.9.

3. "Department" means the department of economic

1 development.

2 4. "Development" means the construction or structural
3 alteration, conversion, or enlargement of a structure or use
4 of land, including the construction of basic improvements,
5 public improvements, buildings, structures, or impermeable
6 structures.

7 5. "Farmland" means farmland as that term is defined in
8 section 352.2.

9 6. "Fund" means the land management planning fund as
10 created in section 6C.7.

11 7. "Inventory" means a permanent land use and natural
12 resources inventory system as provided in section 352.5.

13 8. "Local government" means a county or city government.

14 9. "Local legislation" means any ordinance, resolution,
15 motion, amendment, or regulation adopted by a local
16 government, which has the force and effect of law.

17 10. "Major public project" means any of the following:

18 a. The construction of a new or the relocation of an
19 existing highway.

20 b. The construction or expansion of an improvement,
21 including a structure or basic improvement, other than a
22 highway, which involves the development of more than fifty
23 acres of land or six thousand tons of topsoil.

24 c. The construction of any of the following:

25 (1) A dam or reservoir.

26 (2) A correctional institution as provided in chapter 904.

27 11. "Member agency" means a state agency which is
28 represented on the council as provided in section 6C.9.

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

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

9 14. "Regional development authority" means a council of
10 governments established pursuant to chapter 28H or a joint
11 planning commission established pursuant to chapter 28I.

12 15. "State agency" means the same as "agency" defined in
13 section 17A.2.

14 16. "Strategic development area" means an area governed by
15 a strategic development plan as provided in chapter 366.

16 17. "Strategic development plan" means a plan adopted by a
17 county and cities participating as provided in chapter 366 as
18 a means to organize the manner and location of future
19 development within a territory of a county.

20 18. "Urban sprawl" means the development of land that
21 occurs on the fringes of cities, if the development is for a
22 use which is not contiguous to existing or approved
23 development, creates urban densities and uses within future
24 urbanizing and agriculturally productive land, natural or
25 historic areas, and is designed without regard to its
26 surroundings.

27 Sec. 4. NEW SECTION. 6C.4 FINANCIAL ASSISTANCE AWARDED
28 BY PUBLIC AGENCIES.

29 1. Effective July 1, 2002, in order for a public agency to
30 award financial assistance to persons for use in developing
31 land, the development shall be consistent with the relevant
32 strategic development plan prepared pursuant to chapter 366.

33 2. Financial assistance includes but is not limited to
34 moneys awarded from the following:

35 a. The community economic betterment account established

1 in section 15.320.

2 b. The revitalize Iowa's sound economy fund created in
3 section 315.2.

4 c. Iowa economic development bond bank program established
5 pursuant to section 16.102.

6 d. Tax increment financing created pursuant to section
7 403.19.

8 e. Tax exemptions within revitalization areas as provided
9 in chapter 404.

10 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
11 BOARD.

12 1. A land management planning board is created as the
13 state's principal agency overseeing planning by local
14 governments. The board shall oversee administration of this
15 chapter, and chapters 366 and 368, monitor the effectiveness
16 of public agencies in achieving the purposes of this chapter
17 as provided in section 6C.2, and study methods to better
18 achieve those purposes.

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

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

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

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

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

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

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

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

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

1 i. One member appointed by the director of the department
2 of economic development.

3 j. Two members representing the general public.

4 3. With the exception of members appointed under
5 paragraphs "g", "h", and "i", the members shall be appointed
6 by the governor subject to confirmation by the senate as
7 provided in section 2.32. The appointments must be for six-
8 year staggered terms beginning and ending as provided in
9 section 69.19, or for an unexpired term if a vacancy occurs.
10 No member shall serve more than two complete six-year terms.

11 4. A member may be removed from office by the governor for
12 misfeasance, malfeasance, willful neglect of duty, or other
13 just cause, after notice and hearing, unless the notice and
14 hearing is expressly waived in writing.

15 5. The board shall elect a chairperson each year.

16 6. Members of the board, other than a state officer or
17 employee, are entitled to receive a per diem as specified in
18 section 7E.6 for each day spent in performance of duties as
19 members, and shall be reimbursed for all actual and necessary
20 expenses incurred in the performance of duties as members.

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

25 Sec. 6. NEW SECTION. 6C.6 POWERS AND DUTIES OF THE
26 BOARD.

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

28 a. Approve or disapprove strategic development plans
29 submitted for dispute resolution pursuant to chapter 366.

30 b. Approve or disapprove petitions for city development as
31 provided in chapter 368.

32 c. Establish policies for administration of the land
33 management planning fund for development management and
34 farmland and natural area protection as created in section
35 6C.7. The board shall pay claims by eligible local

1 governments for reimbursement of expenses relating to
2 preparing strategic development plans as provided in section
3 6C.8.

4 d. Adopt rules pursuant to chapter 17A which are necessary
5 to administer its duties under this chapter and chapters 366
6 and 368. The rules shall include establishing filing fees for
7 petitions and applications submitted to the board. The board
8 may establish a schedule of fees required to file these
9 documents with the board, based on criteria established by the
10 board, which may include the size of the local government
11 filing the document.

12 2. The board may adopt forms to be completed and submitted
13 by local governments as required for the efficient
14 administration of this chapter and chapters 366 and 368. The
15 board shall adopt a simple form for strategic development
16 plans to be completed by small local governments.

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

18 1. A land management planning fund is created within the
19 state treasury under the control of the department of economic
20 development.

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

22 a. Moneys appropriated by the general assembly.

23 b. Moneys available to and obtained or accepted by the
24 department from the federal government or private sources for
25 placement in the fund.

26 c. Fees paid to the department of revenue and finance that
27 have been collected by county auditors for deposit into the
28 fund pursuant to section 331.507.

29 3. Moneys in the fund shall be used exclusively for the
30 following purposes:

31 a. First, to pay for the costs of administration of this
32 chapter by the department.

33 b. Second, to reimburse local strategic development
34 committees for preparing strategic development plans as
provided in section 6C.8.

1 c. Finally, to the extent that moneys are remaining, the
2 moneys may be used to reimburse Iowa state university of
3 science and technology and counties for costs associated with
4 preparing permanent land use and natural resource inventories
5 as provided in sections 352.4 and 352.5.

6 4. The treasurer of state shall act as custodian of the
7 fund. The treasurer of state is authorized to invest the
8 moneys deposited in the fund. Notwithstanding section 12C.7,
9 subsection 2, the income from such investment shall be
10 credited to and deposited in the fund. Notwithstanding
11 section 8.33, moneys in the fund are not subject to reversion
12 to the general fund of the state. The fund shall be
13 administered by the department which shall make expenditures
14 from the fund consistent with the purposes set out in this
15 section. The moneys in the fund shall be disbursed upon
16 warrants drawn by the director of revenue and finance pursuant
17 to the order of the board. The fiscal year of the fund begins
18 July 1. The finances of the fund shall be calculated on an
19 accrual basis in accordance with generally accepted accounting
20 principles. The auditor of state shall regularly perform
21 audits of the fund.

22 Sec. 8. NEW SECTION. 6C.8 REIMBURSEMENT OF LOCAL
23 GOVERNMENTS FOR PREPARATION OF PLANS.

24 1. a. Claims against the fund to reimburse local
25 strategic development committees for costs associated with
26 preparing strategic development plans under chapter 366 shall
27 be filed with the board.

28 b. The board may approve a claim against the fund to
29 reimburse Iowa state university of science and technology or
30 counties for costs associated with preparing land use and
31 natural resource inventories under sections 352.4 and 352.5.

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

34 (1) The claim is made in a manner and according to
35 procedures required in this section and established by the

1 board.

2 (2) The claim is complete and accurate.

3 (3) There are sufficient moneys in the fund in order to
4 satisfy the claim.

5 b. The board is not required to consider a claim for
6 reimbursement of costs incurred in preparing a strategic
7 development plan until the plan is filed with the board.

8 3. a. The board shall reimburse a committee as follows:

9 (1) For a local strategic development committee
10 representing a county having a population of less than fifteen
11 thousand, the local strategic development committee shall
12 receive five thousand dollars.

13 (2) For a local strategic development committee
14 representing a county having a population of fifteen thousand
15 but less than thirty thousand, the local strategic development
16 committee shall receive seven thousand five hundred dollars.

17 (3) For a committee representing a county having a
18 population of thirty thousand or more, the committee shall
19 receive ten thousand dollars.

20 b. A local strategic development committee shall reimburse
21 participating local governments for contributing to the
22 preparation of strategic development plans as provided by the
23 local strategic development committee.

24 4. If at any time the board determines that insufficient
25 moneys are available in the fund to make payment of all claims
26 for preparing strategic development plans, the department
27 shall pay claims according to the date that the claims are
28 received by the department. To the extent that a claim cannot
29 be fully satisfied, the department shall order that the unpaid
30 portion of the payment be deferred until the claim can be
31 satisfied.

32 Sec. 9. NEW SECTION. 6C.9 STATE STRATEGIC DEVELOPMENT
33 COUNCIL.

34 1. A state strategic development council is created as the
state's principal agency overseeing planning by state agencies

1 involved in major public projects. The purpose of the council
2 is to ensure that development by state agencies is
3 coordinated, including through the adoption of a state
4 strategic development plan as provided in section 6C.12.

5 2. The council shall be composed of all of the following
6 persons:

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

9 b. The director of the department of economic development
10 or a designee.

11 c. The director of the department of natural resources or
12 a designee.

13 d. The director of transportation or a designee.

14 e. The director of the department of corrections or a
15 designee.

16 f. The director of the department of general services or a
17 designee.

18 g. The secretary of agriculture or a designee.

19 h. The state historic preservation officer appointed by
20 the director of the department of cultural affairs.

21 i. A designee appointed by the state board of regents as
22 provided for in chapter 262. The member shall be appointed
23 from the university of Iowa, Iowa state university of science
24 and technology, and the university of northern Iowa on a
25 rotating basis. Each appointee shall serve one term prior to
26 replacement. A member appointed under this paragraph shall be
27 an expert in issues relating to land use planning.

28 j. Four members of the general assembly, who shall serve
29 as nonvoting, ex officio members. The members shall include
30 two members of the senate appointed by the president of the
31 senate, after consultation with the majority leader and the
32 minority leader of the senate, and two members of the house of
33 representatives appointed by the speaker of the house, after
34 consultation with the majority leader and the minority leader
35 of the house. The legislative members shall be appointed upon

1 the convening and for the period of each general assembly.

2 Not more than one member from each house shall be of the same
3 political party.

4 3. The department of economic development shall provide
5 office space and staff assistance, and shall budget funds to
6 cover expenses of the council. The office of attorney general
7 shall provide legal counsel to the council.

8 4. Except as otherwise provided, the council shall meet on
9 a regular basis and at the call of the chairperson or upon the
10 written request to the chairperson of two or more members.

11 5. A majority of voting members appointed to the council
12 constitute a quorum and the affirmative vote of a majority of
13 the voting members appointed is necessary for any substantive
14 action to be taken by the council, except that a lesser number
15 may adjourn a meeting. The majority shall not include any
16 member who has a conflict of interest and a statement by a
17 member that the member has a conflict of interest is

18 conclusive for this purpose. A vacancy in the membership does
19 not impair the right of a quorum to exercise all rights and
20 perform all duties of the council.

21 6. A vacancy on the council shall be filled in the same
22 manner as an original appointment. A person appointed to fill
23 a vacancy shall serve only for the unexpired portion of the
24 term. Except as provided in this subchapter, a member is
25 eligible for reappointment.

26 7. Members of the council, other than a state officer or
27 employee, are entitled to receive a per diem as specified in
28 section 7E.6 for each day spent in performance of duties as
29 members, and shall be reimbursed for all actual and necessary
30 expenses incurred in the performance of duties as members.

31 Sec. 10. NEW SECTION. 6C.10 COUNCIL -- POWERS AND
32 DUTIES.

33 1. The purpose of the council is to ensure that
34 development by state agencies is coordinated, including
through the adoption of a state strategic development plan as

1 provided in section 6C.12.

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

5 Sec. 11. NEW SECTION. 6C.11 STATE AGENCY PLANNING --
6 CONSULTATION DURING MAJOR PUBLIC PROJECTS.

7 1. The council shall meet regularly and its members shall
8 consult with a state agency when a state agency is engaged in
9 a major public project. The state agency must consult with
10 the council during regularly scheduled meetings conducted
11 throughout the planning stages of the major public project.

12 2. A state agency shall not begin construction of a major
13 public project prior to consulting with the council as
14 provided in section 6C.12, subsection 2.

15 3. In reviewing a major public project, the council shall
16 to every extent practical ensure that the missions, policies,
17 and goals of affected member agencies are not negatively
18 impacted. The major public project shall be planned and
19 constructed consistent with the state strategic development
20 plan as required by section 6C.12.

21 Sec. 12. NEW SECTION. 6C.12 STATE STRATEGIC DEVELOPMENT
22 PLAN.

23 1. a. The council shall establish, maintain, and revise a
24 state strategic development plan which shall be implemented by
25 state agencies as provided in this section. State agencies
26 shall consult with the council regarding major public
27 projects. The council may adopt rules which exempt major
28 public projects from the requirements of this section, to the
29 extent that the council determines that compliance with the
30 state strategic development plan or consultation with the
31 council is inconsistent with or unnecessary to carry out the
32 purposes of this chapter as provided in section 6C.2.

33 b. The state plan shall include development standards and
34 practices that ensure that development conducted by state
35 agencies carries out the purposes of this chapter as provided

1 in section 6C.2, the requirements of this chapter, and
2 relevant strategic development plans. Each state agency shall
3 adopt policies governing development, including planning and
4 construction of projects, which implement development
5 standards and practices as required in the state strategic
6 development plan.

7 2. a. A state agency shall not begin construction of a
8 major public project unless the state agency consults with
9 member agencies during a council meeting. The state agency
10 proposing construction shall submit a plan of development to
11 the council for consideration. The plan shall summarize the
12 major public project and explain how the major public project
13 complies with the requirements of the state strategic
14 development plan and any applicable strategic development plan
15 governing the area where the major public project is proposed
16 to be developed. The state agency shall regularly inform the
17 council of the progress of the major public project during the
18 course of its construction.

19 b. Any concern about or objection to the planning or
20 construction of a major public project expressed by a member
21 agency or the council shall be noted in the minutes of the
22 council. This section does not authorize the council to
23 disapprove a plan for development or alter construction of the
24 major public project.

25 3. The council shall approve an initial state strategic
26 development plan by July 1, 2001.

27 Sec. 13. NEW SECTION. 6C.13 OVERSIGHT.

28 1. The council shall report to the land management
29 planning board as required by the board.

30 2. The council shall report to the committee of the
31 general assembly which is primarily responsible for
32 legislative oversight of state agencies, as required, by the
33 committee. The council shall do all of the following:

34 a. Present information to the committee as requested by
the committee.

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

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

7 DIVISION II

8 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

9 Sec. 14. Section 352.2, Code 1999, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 3A. "Extra-urban development" means
12 development of land for a use, which creates densities and
13 uses within a territory which is not designated for that type
14 of use according to a strategic development plan required to
15 be adopted by a local government as provided in this chapter.
16 However, "extra-urban development" does not include
17 development which is part of any of the following:

18 a. A farm operation, including any related structure which
19 is constructed or installed, or any use or practice which is
20 implemented involving a farm operation, including a residence
21 constructed for occupation by a person engaged in a farm
22 operation.

23 b. The construction, installation, improvement, or
24 maintenance of basic improvements.

25 c. The preservation of natural and historic or cultural
26 areas, the development of recreational areas, or the
27 protection of natural and historic resources and fragile
28 ecosystems of this state including forests, wetlands, rivers,
29 streams, lakes and their shorelines, aquifers, prairies, and
30 recreational areas.

31 d. Development occurring on land which has been platted
32 prior to the effective date of this Act.

33 Sec. 15. Section 352.4, Code 1999, is amended by striking
34 the section and inserting in lieu thereof the following:

35 352.4 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY --

1 REPOSITORY -- STUDY AND REPORT.

2 To the extent that moneys are appropriated and data is
3 available, Iowa state university of science and technology
4 shall do all of the following:

5 1. Serve as the repository of permanent land use and
6 natural resources inventories completed pursuant to section
7 352.5. The university shall provide for computer access of
8 these inventories by the department of economic development
9 for use by the state strategic development council or land
10 management planning board created in chapter 6C.

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

15 a. At least every two years, the university shall prepare
16 a report that includes all of the following:

17 (1) A description of counties that have a farmland
18 protection program or strategies in place, including the use
19 of zoning, or a farmland preservation ordinance adopted
20 pursuant to chapter 335 or programs such as conservation
21 easements.

22 (2) A description of land use changes in each county,
23 which may include an analysis of data collected by the
24 department of revenue and finance. The report to every extent
25 practical shall identify changes in the use or classification
26 of use for parcels of land, including from an agricultural
27 class to a nonagricultural class.

28 (3) An assessment of the productive quality of soil of
29 farmland converted to another use. The assessment of the soil
30 may be by using crop yields, corn suitability ratings, or
31 classifications by the United States department of
32 agriculture.

33 (4) An evaluation of urban growth patterns throughout the
34 state, including areas of extra-urban development.

b. The report shall be delivered to the governor, the

1 general assembly, and the department of economic development
2 not later than September 1 of each reporting year.

3 3. Iowa state university of science and technology shall
4 provide technical advice to the land management planning board
5 in adopting rules necessary for counties to implement a
6 permanent land use and natural resources inventory system as
7 required pursuant to section 352.5. The rules shall provide
8 for implementation according to a schedule adopted by the land
9 management planning board in cooperation with Iowa state
10 university of science and technology. The university shall
11 provide technical assistance to counties in completing the
12 system according to a schedule established by the university
13 in cooperation with the land management planning board.

14 Sec. 16. Section 352.5, Code 1999, is amended by striking
15 the section and inserting the following:

16 352.5 PERMANENT LAND USE AND NATURAL RESOURCES INVENTORY
17 SYSTEM.

18 1. Counties shall establish a permanent land use and
19 natural resources inventory system. The system shall assess
20 and categorize land uses, the productive quality of farmland
21 soil, and the changes in use or classifications for use of the
22 land.

23 a. The data shall be systematically collected by the
24 county, subject to all of the following:

25 (1) Whenever possible, the data shall be enhanced by
26 aerial imagery.

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

29 (3) The data shall be structured in a uniform manner that
30 allows comparisons between counties.

31 (4) To every extent practical, the system shall include
32 any data collected for county land use inventories pursuant to
33 1982 Iowa Acts, chapter 1245.

34 b. The system shall provide for the regular update of
35 data, but not less than every five years.

1 c. The county land preservation and use commission shall
2 administer this section, as provided by the county board of
3 supervisors.

4 2. All counties shall have a system implemented by June
5 30, 2003. However, a county shall not be required to appoint
6 a commission or implement a system until the state
7 appropriates moneys to the county for implementation.

8 Sec. 17. NEW SECTION. 366.1 SHORT DESCRIPTION.

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

13 Sec. 18. NEW SECTION. 366.2 DEFINITIONS.

14 1. "Basic improvement" means the development of land for
15 any of the following:

16 a. A utility, including telephone or other communication
17 lines, city utility as defined in section 362.2, public
18 utility as defined in section 476.1, or pipeline providing or
19 transporting gas, water, wastewater, or sewer service.

20 b. A thoroughfare, such as a road or street as defined in
21 section 306.3.

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

24 3. "Farmland" means farmland as that term is defined in
25 section 352.2.

26 4. "Local legislation" means any ordinance, resolution,
27 motion, amendment, or regulation adopted by a local
28 government, which has the force and effect of law.

29 5. "Planned territory" means territory that is governed or
30 proposed to be governed by a strategic development plan.

31 6. "Public benefits and services" means benefits and
32 services provided by a local government to persons residing
33 within the jurisdiction of the local government, regardless of
34 whether the benefits and services are provided directly or by
35 another person under contract with the local government,

1 including providing for the health and safety, education, or
2 transportation of the public. A public benefit and service
3 includes but is not limited to fire protection and
4 suppression, law enforcement, the collection and disposal of
5 refuse, the delivery of public water and sewer facilities, and
6 ambulance or emergency care.

7 7. "Regional development authority" means a council of
8 governments established pursuant to chapter 28H or a joint
9 planning commission established pursuant to chapter 28I.

10 Sec. 19. NEW SECTION. 366.3 PURPOSES.

11 1. A strategic development plan shall carry out the
12 purposes of this chapter and the requirements of this chapter.

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

20 a. Providing a unified physical design for the development
21 of the local community.

22 b. Encouraging a pattern of compact and contiguous high-
23 density development to be guided into appropriate areas.

24 c. Establishing an acceptable and consistent level of
25 public benefits and services and ensuring timely provision of
26 those public benefits and services.

27 d. Promoting the adequate provision of employment
28 opportunities and the economic health of the local
29 governments.

30 e. Conserving features of significant statewide or
31 regional architectural, cultural, historical, or
32 archaeological interest.

33 f. Protecting life and property from the effects of
34 natural hazards and natural disasters, such as flooding,
35 winds, and wildfires.

1 g. Taking into consideration such other matters that may
2 be logically related to or form an integral part of a plan for
3 the coordinated, efficient, and orderly development of the
4 local communities.

5 h. Providing for a variety of housing choices and assuring
6 affordable housing for future population growth.

7 i. Identifying and protecting farmland, natural areas,
8 environmentally sensitive land, historical or cultural areas,
9 and critical areas of local or statewide concern.

10 j. Preventing the occurrence of urban sprawl, including
11 the economic, environmental, and social costs that accompany
12 urban sprawl, and by encouraging infill development and
13 redevelopment of existing urban sites.

14 k. Allowing local governments to plan for development in a
15 comprehensive, orderly, and cooperative manner.

16 l. Ensuring that adequate basic improvements and public
17 benefits and services are provided concurrently with
18 development.

19 Sec. 20. NEW SECTION. 366.4 LOCAL STRATEGIC DEVELOPMENT
20 COMMITTEE.

21 1. On or before October 1, 2000, a local strategic
22 development committee is created within each county which
23 shall be composed of the following members:

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

26 b. The mayor of each participating city as provided in
27 this section or the mayor's designee as confirmed by the city
28 council.

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

32 d. Two members appointed by the county board of
33 supervisors and one member appointed by the mayor of each of
34 the two largest participating cities, to assure broad
representation of agricultural, environmental, construction,

1 educational, and homeowner interests.

2 e. The mayor of each city which adjoins the county, if the
3 city council adopts a resolution declaring that it elects to
4 be a participant to the creation of the strategic development
5 plan. The mayor shall serve as a nonvoting, ex officio member
6 of the committee.

7 2. a. A city may be excused from voting membership on the
8 strategic development committee if the city council adopts a
9 resolution declaring that it elects not to participate in
10 creating the plan. The city's resolution shall become part of
11 the strategic development plan. If a city adopts such a
12 resolution, the city shall not exercise jurisdiction within
13 its extraterritorial area including as provided in section
14 414.23.

15 b. A city shall not be eligible for voting membership on
16 the committee if the city is completely surrounded by one or
17 more cities, or by one or more cities and the boundaries of
18 another state. The corporate limits of the surrounded city
19 shall constitute the boundaries of the city's strategic
20 development area and such city shall not be eligible to ratify
21 or reject the recommended strategic development plan as
22 provided in section 366.6.

23 Sec. 21. NEW SECTION. 366.5 STRATEGIC DEVELOPMENT PLAN.

24 1. A strategic development plan shall govern a strategic
25 development area designated within a county as provided in
26 this section in order to organize the manner and location of
27 future development in a way that carries out the purposes of
28 this chapter as provided in section 6C.2 and the purposes of a
29 strategic development plan as provided in section 366.3. A
30 strategic development plan shall govern a strategic
31 preservation area if created in the plan in order to preserve
32 prime agricultural land for agricultural production, or
33 natural, cultural, or historical areas.

34 a. The participants to creation of the strategic
35 development plan shall be all of the following:

1 (1) The county.

2 (2) All cities as provided in section 366.4 which are
3 located in the county.

4 b. A city that adjoins the county may serve as a
5 nonvoting, ex officio member of the committee.

6 2. A strategic development plan may rely upon a
7 comprehensive plan adopted pursuant to section 335.5 or
8 section 414.3, to the extent that the comprehensive plan
9 complies with this chapter.

10 3. A strategic development plan approved pursuant to this
11 chapter shall be the basis for the comprehensive plan of each
12 county required pursuant to section 335.5, if the county has
13 adopted a zoning ordinance, and for the comprehensive plan of
14 each city in the county required pursuant to section 414.3.
15 The county and each city shall amend its comprehensive plan as
16 necessary to conform to the strategic development plan.

17 4. A county and cities are encouraged to continue to plan
18 for development and land use jointly and to use the strategic
19 development plan as a basis for subsequent joint planning.

20 5. A strategic development plan shall include, at a
21 minimum, documents describing and depicting the corporate
22 limits of each city in the county and the boundaries of each
23 strategic development area and each strategic preservation
24 area. The strategic development plan may address issues of
25 mutual interest, including issues relating to basic
26 improvements, improvements paid for with public funds, and
27 public benefits and services, economic development, housing,
28 and recreation.

29 a. A strategic development plan may establish one or more
30 strategic development areas.

31 (1) In establishing a strategic development area, the plan
32 shall do all of the following:

33 (a) Identify territory that is reasonably compact yet
34 sufficiently large to accommodate residential and
nonresidential growth projected to occur during the next

1 twenty years.

2 (b) Identify territory that is contiguous to the existing
3 boundaries of a city.

4 (c) Identify territory that a reasonable and prudent
5 person would project as the likely site of high-density
6 commercial, industrial, or residential growth over the next
7 twenty years based on historical experience, economic trends,
8 population growth patterns, topographical characteristics, and
9 any professional planning, engineering, and economic studies
10 that are available. The city shall report population growth
11 projections for the city based upon state and federal census
12 data.

13 (2) A strategic development area shall not contain any
14 agricultural land which has a corn suitability rating of sixty
15 or higher, according to information released by Iowa state
16 university to the department of revenue and finance for
17 purposes of determining the productivity formula for
18 assessment and taxation of agricultural land, unless there is
19 a showing by the local strategic development committee created
20 pursuant to section 366.4, that the land is necessary for the
21 orderly development of the strategic development area.

22 b. A strategic development plan may establish one or more
23 strategic preservation areas. In establishing a strategic
24 preservation area, the plan shall identify territory to be
25 preserved for the next twenty years for agricultural purposes,
26 forests, recreational areas, wildlife management areas,
27 cultural areas, historical areas, or other areas planned for
28 preservation.

29 Sec. 22. NEW SECTION. 366.6 LOCAL GOVERNMENT ADOPTION OF
30 STRATEGIC DEVELOPMENT PLAN.

31 1. The local strategic development committee shall
32 recommend a strategic development plan that conforms with
33 section 366.3.

34 2. When designating that part of a strategic development
35 area contiguous to a city, the committee shall identify, and

1 give consideration to, the amount of territory within the
2 current incorporated boundaries of the city that is vacant or
3 undeveloped land.

4 3. The committee shall conduct a review of existing
5 comprehensive plans governing a proposed strategic development
6 area or proposed strategic preservation area. The committee
7 shall consider proposed strategic development plans submitted
8 by a nonvoting, ex officio member serving on the committee as
9 provided in section 366.4.

10 4. The committee shall utilize planning resources that are
11 available within the county, including city and county
12 planning commissions and zoning administrators. The committee
13 is also encouraged to utilize the services of a regional
14 development authority, Iowa state university of science and
15 technology, the university of Iowa, and the university of
16 northern Iowa.

17 5. Prior to final approval of the recommended strategic
18 development plan by the committee, the committee shall hold at
19 least one public hearing on the proposed recommended strategic
20 development plan. The county auditor shall give at least
21 thirty days' notice of the time, place, and purpose of the
22 public hearing by notice published in a newspaper of general
23 circulation in the county.

24 6. Not later than January 1, 2002, the committee shall
25 submit the recommended strategic development plan to the
26 county board of supervisors and the city council of each city
27 with a voting member on the committee for ratification.

28 a. Not later than one hundred twenty days after receiving
29 the recommended strategic development plan, the county board
30 of supervisors and the city councils shall adopt a resolution
31 to either ratify or reject the recommended strategic
32 development plan. A city or county that fails to timely act
33 on the resolution shall be deemed to have ratified the
34 recommended strategic development plan on the last day of the
one-hundred-twenty-day period. If the strategic development

1 plan is ratified, the committee shall file and record the plan
2 as provided in section 366.9.

3 b. If the county board of supervisors or the city councils
4 reject the recommended strategic development plan submitted by
5 the committee, the county or city shall submit its objections
6 to the plan, as provided by the committee. After receiving
7 objections to the plan, the committee may recommend a revised
8 strategic development plan. The committee shall submit any
9 revised strategic development plan for ratification to the
10 county board of supervisors and the city council of each city
11 with a voting member on the committee.

12 Not later than one hundred twenty days after receiving a
13 revised recommended strategic development plan, the county
14 board of supervisors and city councils city shall either
15 ratify or reject the revised recommended strategic development
16 plan in the same manner as provided in paragraph "a". A city
17 or county that fails to timely act on a resolution shall be
18 deemed to have ratified the recommended strategic development
19 plan on the last day of the one-hundred-twenty-day period.

20 7. If the plan has been rejected by a city or county, the
21 committee shall submit the original recommended strategic
22 development plan and the revised strategic development plan to
23 the land management planning board as provided in section
24 366.7.

25 Sec. 23. NEW SECTION. 366.7 DISPUTE RESOLUTION.

26 1. If a recommended strategic development plan or a
27 revised strategic development plan is rejected pursuant to
28 section 366.6, the committee shall submit each of the
29 considered plans to the land management planning board for
30 resolution of the matter. The board shall conduct a hearing
31 according to rules of procedure adopted by the board which may
32 be the same as provided for a contested case proceeding under
33 chapter 17A. At that hearing, persons may appear to propose
34 revisions to the plans or to state objections to the plans.

35 The board shall review the strategic development plans

1 submitted to the committee and shall resolve the dispute by
2 approving one of the strategic development plans submitted
3 based on the extent to which the plan furthers the purposes of
4 chapter 6C and the purposes of the strategic development plan
5 as provided in section 366.3.

6 2. The land management planning board shall submit to the
7 county auditor the strategic development plan approved by the
8 board for consideration by the county supervisors and for
9 distribution by the county auditor to the city council of each
10 city in the county and each city adjoining the county that has
11 appointed a member to serve as a nonvoting, ex officio member
12 of the local strategic development committee. Such entities
13 shall be provided a reasonable time to consider the proposed
14 strategic development plan as required by the board.

15 The proposed strategic development plan must be approved by
16 resolution by the board of supervisors in the county and the
17 city council of each city that has a voting member on the
18 committee.

19 The board of supervisors for the county shall notify the
20 land management planning board of the ratification or
21 rejection of the proposed strategic development plan in a
22 manner required by the land management planning board. If
23 notice of rejection is submitted to the land management
24 planning board, the notice shall be accompanied by final
25 recommendations for to the proposed strategic development plan
26 which have been approved by all of the city councils and the
27 board of supervisors voting on the proposed plan. The land
28 management planning shall adopt the proposed plan with the
29 approved revisions as the final approved strategic development
30 plan. The committee shall file and record the final approved
31 plan as provided in section 366.9.

32 Not later than July 1, 2002, the land management planning
33 board shall have approved strategic development plans
34 submitted to the board for dispute resolution.

Sec. 24. NEW SECTION. 366.8 JOINT DEVELOPMENT PLAN

1 APPROVED BY THE BOARD.

2 After a strategic development plan is ratified or approved,
3 the participating local governments and any city adjoining the
4 county that appointed a member to serve on the local strategic
5 development committee shall prepare a joint development plan
6 for managing future development within the area in a manner
7 consistent with the purposes of this chapter and the strategic
8 development plan ratified or adopted pursuant to this section.
9 The joint development plan shall describe development planned
10 for the strategic development area, including proposed zoning
11 classifications, the location of public buildings, and the
12 provision of public benefits and services and public
13 improvements. The joint development plan may be executed as
14 an agreement under chapter 28E.

15 Sec. 25. NEW SECTION. 366.9 RECORDING AND FILING OF
16 STRATEGIC DEVELOPMENT PLAN.

17 No later than five days after a strategic development plan
18 has been finally ratified as provided in section 366.6 or
19 after it has been approved by the land management planning
20 board as provided in section 366.8, the local strategic
21 development committee shall record a copy of the plan in the
22 office of county recorder. The plan shall become effective
23 upon its recording with the county recorder.

24 All ratified or approved strategic development plans must
25 be filed with the land management planning board.

26 Sec. 26. NEW SECTION. 366.10 EFFECTIVENESS.

27 After a strategic development plan has been recorded with
28 the county recorder, the plan shall remain in effect for not
29 less than five years absent a showing of extraordinary
30 circumstances necessitating a change in the plan. After
31 expiration of the five-year period, the county or a member
32 city may propose an amendment to the strategic development
33 plan or may propose a review of the plan by filing notice with
34 the county board of supervisors for the county, the city
35 council of each city in the county, and any other member city.

1 Upon receipt of such notice by the county and each member
2 city, the county board of supervisors shall promptly reconvene
3 the local strategic planning committee. The burden of proving
4 the reasonableness of a proposed amendment to the plan shall
5 be upon the party proposing the amendment. The procedures for
6 amending the strategic development plan shall be the same as
7 the procedures set forth in this chapter for establishing the
8 original strategic development plan.

9 Sec. 27. NEW SECTION. 366.11 APPEAL -- JUDICIAL REVIEW.

10 1. The affected county, an affected participating city, a
11 resident of such county, or an owner of real property located
12 within such county may appeal a decision of the land
13 management planning board relating to the strategic
14 development plan presented to the board for its approval. A
15 resident of the affected county or an owner of real property
16 located within such county may appeal the local governments'
17 final ratification of a plan. The judicial review provisions
18 of this section and chapter 17A shall be the exclusive means
19 by which a person or party who is aggrieved or adversely
20 affected by action of the board, county, or a city may seek
21 judicial review of that board action.

22 2. Appeal must be filed within sixty days after the
23 strategic development plan is recorded with the county
24 recorder. In accordance with the Iowa rules of civil
25 procedure pertaining to service of process, copies of the
26 petition shall be served upon the land management planning
27 board, the county, and each city located in the county.

28 3. The court's review on appeal of a decision is limited
29 to questions relating to jurisdiction, regularity of
30 proceedings, and whether the decision appealed from is, by a
31 preponderance of the evidence, arbitrary, unreasonable, or
32 without substantial supporting evidence. The court may
33 reverse and remand a decision of the board with appropriate
34 directions to the county and the participating cities in order
to identify and obtain adoption or approval of a growth plan

1 in conformance with the procedures set forth in this part.

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

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

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

16 b. Subsection 5.

17 c. Subsection 8.

18 d. Subsections 10 through 12.

19 Sec. 28. NEW SECTION. 366.12 LOCAL LEGISLATION.

20 1. A city or county may adopt local legislation regulating
21 development within its territory in order to carry out the
22 purposes of this chapter that is consistent with the strategic
23 development plan governing the territory. A city or county
24 shall cooperate with any other city or county, which is a
25 party to a strategic development plan in adopting local
26 legislation regulating development within a strategic
27 development area or a strategic preservation area. The local
28 legislation may provide for all of the following:

29 a. Defraying development costs incurred by the local
30 government to the extent determined appropriate by the local
31 government. The local legislation may provide for financing
32 the construction of basic improvements and the delivery of
33 public benefits and services to its territory, including the
34 imposition of any impact fees to defray the costs of providing
35 off-site or adjacent basic improvements or public benefits and

1 services.

2 b. Providing for the establishment of conservation
3 easements; the acquisition of development rights, including
4 the purchase of development rights or the transfer of
5 development rights; and development standards.

6 2. A local government is under no obligation to provide
7 public benefits and services for development that do not
8 conform to the local government's strategic development plan.

9 Sec. 29. NEW SECTION. 366.13 REGIONAL DEVELOPMENT
10 AUTHORITIES.

11 A regional development authority shall not provide
12 development assistance, including planning, investigations, or
13 studies, that is inconsistent with a strategic development
14 plan for the area served by the regional development
15 authority.

16 DIVISION III
17 CITY DEVELOPMENT

18 Sec. 30. Section 368.1, subsection 3, Code 1999, is
19 amended to read as follows:

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

22 Sec. 31. Section 368.1, subsection 6, Code 1999, is
23 amended to read as follows:

24 6. "Committee" means the board members, and the local
25 representatives appointed as provided in sections section
26 368.14 and-368-14A, to hear and make a decision on a petition
27 or plan for city development.

28 Sec. 32. Section 368.1, Code 1999, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 10A. "Municipal services" means benefits
31 and services provided by a local government to persons
32 residing within the jurisdiction of the local government,
33 regardless of whether the benefits and services are provided
34 directly or by another person under contract with the local
government, including providing for the health and safety,

1 education, or transportation of the public. Municipal
2 services include, but are not limited to, fire protection and
3 suppression, law enforcement, the collection and disposal of
4 refuse, the delivery of public water and sewer facilities, and
5 ambulance or emergency care.

6 NEW SUBSECTION. 11A. "Regional development authority"
7 means a council of governments established pursuant to chapter
8 28H or a joint planning commission established pursuant to
9 chapter 28I.

10 Sec. 33. Section 368.6, Code 1999, is amended by striking
11 the section and inserting in lieu thereof the following:

12 368.6 PURPOSE.

13 The purpose of this chapter is to establish a process for
14 the approval of a petition for city development which is
15 consistent with a strategic development plan governing the
16 territory and which considers the desire of the residents of
17 the territory subject to a boundary change and the interests
18 of the residents of all territories affected by city
19 development.

20 Sec. 34. Section 368.7, subsection 4, unnumbered paragraph
21 2, Code 1999, is amended by striking the paragraph.

22 Sec. 35. Section 368.7A, subsection 1, Code 1999, is
23 amended to read as follows:

24 1. The board of supervisors of each affected county shall
25 notify the city-development land management planning board of
26 the existence of that portion of any secondary road which
27 extends to the center line but has not become part of the city
28 by annexation and has a common boundary with a city. The
29 notification shall include a legal description and a map
30 identifying the location of the secondary road. The city
31 development land management planning board shall provide
32 notice and an opportunity to be heard to each city in or next
33 to which the secondary road is located. The city-development
34 land management planning board shall certify that the
35 notification is correct and declare the road, or portion of

1 the road extending to the center line, annexed to the city as
2 of the date of certification. This section is not intended to
3 interfere with or modify existing chapter 28E agreements on
4 jurisdictional transfer of roads, or continuing negotiations
5 between jurisdictions.

6 Sec. 36. Section 368.11, unnumbered paragraph 1, Code
7 1999, is amended to read as follows:

8 A petition for incorporation, discontinuance, or boundary
9 adjustment may be filed with the board by a city council, a
10 county board of supervisors, a regional planning authority, or
11 five percent of the qualified-electors registered voters of a
12 city or territory involved in the proposal. Notice of the
13 filing, including a copy of the petition and notice of the
14 date and time of the public meeting required in this section,
15 must be served upon sent by certified mail to the council of
16 each city for which a discontinuance or boundary adjustment is
17 proposed, the board of supervisors for each county which
18 contains a portion of a city to be discontinued or territory
19 to be incorporated, annexed or severed, the council of a city
20 if an incorporation includes territory within the city's
21 urbanized area, and any regional planning authority for the
22 area involved, and each owner of land in the territory
23 including a person who has purchased the land under a real
24 estate contract under chapter 656 if the contract is recorded
25 with the county recorder.

26 Sec. 37. Section 368.11, unnumbered paragraph 2, Code
27 1999, is amended to read as follows:

28 Within ninety days of receipt of a petition, the board
29 shall initiate appropriate proceedings or dismiss the
30 petition. The board may combine for consideration petitions
31 or plans which concern the same territory or city or which
32 provide for a boundary adjustment or incorporation affecting
33 common territory. The combined petitions may be submitted for
34 consideration by a ~~special~~ local committee pursuant to section
368.14A 368.14.

1 Sec. 38. Section 368.11, subsection 8, Code 1999, is
2 amended to read as follows:

3 8. Description A description of existing municipal
4 services, including but not limited to water supply, sewage
5 disposal, and fire and police protection and a description of
6 planned public improvements in the territory.

7 Sec. 39. Section 368.11, Code 1999, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 14. A statement describing how the
10 boundary adjustment will conform to or further the city's
11 strategic development plan.

12 Sec. 40. Section 368.12, Code 1999, is amended to read as
13 follows:

14 368.12 DISMISSAL.

15 The board may dismiss a petition only if it finds that the
16 petition does not meet the requirements of this chapter, or
17 that substantially the same incorporation, discontinuance, or
18 boundary adjustment has been disapproved by a committee formed
19 to consider the proposal, or by the voters, within the two
20 years prior to the date the petition is filed with the board,
21 or that the territory to be annexed, or a portion of that
22 territory, has been voluntarily annexed under section 368.7,
23 or that the territory to be annexed is not located in the
24 strategic development area of the annexing city. The board
25 shall file for record a statement of each dismissal and the
26 reason for it, and shall promptly notify the parties to the
27 proceeding of its decision.

28 The board shall consider any objection by the county in
29 which the territory is located or any county which jointly
30 approved a strategic development plan with the county where
31 the territory is located.

32 Sec. 41. Section 368.15, Code 1999, is amended to read as
33 follows:

34 368.15 PUBLIC HEARING.

35 1. a. The committee shall conduct a public hearing on a

1 proposal as soon as practicable. Notice of the hearing must
2 be served upon the council of each city for which a
3 discontinuance or boundary adjustment is proposed, the county
4 board of supervisors for each county which contains a portion
5 of a city to be discontinued or territory to be incorporated,
6 annexed, or severed, each party to a strategic development
7 plan for the area involved prepared pursuant to chapter 366,
8 and any regional planning authority for the area involved.
9 Notice shall also be sent to all the owners of property
10 located within the territory subject to annexation. The
11 notice shall also be delivered to each person who has
12 purchased land within the territory under a real estate
13 contract under chapter 656, if the contract is recorded with
14 the county recorder and to all the owners of property
15 adjoining property located within the territory subject to
16 annexation.

17 b. A notice of the hearing, which includes a brief
18 description of the proposal and a statement of where the
19 petition or plan is available for public inspection, must be
20 published as provided in section 362.3, except that there must
21 be two publications in a newspaper having general circulation
22 in each city and each territory involved in the proposal. Any
23 person may submit written briefs, and in the committee's
24 discretion, may be heard on the proposal. The board may
25 subpoena witnesses and documents relevant to the proposal.

26 2. In considering a petition for a boundary adjustment,
27 the committee shall receive and weigh evidence of all of the
28 following:

29 a. The potential effect of the proposed city development
30 on adjacent areas, and on other local governments directly
31 affected, including but not limited to the potential impact of
32 the proposed boundary adjustment on future revenues of
33 affected local governments.

34 b. Whether the petition is based on a voluntary boundary
adjustment.

1 c. The desire of persons residing in the territory to be
2 annexed.

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

5 a. Existing and projected commercial and industrial
6 development within the territory to be annexed.

7 b. Existing and projected population in the territory to
8 be annexed.

9 c. A plan of annexation which the city must file with the
10 petition. The plan of annexation shall include a joint
11 development plan for the strategic development area subject to
12 annexation as required in section 366.8. The plan of
13 annexation shall include a schedule for providing municipal
14 services and constructing proposed public improvements. The
15 board shall consider the potential effects of extending
16 municipal services and constructing proposed public
17 improvements as required in the plan of annexation, including
18 but not limited to the cost and adequacy of providing,
19 existing municipal services and constructing public
20 improvements within the territory to be annexed.

21 d. The extent of available and suitable developable land
22 within the corporate limits of the city.

23 e. The extent to which the bounded territory included in
24 the proposed annexation is as compact and contiguous to the
25 city as possible.

26 f. The extent to which a voluntary boundary adjustment was
27 attempted.

28 Sec. 42. Section 368.17, Code 1999, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 8. An annexation or severance if such
31 annexation or severance would be in violation of the strategic
32 development plan for the county in which the territory is
33 located.

34 DIVISION IV
35 MISCELLANEOUS PROVISIONS

1 Sec. 43. Section 15.108, subsection 3, paragraph a,
2 subparagraph (2), Code 1999, is amended to read as follows:

3 (2) Provide office space and staff assistance to the city
4 development board as provided in section 368.9 6C.5.

5 Sec. 44. Section 306.9, unnumbered paragraph 1, Code 1999,
6 is amended to read as follows:

7 It is the policy of the state of Iowa that relocation of
8 primary highways through cultivated land shall be avoided to
9 the maximum extent possible. When the volume of traffic for
10 which the road is designed or other conditions, including
11 designation as part of the network of commercial and
12 industrial highways, require relocation, diagonal routes shall
13 be avoided if feasible and prudent alternatives consistent
14 with efficient movement of traffic exist. The department
15 shall adopt rules pursuant to chapter 17A that establish an
16 analytical framework for determining when a primary highway
17 must be relocated through cultivated farmland, including by
18 using diagonal routes. The rules shall include a detailed
19 list of factors for use by the department in completing its
20 analysis in compliance with the state's policy.

21 Sec. 45. Section 331.304, subsection 7, Code 1999, is
22 amended to read as follows:

23 7. The board may file a petition with the city-development
24 land management planning board as provided in section 368.11.

25 Sec. 46. Section 331.321, subsection 1, paragraph u, Code
26 1999, is amended to read as follows:

27 u. Local representatives to serve with the city
28 development land management planning board as provided in
29 section 368.14.

30 Sec. 47. Section 331.507, subsection 2, unnumbered
31 paragraph 1, Code 1999, is amended to read as follows:

32 The auditor ~~is-entitled-to~~ shall collect the following
33 fees:

34 Sec. 48. Section 331.507, subsection 2, paragraph a,
unnumbered paragraph 1, Code 1999, is amended to read as

1 follows:

2 For a transfer of property made in the transfer records,
3 ~~five~~ nine dollars for each separate parcel of real estate
4 described in a deed, or transfer of title certified by the
5 clerk of the district court. However, the fee shall not
6 exceed ~~fifty~~ fifty-four dollars for a transfer of property
7 which is described in one instrument of transfer.

8 Sec. 49. Section 331.507, subsection 3, Code 1999, is
9 amended to read as follows:

10 3. Fees collected ~~or-received~~ by the auditor under this
11 section shall be accounted for and paid as follows:

12 a. The first five dollars collected under this section for
13 each separate parcel of real estate, up to fifty dollars for
14 transfers of property described in one instrument shall be
15 paid into the county treasury as provided in section 331.902.

16 b. The remaining moneys collected under this section shall
17 be paid to the department of revenue and finance on a monthly
18 basis for deposit in the land management planning fund as
19 created in section 6C.7.

20 Sec. 50. Section 384.38, subsection 2, Code 1999, is
21 amended to read as follows:

22 2. Upon petition as provided in section 384.41, subsection
23 1, a city may assess to private property affected by public
24 improvements within three miles of the city's boundaries the
25 cost of construction and repair of public improvements within
26 that area. The right-of-way of a railway company shall not be
27 assessed unless the company joins as a petitioner for said
28 improvements. In the petition the property owners shall waive
29 the limitation provided in section 384.62 that an assessment
30 may not exceed twenty-five percent of the value of the lot.
31 The petition shall contain a statement that the owners agree
32 to pay the city an amount equal to five percent of the cost of
33 the improvements, to cover administrative expenses incurred by
34 the city. This amount may be added to the cost of the
35 improvements. Before the council may adopt the resolution of

1 necessity, the preliminary resolution, preliminary plans and
2 specifications, plat, schedule, and estimate of cost must be
3 submitted to, and receive written approval from, the board of
4 supervisors of any county which contains part of the property,
5 and the city development board established in section 368-9
6 6C.5.

7 Sec. 51. Sections 368.4, 368.9, 368.10, and 368.14A, Code
8 1999, are repealed.

9 Sec. 52. IMPLEMENTATION OF ACT. The fees and funds
10 generated as a result of the enactment of this Act are
11 intended to cover the costs of any state mandate included in
12 this Act and this specification of state funding shall be
13 deemed to meet all the state funding-related requirements of
14 section 25B.2, subsection 3, and no additional state funding
15 shall be necessary for the full implementation of this Act by,
16 and enforcement of this Act against, all affected political
17 subdivisions.

18 Sec. 53. The person appointed by the director of the
19 department of economic development to serve on the land
20 management planning board as created in section 6C.5, as
21 enacted in this Act, shall be a member of the special
22 commission to study and make recommendations concerning urban
23 planning, growth management of cities, and protection of
24 farmland as provided in House Concurrent Resolution 21, as
25 passed by the Seventy-sixth General Assembly.

26 Sec. 54. EFFECTIVE DATES.

27 1. Except as provided in this section, this Act takes
28 effect July 1, 2000.

29 2. The land management planning board and the state
30 strategic development council as created in this Act shall be
31 appointed as soon as practical upon the enactment of this Act.
32 The entities shall carry out all functions necessary to
33 prepare for the administration of this Act beginning July 1,
34 2000. This subsection takes effect upon enactment.

EXPLANATION

3178

S.F. _____ H.F. _____

1 This bill makes changes to the law relating to state and
2 local land management planning and development.

3 The bill creates the land management planning board, which
4 is the current city development board with expanded membership
5 and expanded duties. The land management planning board,
6 besides being involved with city development and annexation,
7 will provide oversight to the state strategic development
8 council and will oversee administration of claims
9 reimbursement from the land management planning fund to local
10 strategic development committees. The land management
11 planning fund is created to provide reimbursement to local
12 strategic development committees for costs incurred in
13 preparing a local strategic development plan. The bill
14 increases the fees paid to county auditors when a transfer of
15 property is recorded. A portion of the fee is retained by the
16 county and a portion is required to be paid over to the
17 department of revenue and finance for deposit in the land
18 management planning fund.

19 The bill establishes the state strategic development
20 council which is to oversee planning by state agencies
21 involved in major public projects. The bill provides that the
22 council shall prepare a state strategic development plan to be
23 implemented by state agencies involved with major public
24 projects. Membership on the council is composed of
25 representatives of the governor's office, the department of
26 economic development, the department of natural resources, the
27 state department of transportation, the department of
28 corrections, the department of general services, and the
29 office of the secretary of agriculture. Also, members on the
30 council are to include the state historic preservation
31 officer, a representative of the board of regents, and four
32 members of the general assembly.

33 The bill provides that, as of July 1, 2002, a public agency
34 may not award certain types of financial assistance to persons
35 for use in developing land if the development is not

1 consistent with the strategic development plan for the area.

2 The bill requires counties to implement a permanent land
3 use and natural resources inventory system. Iowa state
4 university is designated the repository for county land use
5 and natural resources inventories and shall provide computer
6 access to the inventories to the extent that moneys are
7 appropriated for these purposes. Iowa state university is
8 also required to provide technical assistance to counties in
9 implementing a permanent land use and natural resources
10 inventory system.

11 The bill requires each county and certain cities in the
12 county to form a strategic development committee by October 1,
13 2000, for the purpose of creating a strategic development
14 plan. The purpose of the plan is to direct the coordinated,
15 efficient, and orderly development of local governments, based
16 on an analysis of present and future land use needs. A

17 strategic development plan may identify areas for future
18 development and may identify strategic preservation areas
19 where development would not be allowed to occur. Prior to
20 final approval of a strategic development plan, the committee
21 is required to hold a public hearing on the proposed plan.
22 Plans are to be submitted by the committee to the
23 participating cities and county by January 1, 2002, for
24 ratification. If a proposed strategic development plan is not
25 ratified by the cities and county with membership on the local
26 strategic development committee, the plan and any proposed
27 changes are forwarded to the land management planning board
28 for dispute resolution.

29 Plans ratified by the cities and county or approved after
30 dispute resolution by the land management planning board are
31 to be recorded with the county recorder and filed with the
32 land management planning board. A plan does not take effect
33 until it is filed with the county recorder. A plan remains in
34 effect for five years. The bill provides that the strategic
development plan shall be the basis for the comprehensive plan

1 of the participating cities and county.

2 The bill also amends procedures relating to city
3 development and annexation. The bill defines "municipal
4 services" and "regional development authority" for purposes of
5 city development.

6 The bill amends the procedure for involuntary annexations
7 to provide that notice of the filing of an annexation petition
8 must include the date and time of the public meeting required
9 to be held on the petition. The notice must be sent by
10 certified mail. The bill provides that the owner of land
11 includes a person who has purchased land under a real estate
12 contract if the contract is recorded with the county recorder.

13 The bill amends the reasons for which the land management
14 planning board must dismiss a petition for involuntary
15 annexation to include that the area proposed to be annexed is
16 not located in a strategic development area. The bill also
17 provides that the board shall hear objections to a petition
18 from the county in which the territory to be annexed is
19 located and from any other county that participated in
20 creation of the strategic development plan which governs the
21 territory.

22 The bill provides that a local committee appointed to
23 consider an involuntary annexation petition shall consider as
24 evidence the potential effect of the boundary adjustment on
25 the provision of municipal services and the effect on other
26 local governments including future revenues of affected local
27 governments and the desire of persons residing in the
28 territory to be annexed.

29 The bill provides that a committee may not approve an
30 annexation or severance if such action would be in violation
31 of the strategic development plan for the county where the
32 territory to be annexed is located.

33 The bill repeals the section of the Code that required a
34 special local committee be appointed to consider competing
35 annexation petitions or plans, leaving the local committee to

1 consider such petitions or plans.

2 The bill is amended to require the state department of
3 transportation adopt rules establishing factors which must be
4 analyzed when determining when a primary highway must be
5 relocated through cultivated farmland.

6 The bill takes effect July 1, 2000. The bill directs,
7 however, that the portion of the bill requiring appointment of
8 members to the land management planning board and the state
9 strategic development council take effect upon enactment.

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FILED MAR 28 '00

SENATE FILE

2437

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2370)

(SUCCESSOR TO SSB 3178)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to state and local land management planning and
2 development and providing transition, effective date, and
3 applicability provisions.

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

SF 2437

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DIVISION I

STATE LAND MANAGEMENT AND PLANNING POLICY

Section 1. NEW SECTION. 6C.1 TITLE.

This chapter shall be known and may be cited as the "Land Development Management Act".

Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE --
PURPOSE OF THIS CHAPTER.

1. The policy of the state is to ensure the sound and orderly development and use of land including agricultural, commercial, industrial, residential, recreational, and historic uses.

2. The purposes of this chapter include all of the following:

a. Preserving the use of prime agricultural land for agricultural production, and preserving natural, cultural, and historical areas.

b. Striking a balance between the need to carry out the legitimate public purposes described in this section and the need to preserve private property rights.

c. Encouraging economic development in this state by providing for development in areas where development has been planned by local governments.

d. Controlling urban sprawl, and thereby providing for the protection and preservation of the private and public interest in the land, water, and related resources of this state for the public health, safety, and general welfare, and for the benefit of present and future generations.

e. Encouraging communication and coordination between local units of government regarding transportation and land use decision making.

3. All public agencies shall cooperate in achieving the purposes and carrying out the provisions of this chapter.

Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.

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

- 1 2. "Council" means the state strategic development council
2 as created pursuant to section 6C.9.
- 3 3. "Department" means the department of economic
4 development.
- 5 4. "Development" means the construction or structural
6 alteration, conversion, or enlargement of a structure or use
7 of land, including the construction of basic improvements,
8 public improvements, buildings, structures, or impermeable
9 structures.
- 10 5. "Farmland" means farmland as that term is defined in
11 section 352.2.
- 12 6. "Fund" means the land management planning fund as
13 created in section 6C.7.
- 14 7. "Inventory" means a permanent land use and natural
15 resources inventory system as provided in section 352.5.
- 16 8. "Local government" means a county or city government.
- 17 9. "Local legislation" means any ordinance, resolution,
18 motion, amendment, or regulation adopted by a local
19 government, which has the force and effect of law.
- 20 10. "Major public project" means any of the following:
- 21 a. The construction of a new or the relocation of an
22 existing highway.
- 23 b. The construction or expansion of an improvement,
24 including a structure or basic improvement, other than a
25 highway, which involves the development of more than fifty
26 acres of land or six thousand tons of topsoil.
- 27 c. The construction of any of the following:
- 28 (1) A dam or reservoir.
- 29 (2) A correctional institution as provided in chapter 904.
- 30 11. "Member agency" means a state agency which is
31 represented on the council as provided in section 6C.9.
- 32 12. "Public agency" means a state agency, local
33 government, or other political subdivision, including but not
34 limited to a principal department as provided in section 7E.5,
35 a school corporation organized under chapter 273 or 274, a

1 community college as provided in chapter 260C, a regional
2 library as provided in chapter 256, or a township as provided
3 in chapter 359.

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

12 14. "Regional development authority" means a council of
13 governments established pursuant to chapter 28H or a joint
14 planning commission established pursuant to chapter 28I.

15 15. "State agency" means the same as "agency" defined in
16 section 17A.2.

17 16. "Strategic development area" means an area governed by
18 a strategic development plan as provided in chapter 366.

19 17. "Strategic development plan" means a plan adopted by a
20 county and cities participating as provided in chapter 366 as
21 a means to organize the manner and location of future
22 development within a territory of a county.

23 18. "Urban sprawl" means the development of land that
24 occurs on the fringes of cities, if the development is for a
25 use which is not contiguous to existing or approved
26 development, creates urban densities and uses within future
27 urbanizing and agriculturally productive land, natural or
28 historic areas, and is designed without regard to its
29 surroundings.

30 Sec. 4. NEW SECTION. 6C.4 FINANCIAL ASSISTANCE AWARDED
31 BY PUBLIC AGENCIES.

32 1. Effective July 1, 2002, in order for a public agency to
33 award financial assistance to persons for use in developing
34 land, the development shall be consistent with the relevant
35 strategic development plan prepared pursuant to chapter 366.

1 2. Financial assistance includes but is not limited to
2 moneys awarded from the following:

3 a. The community economic betterment account established
4 in section 15.320.

5 b. The revitalize Iowa's sound economy fund created in
6 section 315.2.

7 c. Iowa economic development bond bank program established
8 pursuant to section 16.102.

9 d. Tax increment financing created pursuant to section
10 403.19.

11 e. Tax exemptions within revitalization areas as provided
12 in chapter 404.

13 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
14 BOARD.

15 1. A land management planning board is created as the
16 state's principal agency overseeing planning by local
17 governments. The board shall oversee administration of this
18 chapter, and chapters 366 and 368, monitor the effectiveness
19 of public agencies in achieving the purposes of this chapter
20 as provided in section 6C.2, and study methods to better
21 achieve those purposes.

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

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

25 b. One member appointed from a city with a population of
26 more than forty-five thousand but less than one hundred
27 thousand.

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

30 d. One member appointed from a county with a population of
31 fifty thousand or less.

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

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

- 1 g. One member appointed by the secretary of agriculture.
2 h. One member appointed by the director of the department
3 of natural resources.
4 i. One member appointed by the director of the department
5 of economic development.
6 j. Two members representing the general public.
7 3. With the exception of members appointed under
8 paragraphs "g", "h", and "i", the members shall be appointed
9 by the governor subject to confirmation by the senate as
10 provided in section 2.32. The appointments must be for six-
11 year staggered terms beginning and ending as provided in
12 section 69.19, or for an unexpired term if a vacancy occurs.
13 No member shall serve more than two complete six-year terms.
14 4. A member may be removed from office by the governor for
15 misfeasance, malfeasance, willful neglect of duty, or other
16 just cause, after notice and hearing, unless the notice and
17 hearing is expressly waived in writing.
18 5. The board shall elect a chairperson each year.
19 6. Members of the board, other than a state officer or
20 employee, are entitled to receive a per diem as specified in
21 section 7E.6 for each day spent in performance of duties as
22 members, and shall be reimbursed for all actual and necessary
23 expenses incurred in the performance of duties as members.
24 7. The department of economic development shall provide
25 office space and staff assistance, and shall budget funds to
26 cover expenses of the board. The office of attorney general
27 shall provide legal counsel to the board.
28 Sec. 6. NEW SECTION. 6C.6 POWERS AND DUTIES OF THE
29 BOARD.
30 1. The board shall do all of the following:
31 a. Approve or disapprove strategic development plans
32 submitted for dispute resolution pursuant to chapter 366.
33 b. Approve or disapprove petitions for city development as
34 provided in chapter 368.
35 c. Establish policies for administration of the land

1 management planning fund for development management and
2 farmland and natural area protection as created in section
3 6C.7. The board shall pay claims by eligible local
4 governments for reimbursement of expenses relating to
5 preparing strategic development plans as provided in section
6 6C.8.

7 d. Adopt rules pursuant to chapter 17A which are necessary
8 to administer its duties under this chapter and chapters 366
9 and 368. The rules shall include establishing filing fees for
10 petitions and applications submitted to the board. The board
11 may establish a schedule of fees required to file these
12 documents with the board, based on criteria established by the
13 board, which may include the size of the local government
14 filing the document.

15 2. The board may adopt forms to be completed and submitted
16 by local governments as required for the efficient
17 administration of this chapter and chapters 366 and 368.

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

19 1. A land management planning fund is created within the
20 state treasury under the control of the department of economic
21 development.

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

23 a. Moneys appropriated by the general assembly.

24 b. Moneys available to and obtained or accepted by the
25 department from the federal government or private sources for
26 placement in the fund.

27 c. Fees paid to the department of revenue and finance that
28 have been collected by county auditors for deposit into the
29 fund pursuant to section 331.507.

30 3. Moneys in the fund shall be used exclusively for the
31 following purposes:

32 a. First, to pay for the costs of administration of this
33 chapter by the department.

34 b. Second, to reimburse local strategic development
35 committees for preparing strategic development plans as

1 provided in section 6C.8.

2 c. Finally, to the extent that moneys are remaining, the
3 moneys may be used to reimburse Iowa state university of
4 science and technology and counties for costs associated with
5 preparing permanent land use and natural resource inventories
6 as provided in sections 352.4 and 352.5.

7 4. The treasurer of state shall act as custodian of the
8 fund. The treasurer of state is authorized to invest the
9 moneys deposited in the fund. Notwithstanding section 12C.7,
10 subsection 2, the income from such investment shall be
11 credited to and deposited in the fund. Notwithstanding
12 section 8.33, moneys in the fund are not subject to reversion
13 to the general fund of the state. The fund shall be
14 administered by the department which shall make expenditures
15 from the fund consistent with the purposes set out in this
16 section. The moneys in the fund shall be disbursed upon
17 warrants drawn by the director of revenue and finance pursuant
18 to the order of the board. The fiscal year of the fund begins
19 July 1. The finances of the fund shall be calculated on an
20 accrual basis in accordance with generally accepted accounting
21 principles. The auditor of state shall regularly perform
22 audits of the fund.

23 Sec. 8. NEW SECTION. 6C.8 REIMBURSEMENT OF LOCAL
24 GOVERNMENTS FOR PREPARATION OF PLANS.

25 1. a. Claims against the fund to reimburse local
26 strategic development committees for costs associated with
27 preparing strategic development plans under chapter 366 shall
28 be filed with the board.

29 b. The board may approve a claim against the fund to
30 reimburse Iowa state university of science and technology or
31 counties for costs associated with preparing land use and
32 natural resource inventories under sections 352.4 and 352.5.

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

35 (1) The claim is made in a manner and according to

1 procedures required in this section and established by the
2 board.

3 (2) The claim is complete and accurate.

4 (3) There are sufficient moneys in the fund in order to
5 satisfy the claim.

6 b. The board is not required to consider a claim for
7 reimbursement of costs incurred in preparing a strategic
8 development plan until the plan is filed with the board.

9 3. a. The board shall reimburse a committee as follows:

10 (1) For a local strategic development committee
11 representing a county having a population of less than fifteen
12 thousand, the local strategic development committee shall
13 receive five thousand dollars.

14 (2) For a local strategic development committee
15 representing a county having a population of fifteen thousand
16 but less than thirty thousand, the local strategic development
17 committee shall receive seven thousand five hundred dollars.

18 (3) For a committee representing a county having a
19 population of thirty thousand or more, the committee shall
20 receive ten thousand dollars.

21 b. A local strategic development committee shall reimburse
22 participating local governments for contributing to the
23 preparation of strategic development plans as provided by the
24 local strategic development committee.

25 4. If at any time the board determines that insufficient
26 moneys are available in the fund to make payment of all claims
27 for preparing strategic development plans, the department
28 shall pay claims according to the date that the claims are
29 received by the department. To the extent that a claim cannot
30 be fully satisfied, the department shall order that the unpaid
31 portion of the payment be deferred until the claim can be
32 satisfied.

33 Sec. 9. NEW SECTION. 6C.9 STATE STRATEGIC DEVELOPMENT
34 COUNCIL.

35 1. A state strategic development council is created as the

1 state's principal agency overseeing planning by state agencies
2 involved in major public projects. The purpose of the council
3 is to ensure that development by state agencies is
4 coordinated, including through the adoption of a state
5 strategic development plan as provided in section 6C.12.

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

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

10 b. The director of the department of economic development
11 or a designee.

12 c. The director of the department of natural resources or
13 a designee.

14 d. The director of transportation or a designee.

15 e. The director of the department of corrections or a
16 designee.

17 f. The director of the department of general services or a
18 designee.

19 g. The secretary of agriculture or a designee.

20 h. The state historic preservation officer appointed by
21 the director of the department of cultural affairs.

22 i. A designee appointed by the state board of regents as
23 provided for in chapter 262. The member shall be appointed
24 from the university of Iowa, Iowa state university of science
25 and technology, and the university of northern Iowa on a
26 rotating basis. Each appointee shall serve one term prior to
27 replacement. A member appointed under this paragraph shall be
28 an expert in issues relating to land use planning.

29 j. Four members of the general assembly, who shall serve
30 as nonvoting, ex officio members. The members shall include
31 two members of the senate appointed by the president of the
32 senate, after consultation with the majority leader and the
33 minority leader of the senate, and two members of the house of
34 representatives appointed by the speaker of the house, after
35 consultation with the majority leader and the minority leader

1 of the house. The legislative members shall be appointed upon
2 the convening and for the period of each general assembly.
3 Not more than one member from each house shall be of the same
4 political party.

5 3. The department of economic development shall provide
6 office space and staff assistance, and shall budget funds to
7 cover expenses of the council. The office of attorney general
8 shall provide legal counsel to the council.

9 4. Except as otherwise provided, the council shall meet on
10 a regular basis and at the call of the chairperson or upon the
11 written request to the chairperson of two or more members.

12 5. A majority of voting members appointed to the council
13 constitute a quorum and the affirmative vote of a majority of
14 the voting members appointed is necessary for any substantive
15 action to be taken by the council, except that a lesser number
16 may adjourn a meeting. The majority shall not include any
17 member who has a conflict of interest and a statement by a
18 member that the member has a conflict of interest is
19 conclusive for this purpose. A vacancy in the membership does
20 not impair the right of a quorum to exercise all rights and
21 perform all duties of the council.

22 6. A vacancy on the council shall be filled in the same
23 manner as an original appointment. A person appointed to fill
24 a vacancy shall serve only for the unexpired portion of the
25 term. Except as provided in this subchapter, a member is
26 eligible for reappointment.

27 7. Members of the council, other than a state officer or
28 employee, are entitled to receive a per diem as specified in
29 section 7E.6 for each day spent in performance of duties as
30 members, and shall be reimbursed for all actual and necessary
31 expenses incurred in the performance of duties as members.

32 Sec. 10. NEW SECTION. 6C.10 COUNCIL -- POWERS AND
33 DUTIES.

34 1. The purpose of the council is to ensure that
35 development by state agencies is coordinated, including

1 through the adoption of a state strategic development plan as
2 provided in section 6C.12.

3 2. The council shall adopt rules pursuant to chapter 17A
4 which are necessary to administer its duties under this
5 chapter.

6 Sec. 11. NEW SECTION. 6C.11 STATE AGENCY PLANNING --
7 CONSULTATION DURING MAJOR PUBLIC PROJECTS.

8 1. The council shall meet regularly and its members shall
9 consult with a state agency when a state agency is engaged in
10 a major public project. The state agency must consult with
11 the council during regularly scheduled meetings conducted
12 throughout the planning stages of the major public project.

13 2. A state agency shall not begin construction of a major
14 public project prior to consulting with the council as
15 provided in section 6C.12, subsection 2.

16 3. In reviewing a major public project, the council shall
17 to every extent practical ensure that the missions, policies,
18 and goals of affected member agencies are not negatively
19 impacted. The major public project shall be planned and
20 constructed consistent with the state strategic development
21 plan as required by section 6C.12.

22 Sec. 12. NEW SECTION. 6C.12 STATE STRATEGIC DEVELOPMENT
23 PLAN.

24 1. a. The council shall establish, maintain, and revise a
25 state strategic development plan which shall be implemented by
26 state agencies as provided in this section. State agencies
27 shall consult with the council regarding major public
28 projects. The council may adopt rules which exempt major
29 public projects from the requirements of this section, to the
30 extent that the council determines that compliance with the
31 state strategic development plan or consultation with the
32 council is inconsistent with or unnecessary to carry out the
33 purposes of this chapter as provided in section 6C.2.

34 b. The state plan shall include development standards and
35 practices that ensure that development conducted by state

1 agencies carries out the purposes of this chapter as provided
2 in section 6C.2, the requirements of this chapter, and
3 relevant strategic development plans. Each state agency shall
4 adopt policies governing development, including planning and
5 construction of projects, which implement development
6 standards and practices as required in the state strategic
7 development plan.

8 2. a. A state agency shall not begin construction of a
9 major public project unless the state agency consults with
10 member agencies during a council meeting. The state agency
11 proposing construction shall submit a plan of development to
12 the council for consideration. The plan shall summarize the
13 major public project and explain how the major public project
14 complies with the requirements of the state strategic
15 development plan and any applicable strategic development plan
16 governing the area where the major public project is proposed
17 to be developed. The state agency shall regularly inform the
18 council of the progress of the major public project during the
19 course of its construction.

20 b. Any concern about or objection to the planning or
21 construction of a major public project expressed by a member
22 agency or the council shall be noted in the minutes of the
23 council. This section does not authorize the council to
24 disapprove a plan for development or alter construction of the
25 major public project.

26 3. The council shall approve an initial state strategic
27 development plan by July 1, 2001.

28 Sec. 13. NEW SECTION. 6C.13 OVERSIGHT.

29 1. The council shall report to the land management
30 planning board as required by the board.

31 2. The council shall report to the committee of the
32 general assembly which is primarily responsible for
33 legislative oversight of state agencies, as required, by the
34 committee. The council shall do all of the following:

35 a. Present information to the committee as requested by

1 the committee.

2 b. Notify the committee of the planning stages of a major
3 public project initiated by a member agency, including any
4 comments or objections of the council or a member agency.

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

8 DIVISION II

9 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

10 Sec. 14. Section 352.2, Code 1999, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 3A. "Extra-urban development" means
13 development of land for a use, which creates densities and
14 uses within a territory which is not designated for that type
15 of use according to a strategic development plan required to
16 be adopted by a local government as provided in this chapter.
17 However, "extra-urban development" does not include
18 development which is part of any of the following:

19 a. A farm operation, including any related structure which
20 is constructed or installed, or any use or practice which is
21 implemented involving a farm operation, including a residence
22 constructed for occupation by a person engaged in a farm
23 operation.

24 b. The construction, installation, improvement, or
25 maintenance of basic improvements.

26 c. The preservation of natural and historic or cultural
27 areas, the development of recreational areas, or the
28 protection of natural and historic resources and fragile
29 ecosystems of this state including forests, wetlands, rivers,
30 streams, lakes and their shorelines, aquifers, prairies, and
31 recreational areas.

32 d. Development occurring on land which has been platted
33 prior to the effective date of this Act.

34 Sec. 15. Section 352.4, Code 1999, is amended by striking
35 the section and inserting in lieu thereof the following:

1 352.4 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY --
2 REPOSITORY -- STUDY AND REPORT.

3 To the extent that moneys are appropriated and data is
4 available, Iowa state university of science and technology
5 shall do all of the following:

6 1. Serve as the repository of permanent land use and
7 natural resources inventories completed pursuant to section
8 352.5. The university shall provide for computer access of
9 these inventories by the department of economic development
10 for use by the state strategic development council or land
11 management planning board created in chapter 6C.

12 2. Study the extent to which land in Iowa is being
13 converted from agricultural use to residential, commercial,
14 industrial, or public uses, including recreational areas,
15 natural areas, and public facilities and basic improvements.

16 a. At least every two years, the university shall prepare
17 a report that includes all of the following:

18 (1) A description of counties that have a farmland
19 protection program or strategies in place, including the use
20 of zoning, or a farmland preservation ordinance adopted
21 pursuant to chapter 335 or programs such as conservation
22 easements.

23 (2) A description of land use changes in each county,
24 which may include an analysis of data collected by the
25 department of revenue and finance. The report to every extent
26 practical shall identify changes in the use or classification
27 of use for parcels of land, including from an agricultural
28 class to a nonagricultural class.

29 (3) An assessment of the productive quality of soil of
30 farmland converted to another use. The assessment of the soil
31 may be by using crop yields, corn suitability ratings, or
32 classifications by the United States department of
33 agriculture.

34 (4) An evaluation of urban growth patterns throughout the
35 state, including areas of extra-urban development.

1 b. The report shall be delivered to the governor, the
2 general assembly, and the department of economic development
3 not later than September 1 of each reporting year.

4 3. Iowa state university of science and technology shall
5 provide technical advice to the land management planning board
6 in adopting rules necessary for counties to implement a
7 permanent land use and natural resources inventory system as
8 required pursuant to section 352.5. The rules shall provide
9 for implementation according to a schedule adopted by the land
10 management planning board in cooperation with Iowa state
11 university of science and technology. The university shall
12 provide technical assistance to counties in completing the
13 system according to a schedule established by the university
14 in cooperation with the land management planning board.

15 Sec. 16. Section 352.5, Code 1999, is amended by striking
16 the section and inserting the following:

17 352.5 PERMANENT LAND USE AND NATURAL RESOURCES INVENTORY
18 SYSTEM.

19 1. Counties shall establish a permanent land use and
20 natural resources inventory system. The system shall assess
21 and categorize land uses, the productive quality of farmland
22 soil, and the changes in use or classifications for use of the
23 land.

24 a. The data shall be systematically collected by the
25 county, subject to all of the following:

26 (1) Whenever possible, the data shall be enhanced by
27 aerial imagery.

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

30 (3) The data shall be structured in a uniform manner that
31 allows comparisons between counties.

32 (4) To every extent practical, the system shall include
33 any data collected for county land use inventories pursuant to
34 1982 Iowa Acts, chapter 1245.

35 b. The system shall provide for the regular update of

1 data, but not less than every five years.

2 c. The county land preservation and use commission shall
3 administer this section, as provided by the county board of
4 supervisors.

5 2. All counties shall have a system implemented by June
6 30, 2003. However, a county shall not be required to appoint
7 a commission or implement a system until the state
8 appropriates moneys to the county for implementation.

9 Sec. 17. NEW SECTION. 366.1 SHORT DESCRIPTION.

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

14 Sec. 18. NEW SECTION. 366.2 DEFINITIONS.

15 1. "Basic improvement" means the development of land for
16 any of the following:

17 a. A utility, including telephone or other communication
18 lines, city utility as defined in section 362.2, public
19 utility as defined in section 476.1, or pipeline providing or
20 transporting gas, water, wastewater, or sewer service.

21 b. A thoroughfare, such as a road or street as defined in
22 section 306.3..

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

25 3. "Farmland" means farmland as that term is defined in
26 section 352.2.

27 4. "Local legislation" means any ordinance, resolution,
28 motion, amendment, or regulation adopted by a local
29 government, which has the force and effect of law.

30 5. "Planned territory" means territory that is governed or
31 proposed to be governed by a strategic development plan.

32 6. "Public benefits and services" means benefits and
33 services provided by a local government to persons residing
34 within the jurisdiction of the local government, regardless of
35 whether the benefits and services are provided directly or by

1 another person under contract with the local government,
2 including providing for the health and safety, education, or
3 transportation of the public. A public benefit and service
4 includes but is not limited to fire protection and
5 suppression, law enforcement, the collection and disposal of
6 refuse, the delivery of public water and sewer facilities, and
7 ambulance or emergency care.

8 7. "Regional development authority" means a council of
9 governments established pursuant to chapter 28H or a joint
10 planning commission established pursuant to chapter 28I.

11 Sec. 19. NEW SECTION. 366.3 PURPOSES.

12 1. A strategic development plan shall carry out the
13 purposes of this chapter and the requirements of this chapter.

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

21 a. Providing a unified physical design for the development
22 of the local community.

23 b. Encouraging a pattern of compact and contiguous high-
24 density development to be guided into appropriate areas.

25 c. Establishing an acceptable and consistent level of
26 public benefits and services and ensuring timely provision of
27 those public benefits and services.

28 d. Promoting the adequate provision of employment
29 opportunities and the economic health of the local
30 governments.

31 e. Conserving features of significant statewide or
32 regional architectural, cultural, historical, or
33 archaeological interest.

34 f. Protecting life and property from the effects of
35 natural hazards and natural disasters, such as flooding,

1 winds, and wildfires.

2 g. Taking into consideration such other matters that may
3 be logically related to or form an integral part of a plan for
4 the coordinated, efficient, and orderly development of the
5 local communities.

6 h. Providing for a variety of housing choices and assuring
7 affordable housing for future population growth.

8 i. Identifying and protecting farmland, natural areas,
9 environmentally sensitive land, historical or cultural areas,
10 and critical areas of local or statewide concern.

11 j. Preventing the occurrence of urban sprawl, including
12 the economic, environmental, and social costs that accompany
13 urban sprawl, and by encouraging infill development and
14 redevelopment of existing urban sites.

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

17 l. Ensuring that adequate basic improvements and public
18 benefits and services are provided concurrently with
19 development.

20 Sec. 20. NEW SECTION. 366.4 LOCAL STRATEGIC DEVELOPMENT
21 COMMITTEE.

22 1. On or before October 1, 2000, a local strategic
23 development committee is created within each county which
24 shall be composed of the following members:

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

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

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

33 d. Two members appointed by the county board of
34 supervisors and one member appointed by the mayor of each of
35 the two largest participating cities, to assure broad

1 representation of agricultural, environmental, construction,
2 educational, and homeowner interests.

3 e. The mayor of each city which adjoins the county, if the
4 city council adopts a resolution declaring that it elects to
5 be a participant to the creation of the strategic development
6 plan. The mayor shall serve as a nonvoting, ex officio member
7 of the committee.

8 2. a. A city may be excused from voting membership on the
9 strategic development committee if the city council adopts a
10 resolution declaring that it elects not to participate in
11 creating the plan. The city's resolution shall become part of
12 the strategic development plan. If a city adopts such a
13 resolution, the city shall not exercise jurisdiction within
14 its extraterritorial area including as provided in section
15 414.23.

16 b. A city shall not be eligible for voting membership on
17 the committee if the city is completely surrounded by one or
18 more cities, or by one or more cities and the boundaries of
19 another state. The corporate limits of the surrounded city
20 shall constitute the boundaries of the city's strategic
21 development area and such city shall not be eligible to ratify
22 or reject the recommended strategic development plan as
23 provided in section 366.6.

24 Sec. 21. NEW SECTION. 366.5 STRATEGIC DEVELOPMENT PLAN.

25 1. A strategic development plan shall govern a strategic
26 development area designated within a county as provided in
27 this section in order to organize the manner and location of
28 future development in a way that carries out the purposes of
29 this chapter as provided in section 6C.2 and the purposes of a
30 strategic development plan as provided in section 366.3. A
31 strategic development plan shall govern a strategic
32 preservation area if created in the plan in order to preserve
33 prime agricultural land for agricultural production, or
34 natural, cultural, or historical areas.

35 a. The participants to creation of the strategic

1 development plan shall be all of the following:

2 (1) The county.

3 (2) All cities as provided in section 366.4 which are
4 located in the county.

5 b. A city that adjoins the county may serve as a
6 nonvoting, ex officio member of the committee.

7 2. A strategic development plan may rely upon a
8 comprehensive plan adopted pursuant to section 335.5 or
9 section 414.3, to the extent that the comprehensive plan
10 complies with this chapter.

11 3. A strategic development plan approved pursuant to this
12 chapter shall be the basis for the comprehensive plan of each
13 county required pursuant to section 335.5, if the county has
14 adopted a zoning ordinance, and for the comprehensive plan of
15 each city in the county required pursuant to section 414.3.
16 The county and each city shall amend its comprehensive plan as
17 necessary to conform to the strategic development plan.

18 4. A county and cities are encouraged to continue to plan
19 for development and land use jointly and to use the strategic
20 development plan as a basis for subsequent joint planning.

21 5. A strategic development plan shall include, at a
22 minimum, documents describing and depicting the corporate
23 limits of each city in the county and the boundaries of each
24 strategic development area and each strategic preservation
25 area. The strategic development plan may address issues of
26 mutual interest, including issues relating to basic
27 improvements, improvements paid for with public funds, and
28 public benefits and services, economic development, housing,
29 and recreation.

30 a. A strategic development plan may establish one or more
31 strategic development areas.

32 (1) In establishing a strategic development area, the plan
33 shall do all of the following:

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 a city.

5 (c) Identify territory that a reasonable and prudent
6 person would project as the likely site of high-density
7 commercial, industrial, or residential growth over the next
8 twenty years based on historical experience, economic trends,
9 population growth patterns, topographical characteristics, and
10 any professional planning, engineering, and economic studies
11 that are available. The city shall report population growth
12 projections for the city based upon state and federal census
13 data.

14 (2) A strategic development area shall not contain any
15 agricultural land which has a corn suitability rating of sixty
16 or higher, according to information released by Iowa state
17 university to the department of revenue and finance for
18 purposes of determining the productivity formula for
19 assessment and taxation of agricultural land, unless there is
20 a showing by the local strategic development committee created
21 pursuant to section 366.4, that the land is necessary for the
22 orderly development of the strategic development area.

23 b. A strategic development plan may establish one or more
24 strategic preservation areas. In establishing a strategic
25 preservation area, the plan shall identify territory to be
26 preserved for the next twenty years for agricultural purposes,
27 forests, recreational areas, wildlife management areas,
28 cultural areas, historical areas, or other areas planned for
29 preservation.

30 Sec. 22. NEW SECTION. 366.6 LOCAL GOVERNMENT ADOPTION OF
31 STRATEGIC DEVELOPMENT PLAN.

32 1. The local strategic development committee shall
33 recommend a strategic development plan that conforms with
34 section 366.3.

35 2. When designating that part of a strategic development

1 area contiguous to a city, the committee shall identify, and
2 give consideration to, the amount of territory within the
3 current incorporated boundaries of the city that is vacant or
4 undeveloped land.

5 3. The committee shall conduct a review of existing
6 comprehensive plans governing a proposed strategic development
7 area or proposed strategic preservation area. The committee
8 shall consider proposed strategic development plans submitted
9 by a nonvoting, ex officio member serving on the committee as
10 provided in section 366.4.

11 4. The committee shall utilize planning resources that are
12 available within the county, including city and county
13 planning commissions and zoning administrators. The committee
14 is also encouraged to utilize the services of a regional
15 development authority, Iowa state university of science and
16 technology, the university of Iowa, and the university of
17 northern Iowa.

18 5. Prior to final approval of the recommended strategic
19 development plan by the committee, the committee shall hold at
20 least one public hearing on the proposed recommended strategic
21 development plan. The county auditor shall give at least
22 thirty days' notice of the time, place, and purpose of the
23 public hearing by notice published in a newspaper of general
24 circulation in the county.

25 6. Not later than January 1, 2002, the committee shall
26 submit the recommended strategic development plan to the
27 county board of supervisors and the city council of each city
28 with a voting member on the committee for ratification.

29 a. Not later than one hundred twenty days after receiving
30 the recommended strategic development plan, the county board
31 of supervisors and the city councils shall adopt a resolution
32 to either ratify or reject the recommended strategic
33 development plan. A city or county that fails to timely act
34 on the resolution shall be deemed to have ratified the
35 recommended strategic development plan on the last day of the

1 one-hundred-twenty-day period. If the strategic development
2 plan is ratified, the committee shall file and record the plan
3 as provided in section 366.9.

4 b. If the county board of supervisors or the city councils
5 reject the recommended strategic development plan submitted by
6 the committee, the county or city shall submit its objections
7 to the plan, as provided by the committee. After receiving
8 objections to the plan, the committee may recommend a revised
9 strategic development plan. The committee shall submit any
10 revised strategic development plan for ratification to the
11 county board of supervisors and the city council of each city
12 with a voting member on the committee.

13 Not later than one hundred twenty days after receiving a
14 revised recommended strategic development plan, the county
15 board of supervisors and city councils shall either ratify or
16 reject the revised recommended strategic development plan in
17 the same manner as provided in paragraph "a". A city or
18 county that fails to timely act on a resolution shall be
19 deemed to have ratified the recommended strategic development
20 plan on the last day of the one-hundred-twenty-day period.

21 7. If the plan has been rejected by a city or county, the
22 committee shall submit the original recommended strategic
23 development plan and the revised strategic development plan to
24 the land management planning board as provided in section
25 366.7.

26 Sec. 23. NEW SECTION. 366.7 DISPUTE RESOLUTION.

27 1. If a recommended strategic development plan or a
28 revised strategic development plan is rejected pursuant to
29 section 366.6, the committee shall submit each of the
30 considered plans to the land management planning board for
31 resolution of the matter. The board shall conduct a hearing
32 according to rules of procedure adopted by the board which may
33 be the same as provided for a contested case proceeding under
34 chapter 17A. At that hearing, persons may appear to propose
35 revisions to the plans or to state objections to the plans.

1 The board shall review the strategic development plans
2 submitted to the committee and shall resolve the dispute by
3 approving one of the strategic development plans submitted
4 based on the extent to which the plan furthers the purposes of
5 chapter 6C and the purposes of the strategic development plan
6 as provided in section 366.3.

7 2. The land management planning board shall submit to the
8 county auditor the strategic development plan approved by the
9 board for consideration by the county supervisors and for
10 distribution by the county auditor to the city council of each
11 city in the county and each city adjoining the county that has
12 appointed a member to serve as a nonvoting, ex officio member
13 of the local strategic development committee. Such entities
14 shall be provided a reasonable time to consider the proposed
15 strategic development plan as required by the board.

16 The proposed strategic development plan must be approved by
17 resolution by the board of supervisors in the county and the
18 city council of each city that has a voting member on the
19 committee.

20 The board of supervisors for the county shall notify the
21 land management planning board of the ratification or
22 rejection of the proposed strategic development plan in a
23 manner required by the land management planning board. If
24 notice of rejection is submitted to the land management
25 planning board, the notice shall be accompanied by final
26 recommendations for the proposed strategic development plan
27 which have been approved by all of the city councils and the
28 board of supervisors voting on the proposed plan. The land
29 management planning board shall adopt the proposed plan with
30 the approved revisions as the final approved strategic
31 development plan. The committee shall file and record the
32 final approved plan as provided in section 366.9.

33 Not later than July 1, 2002, the land management planning
34 board shall have approved strategic development plans
35 submitted to the board for dispute resolution.

1 Sec. 24. NEW SECTION. 366.8 JOINT DEVELOPMENT PLAN
2 APPROVED BY THE BOARD.

3 After a strategic development plan is ratified or approved,
4 the participating local governments and any city adjoining the
5 county that appointed a member to serve on the local strategic
6 development committee shall prepare a joint development plan
7 for managing future development within the area in a manner
8 consistent with the purposes of this chapter and the strategic
9 development plan ratified or adopted pursuant to this section.
10 The joint development plan shall describe development planned
11 for the strategic development area, including proposed zoning
12 classifications, the location of public buildings, and the
13 provision of public benefits and services and public
14 improvements. The joint development plan may be executed as
15 an agreement under chapter 28E.

16 Sec. 25. NEW SECTION. 366.9 RECORDING AND FILING OF
17 STRATEGIC DEVELOPMENT PLAN.

18 No later than five days after a strategic development plan
19 has been finally ratified as provided in section 366.6 or
20 after it has been approved by the land management planning
21 board as provided in section 366.8, the local strategic
22 development committee shall record a copy of the plan in the
23 office of county recorder. The plan shall become effective
24 upon its recording with the county recorder.

25 All ratified or approved strategic development plans must
26 be filed with the land management planning board.

27 Sec. 26. NEW SECTION. 366.10 EFFECTIVENESS.

28 After a strategic development plan has been recorded with
29 the county recorder, the plan shall remain in effect for not
30 less than five years absent a showing of extraordinary
31 circumstances necessitating a change in the plan. After
32 expiration of the five-year period, the county or a member
33 city may propose an amendment to the strategic development
34 plan or may propose a review of the plan by filing notice with
35 the county board of supervisors for the county, the city

1 council of each city in the county, and any other member city.
2 Upon receipt of such notice by the county and each member
3 city, the county board of supervisors shall promptly reconvene
4 the local strategic planning committee. The burden of proving
5 the reasonableness of a proposed amendment to the plan shall
6 be upon the party proposing the amendment. The procedures for
7 amending the strategic development plan shall be the same as
8 the procedures set forth in this chapter for establishing the
9 original strategic development plan.

10 Sec. 27. NEW SECTION. 366.11 APPEAL -- JUDICIAL REVIEW.

11 1. The affected county, an affected participating city, a
12 resident of such county, or an owner of real property located
13 within such county may appeal a decision of the land
14 management planning board relating to the strategic
15 development plan presented to the board for its approval. A
16 resident of the affected county or an owner of real property
17 located within such county may appeal the local governments'
18 final ratification of a plan. The judicial review provisions
19 of this section and chapter 17A shall be the exclusive means
20 by which a person or party who is aggrieved or adversely
21 affected by action of the board, county, or a city may seek
22 judicial review of that board action.

23 2. Appeal must be filed within sixty days after the
24 strategic development plan is recorded with the county
25 recorder. In accordance with the Iowa rules of civil
26 procedure pertaining to service of process, copies of the
27 petition shall be served upon the land management planning
28 board, the county, and each city located in the county.

29 3. The court's review on appeal of a decision is limited
30 to questions relating to jurisdiction, regularity of
31 proceedings, and whether the decision appealed from is, by a
32 preponderance of the evidence, arbitrary, unreasonable, or
33 without substantial supporting evidence. The court may
34 reverse and remand a decision of the board with appropriate
35 directions to the county and the participating cities in order

1 to identify and obtain adoption or approval of a growth plan
2 in conformance with the procedures set forth in this part.

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

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

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

17 b. Subsection 5.

18 c. Subsection 8.

19 d. Subsections 10 through 12.

20 Sec. 28. NEW SECTION. 366.12 LOCAL LEGISLATION.

21 1. A city or county may adopt local legislation regulating
22 development within its territory in order to carry out the
23 purposes of this chapter that is consistent with the strategic
24 development plan governing the territory. A city or county
25 shall cooperate with any other city or county, which is a
26 party to a strategic development plan in adopting local
27 legislation regulating development within a strategic
28 development area or a strategic preservation area. The local
29 legislation may provide for all of the following:

30 a. Defraying development costs incurred by the local
31 government to the extent determined appropriate by the local
32 government. The local legislation may provide for financing
33 the construction of basic improvements and the delivery of
34 public benefits and services to its territory, including the
35 imposition of any impact fees to defray the costs of providing

1 off-site or adjacent basic improvements or public benefits and
2 services.

3 b. Providing for the establishment of conservation
4 easements; the acquisition of development rights, including
5 the purchase of development rights or the transfer of
6 development rights; and development standards.

7 2. A local government is under no obligation to provide
8 public benefits and services for development that do not
9 conform to the local government's strategic development plan.

10 Sec. 29. NEW SECTION. 366.13 REGIONAL DEVELOPMENT
11 AUTHORITIES.

12 A regional development authority shall not provide
13 development assistance, including planning, investigations, or
14 studies, that is inconsistent with a strategic development
15 plan for the area served by the regional development
16 authority.

17 DIVISION III
18 CITY DEVELOPMENT

19 Sec. 30. Section 368.1, subsection 3, Code 1999, is
20 amended to read as follows:

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

23 Sec. 31. Section 368.1, subsection 6, Code 1999, is
24 amended to read as follows:

25 6. "Committee" means the board members, and the local
26 representatives appointed as provided in sections section
27 368.14 and-368-14A, to hear and make a decision on a petition
28 or plan for city development.

29 Sec. 32. Section 368.1, Code 1999, is amended by adding
30 the following new subsections:

31 NEW SUBSECTION. 10A. "Municipal services" means benefits
32 and services provided by a local government to persons
33 residing within the jurisdiction of the local government,
34 regardless of whether the benefits and services are provided
35 directly or by another person under contract with the local

1 government, including providing for the health and safety,
2 education, or transportation of the public. Municipal
3 services include, but are not limited to, fire protection and
4 suppression, law enforcement, the collection and disposal of
5 refuse, the delivery of public water and sewer facilities, and
6 ambulance or emergency care.

7 NEW SUBSECTION. 11A. "Regional development authority"
8 means a council of governments established pursuant to chapter
9 28H or a joint planning commission established pursuant to
10 chapter 28I.

11 Sec. 33. Section 368.6, Code 1999, is amended by striking
12 the section and inserting in lieu thereof the following:

13 368.6 PURPOSE.

14 The purpose of this chapter is to establish a process for
15 the approval of a petition for city development which is
16 consistent with a strategic development plan governing the
17 territory and which considers the desire of the residents of
18 the territory subject to a boundary change and the interests
19 of the residents of all territories affected by city
20 development.

21 Sec. 34. Section 368.7, subsection 4, unnumbered paragraph
22 2, Code 1999, is amended by striking the paragraph.

23 Sec. 35. Section 368.7A, subsection 1, Code 1999, is
24 amended to read as follows:

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

1 notification is correct and declare the road, or portion of
2 the road extending to the center line, annexed to the city as
3 of the date of certification. This section is not intended to
4 interfere with or modify existing chapter 28E agreements on
5 jurisdictional transfer of roads, or continuing negotiations
6 between jurisdictions.

7 Sec. 36. Section 368.11, unnumbered paragraph 1, Code
8 1999, is amended to read as follows:

9 A petition for incorporation, discontinuance, or boundary
10 adjustment may be filed with the board by a city council, a
11 county board of supervisors, a regional planning authority, or
12 five percent of the qualified-electors registered voters of a
13 city or territory involved in the proposal. Notice of the
14 filing, including a copy of the petition and notice of the
15 date and time of the public meeting required in this section,
16 must be served upon sent by certified mail to the council of
17 each city for which a discontinuance or boundary adjustment is
18 proposed, the board of supervisors for each county which
19 contains a portion of a city to be discontinued or territory
20 to be incorporated, annexed or severed, the council of a city
21 if an incorporation includes territory within the city's
22 urbanized area, and any regional planning authority for the
23 area involved, and each owner of land in the territory
24 including a person who has purchased the land under a real
25 estate contract under chapter 656 if the contract is recorded
26 with the county recorder.

27 Sec. 37. Section 368.11, unnumbered paragraph 2, Code
28 1999, is amended to read as follows:

29 Within ninety days of receipt of a petition, the board
30 shall initiate appropriate proceedings or dismiss the
31 petition. The board may combine for consideration petitions
32 or plans which concern the same territory or city or which
33 provide for a boundary adjustment or incorporation affecting
34 common territory. The combined petitions may be submitted for
35 consideration by a ~~special~~ local committee pursuant to section

1 ~~368.14A~~ 368.14.

2 Sec. 38. Section 368.11, subsection 8, Code 1999, is
3 amended to read as follows:

4 8. ~~Description~~ A description of existing municipal
5 services, including but not limited to water supply, sewage
6 disposal, and fire and police protection and a description of
7 planned public improvements in the territory.

8 Sec. 39. Section 368.11, Code 1999, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 14. A statement describing how the
11 boundary adjustment will conform to or further the city's
12 strategic development plan.

13 Sec. 40. Section 368.12, Code 1999, is amended to read as
14 follows:

15 368.12 DISMISSAL.

16 The board may dismiss a petition only if it finds that the
17 petition does not meet the requirements of this chapter, or
18 that substantially the same incorporation, discontinuance, or
19 boundary adjustment has been disapproved by a committee formed
20 to consider the proposal, or by the voters, within the two
21 years prior to the date the petition is filed with the board,
22 or that the territory to be annexed, or a portion of that
23 territory, has been voluntarily annexed under section 368.7,
24 or that the territory to be annexed is not located in the
25 strategic development area of the annexing city. The board
26 shall file for record a statement of each dismissal and the
27 reason for it, and shall promptly notify the parties to the
28 proceeding of its decision.

29 The board shall consider any objection by the county in
30 which the territory is located or any county which jointly
31 approved a strategic development plan with the county where
32 the territory is located.

33 Sec. 41. Section 368.15, Code 1999, is amended to read as
34 follows:

35 368.15 PUBLIC HEARING.

1 1. a. The committee shall conduct a public hearing on a
2 proposal as soon as practicable. Notice of the hearing must
3 be served upon the council of each city for which a
4 discontinuance or boundary adjustment is proposed, the county
5 board of supervisors for each county which contains a portion
6 of a city to be discontinued or territory to be incorporated,
7 annexed, or severed, each party to a strategic development
8 plan for the area involved prepared pursuant to chapter 366,
9 and any regional planning authority for the area involved.
10 Notice shall also be sent to all the owners of property
11 located within the territory subject to annexation. The
12 notice shall also be delivered to each person who has
13 purchased land within the territory under a real estate
14 contract under chapter 656, if the contract is recorded with
15 the county recorder and to all the owners of property
16 adjoining property located within the territory subject to
17 annexation.

18 b. A notice of the hearing, which includes a brief
19 description of the proposal and a statement of where the
20 petition or plan is available for public inspection, must be
21 published as provided in section 362.3, except that there must
22 be two publications in a newspaper having general circulation
23 in each city and each territory involved in the proposal. Any
24 person may submit written briefs, and in the committee's
25 discretion, may be heard on the proposal. The board may
26 subpoena witnesses and documents relevant to the proposal.

27 2. In considering a petition for a boundary adjustment,
28 the committee shall receive and weigh evidence of all of the
29 following:

30 a. The potential effect of the proposed city development
31 on adjacent areas, and on other local governments directly
32 affected, including but not limited to the potential impact of
33 the proposed boundary adjustment on future revenues of
34 affected local governments.

35 b. Whether the petition is based on a voluntary boundary

1 adjustment.

2 c. The desire of persons residing in the territory to be
3 annexed.

4 3. If the petition is for an annexation, the board shall
5 receive and weigh evidence of all of the following:

6 a. Existing and projected commercial and industrial
7 development within the territory to be annexed.

8 b. Existing and projected population in the territory to
9 be annexed.

10 c. A plan of annexation which the city must file with the
11 petition. The plan of annexation shall include a joint
12 development plan for the strategic development area subject to
13 annexation as required in section 366.8. The plan of
14 annexation shall include a schedule for providing municipal
15 services and constructing proposed public improvements. The
16 board shall consider the potential effects of extending
17 municipal services and constructing proposed public
18 improvements as required in the plan of annexation, including
19 but not limited to the cost and adequacy of providing,
20 existing municipal services and constructing public
21 improvements within the territory to be annexed.

22 d. The extent of available and suitable developable land
23 within the corporate limits of the city.

24 e. The extent to which the bounded territory included in
25 the proposed annexation is as compact and contiguous to the
26 city as possible.

27 f. The extent to which a voluntary boundary adjustment was
28 attempted.

29 Sec. 42. Section 368.17, Code 1999, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 8. An annexation or severance if such
32 annexation or severance would be in violation of the strategic
33 development plan for the county in which the territory is
34 located.

35

DIVISION IV

1 MISCELLANEOUS PROVISIONS

2 Sec. 43. Section 15.108, subsection 3, paragraph a,
3 subparagraph (2), Code 1999, is amended to read as follows:

4 (2) Provide office space and staff assistance to the city
5 development board as provided in section 368-9 6C.5.

6 Sec. 44. Section 306.9, unnumbered paragraph 1, Code 1999,
7 is amended to read as follows:

8 It is the policy of the state of Iowa that relocation of
9 primary highways through cultivated land shall be avoided to
10 the maximum extent possible. When the volume of traffic for
11 which the road is designed or other conditions, including
12 designation as part of the network of commercial and
13 industrial highways, require relocation, diagonal routes shall
14 be avoided if feasible and prudent alternatives consistent
15 with efficient movement of traffic exist. The department
16 shall adopt rules pursuant to chapter 17A that establish an
17 analytical framework for determining when a primary highway
18 must be relocated through cultivated farmland, including by
19 using diagonal routes. The rules shall include a detailed
20 list of factors for use by the department in completing its
21 analysis in compliance with the state's policy.

22 Sec. 45. Section 331.304, subsection 7, Code 1999, is
23 amended to read as follows:

24 7. The board may file a petition with the ~~city-development~~
25 land management planning board as provided in section 368.11.

26 Sec. 46. Section 331.321, subsection 1, paragraph u, Code
27 1999, is amended to read as follows:

28 u. Local representatives to serve with the ~~city~~
29 development land management planning board as provided in
30 section 368.14.

31 Sec. 47. Section 331.507, subsection 2, unnumbered
32 paragraph 1, Code 1999, is amended to read as follows:

33 The auditor ~~is-entitled-to~~ shall collect the following
34 fees:

35 Sec. 48. Section 331.507, subsection 2, paragraph a,

1 unnumbered paragraph 1, Code 1999, is amended to read as
2 follows:

3 For a transfer of property made in the transfer records,
4 five nine dollars for each separate parcel of real estate
5 described in a deed, or transfer of title certified by the
6 clerk of the district court. However, the fee shall not
7 exceed fifty fifty-four dollars for a transfer of property
8 which is described in one instrument of transfer.

9 Sec. 49. Section 331.507, subsection 3, Code 1999, is
10 amended to read as follows:

11 3. Fees collected ~~or-received~~ by the auditor under this
12 section shall be accounted for and paid as follows:

13 a. The first five dollars collected under this section for
14 each separate parcel of real estate, up to fifty dollars for
15 transfers of property described in one instrument shall be
16 paid into the county treasury as provided in section 331.902.

17 b. The remaining moneys collected under this section shall
18 be paid to the department of revenue and finance on a monthly
19 basis for deposit in the land management planning fund as
20 created in section 6C.7.

21 Sec. 50. Section 384.38, subsection 2, Code 1999, is
22 amended to read as follows:

23 2. Upon petition as provided in section 384.41, subsection
24 1, a city may assess to private property affected by public
25 improvements within three miles of the city's boundaries the
26 cost of construction and repair of public improvements within
27 that area. The right-of-way of a railway company shall not be
28 assessed unless the company joins as a petitioner for said
29 improvements. In the petition the property owners shall waive
30 the limitation provided in section 384.62 that an assessment
31 may not exceed twenty-five percent of the value of the lot.
32 The petition shall contain a statement that the owners agree
33 to pay the city an amount equal to five percent of the cost of
34 the improvements, to cover administrative expenses incurred by
35 the city. This amount may be added to the cost of the

1 improvements. Before the council may adopt the resolution of
2 necessity, the preliminary resolution, preliminary plans and
3 specifications, plat, schedule, and estimate of cost must be
4 submitted to, and receive written approval from, the board of
5 supervisors of any county which contains part of the property,
6 and the city development board established in section 368-9
7 6C.5.

8 Sec. 51. Sections 368.4, 368.9, 368.10, and 368.14A, Code
9 1999, are repealed.

10 Sec. 52. IMPLEMENTATION OF ACT. The fees and funds
11 generated as a result of the enactment of this Act are
12 intended to cover the costs of any state mandate included in
13 this Act and this specification of state funding shall be
14 deemed to meet all the state funding-related requirements of
15 section 25B.2, subsection 3.

16 Sec. 53. The person appointed by the director of the
17 department of economic development to serve on the land
18 management planning board as created in section 6C.5, as
19 enacted in this Act, shall be a member of the special
20 commission to study and make recommendations concerning urban
21 planning, growth management of cities, and protection of
22 farmland as provided in House Concurrent Resolution 21, as
23 passed by the Seventy-sixth General Assembly.

24 Sec. 54. EFFECTIVE DATES.

25 1. Except as provided in this section, this Act takes
26 effect July 1, 2000.

27 2. The land management planning board and the state
28 strategic development council as created in this Act shall be
29 appointed as soon as practical upon the enactment of this Act.
30 The entities shall carry out all functions necessary to
31 prepare for the administration of this Act beginning July 1,
32 2000. This subsection takes effect upon enactment.

33 EXPLANATION

34 This bill makes changes to the law relating to state and
35 local land management planning and development.

1 The bill creates the land management planning board, which
2 is the current city development board with expanded membership
3 and expanded duties. The land management planning board,
4 besides being involved with city development and annexation,
5 will provide oversight to the state strategic development
6 council and will oversee administration of claims
7 reimbursement from the land management planning fund to local
8 strategic development committees. The land management
9 planning fund is created to provide reimbursement to local
10 strategic development committees for costs incurred in
11 preparing a local strategic development plan. The bill
12 increases the fees paid to county auditors when a transfer of
13 property is recorded. A portion of the fee is retained by the
14 county and a portion is required to be paid over to the
15 department of revenue and finance for deposit in the land
16 management planning fund.

17 The bill establishes the state strategic development
18 council which is to oversee planning by state agencies
19 involved in major public projects. The bill provides that the
20 council shall prepare a state strategic development plan to be
21 implemented by state agencies involved with major public
22 projects. Membership on the council is composed of
23 representatives of the governor's office, the department of
24 economic development, the department of natural resources, the
25 state department of transportation, the department of
26 corrections, the department of general services, and the
27 office of the secretary of agriculture. Also, members on the
28 council are to include the state historic preservation
29 officer, a representative of the board of regents, and four
30 members of the general assembly.

31 The bill provides that, as of July 1, 2002, a public agency
32 may not award certain types of financial assistance to persons
33 for use in developing land if the development is not
34 consistent with the strategic development plan for the area.

35 The bill requires counties to implement a permanent land

1 use and natural resources inventory system. Iowa state
2 university is designated the repository for county land use
3 and natural resources inventories and shall provide computer
4 access to the inventories to the extent that moneys are
5 appropriated for these purposes. Iowa state university is
6 also required to provide technical assistance to counties in
7 implementing a permanent land use and natural resources
8 inventory system.

9 The bill requires each county and certain cities in the
10 county to form a strategic development committee by October 1,
11 2000, for the purpose of creating a strategic development
12 plan. The purpose of the plan is to direct the coordinated,
13 efficient, and orderly development of local governments, based
14 on an analysis of present and future land use needs. A
15 strategic development plan may identify areas for future
16 development and may identify strategic preservation areas
17 where development would not be allowed to occur. Prior to
18 final approval of a strategic development plan, the committee
19 is required to hold a public hearing on the proposed plan.
20 Plans are to be submitted by the committee to the
21 participating cities and county by January 1, 2002, for
22 ratification. If a proposed strategic development plan is not
23 ratified by the cities and county with membership on the local
24 strategic development committee, the plan and any proposed
25 changes are forwarded to the land management planning board
26 for dispute resolution.

27 Plans ratified by the cities and county or approved after
28 dispute resolution by the land management planning board are
29 to be recorded with the county recorder and filed with the
30 land management planning board. A plan does not take effect
31 until it is filed with the county recorder. A plan remains in
32 effect for five years. The bill provides that the strategic
33 development plan shall be the basis for the comprehensive plan
34 of the participating cities and county.

35 The bill also amends procedures relating to city

1 development and annexation. The bill defines "municipal
2 services" and "regional development authority" for purposes of
3 city development.

4 The bill amends the procedure for involuntary annexations
5 to provide that notice of the filing of an annexation petition
6 must include the date and time of the public meeting required
7 to be held on the petition. The notice must be sent by
8 certified mail. The bill provides that the owner of land
9 includes a person who has purchased land under a real estate
10 contract if the contract is recorded with the county recorder.

11 The bill amends the reasons for which the land management
12 planning board must dismiss a petition for involuntary
13 annexation to include that the area proposed to be annexed is
14 not located in a strategic development area. The bill also
15 provides that the board shall hear objections to a petition
16 from the county in which the territory to be annexed is
17 located and from any other county that participated in
18 creation of the strategic development plan which governs the
19 territory.

20 The bill provides that a local committee appointed to
21 consider an involuntary annexation petition shall consider as
22 evidence the potential effect of the boundary adjustment on
23 the provision of municipal services and the effect on other
24 local governments including future revenues of affected local
25 governments and the desire of persons residing in the
26 territory to be annexed.

27 The bill provides that a committee may not approve an
28 annexation or severance if such action would be in violation
29 of the strategic development plan for the county where the
30 territory to be annexed is located.

31 The bill repeals the section of the Code that required a
32 special local committee be appointed to consider competing
33 annexation petitions or plans, leaving the local committee to
34 consider such petitions or plans.

35 The bill is amended to require the state department of

1 transportation adopt rules establishing factors which must be
2 analyzed when determining when a primary highway must be
3 relocated through cultivated farmland.

4 The bill takes effect July 1, 2000. The bill directs,
5 however, that the portion of the bill requiring appointment of
6 members to the land management planning board and the state
7 strategic development council take effect upon enactment.

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**SENATE FILE 2437
FISCAL NOTE**

A fiscal note for Senate File 2437 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

SUMMARY

Senate File 2437 (similar to SF 2370) creates the State Land Management Act. The purpose is to ensure the sound and orderly development of land. This includes the preservation of agricultural land, encouraging economic development, creating a balance between public purposes and private property rights, controlling urban sprawl, and encouraging communication and coordination between local units of government when making land use and transportation decisions.

ASSUMPTIONS

1. The Real Estate Transfer Fee maintained by County Recorders will be increased by \$4.00 in FY 2001 and FY 2002. In FY 2003, the fee will be lowered by \$1.00. There were 90,000 real estate transfer transactions in 1997. The increase would generate approximately \$360,000 in revenue in FY 2001 and FY 2002. In FY 2003, the increase would generate approximately \$270,000 in revenue.
2. The average expenditure for Iowa State University to complete a county inventory is \$10,000. There were seven counties completed in 1998. The cost to complete the remaining 92 counties is \$920,000.
3. Total reimbursements to 99 counties for development of strategic plans total \$693,000. This is based on the average reimbursement of \$7,000 per plan.
4. The estimated cost of the Land Management Planning Board is \$63,000 per year. This includes 12 monthly meetings with an average cost of \$1,500, 18 city development public hearings with an average cost of \$1,500, and 18 strategic development plan public hearings at \$1,500 per meeting.
5. The estimated cost to hold 12 State Strategic Council meetings is \$9,000 per year.
6. The estimated cost to develop a State Strategic Development Plan is \$200,000 over a two-year period.
7. The estimated cost for the Department of Economic Development to staff and support this legislation is 5.0 FTE positions costing \$260,000 per year for the first two years. During the third year, it is estimated that there would be 4.0 FTE positions at a cost of \$198,000.
8. This legislation requires counties and cities to submit strategic development plans to the Land Use Planning Board for Development Management and Farmland and Natural Area Protection over a two-year period. Additional expenses are anticipated beyond the two-year time frame for Land Management Planning Board meetings, State Strategic Development Council, and staffing in the Department of Economic Development.

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FISCAL IMPACT

The fiscal impact of Senate File 2437 is expected to cost the General Fund \$878,000 in FY 2001 and \$879,000 in FY 2002. The Program will require no additional funding in FY 2003.

The following is a breakdown of revenues and expenditures:

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>Three-Year Total</u>
Revenue:				
Transfer Fees (Land Mgmt. Fund)	\$ 360,000	\$ 360,000	\$ 270,000	\$ 990,000
Expenditures:				
ISU Inventories	\$ 460,000	\$ 460,000	\$ 0	\$ 920,000
County Play Reimbursement	346,500	346,500	0	693,000
Land Management Planning Board	63,000	63,000	63,000	189,000
State Strategic Dev. Council	9,000	9,000	9,000	27,000
State Strategic Plan	100,000	100,000	0	200,000
DED FTE/Support	260,000	260,000	198,000	718,000
Total Expenditures	<u>\$1,238,500</u>	<u>\$1,238,500</u>	<u>\$ 270,000</u>	<u>\$2,747,000</u>
Funding Shortfall	<u>\$ 878,500</u>	<u>\$ 878,500</u>	<u>\$ 0</u>	<u>\$1,757,000</u>
ISU Inventories	46	46	0	92

SOURCE

Department of Economic Development

(LSB 6839SZ, DFK)

FILED MARCH 29, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR