

Lundby  
Behn  
Hansen

SSB. 1063  
Small Business  
Econ. Develop. & Tourism

SENATE FILE CEVIC 293 <sup>succeeded By</sup>  
BY (PROPOSED SMALL BUSINESS,  
ECONOMIC DEVELOPMENT AND  
TOURISM BILL BY CHAIRPERSON  
LUNDBY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the development and management of land,  
2 providing for fees, and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION A  
SUBCHAPTER I  
GENERAL

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

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

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

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

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

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

18 b. Providing for the orderly development of cities  
19 including by providing for incorporation, discontinuation,  
20 annexation, severance, and consolidation.

21 3. This chapter is intended to do all of the following:

22 a. Strike a balance between the need to carry out the  
23 legitimate public purposes described in this section and the  
24 need to preserve private property rights.

25 b. Encourage economic development in this state by  
26 providing for development in areas where development has been  
27 planned by local governments acting in concert pursuant to  
28 this chapter and under state oversight.

29 c. Control urban sprawl, and thereby provide for the  
30 protection and preservation of the private and public interest  
31 in the land, water, and related resources of this state for  
32 the public health, safety, and general welfare, and for the  
33 benefit of present and future generations.

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

35 1. "Adjoining" means having a common boundary for not less

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1 than fifty feet. Territory may be adjoining although  
2 separated by a roadway or waterway.

3 2. "Annexation" means the addition of territory to a city.

4 3. "Area" means an area of land.

5 4. "Basic improvement" means the development of land for  
6 any of the following:

7 a. A utility, including telephone or other communication  
8 lines, city utility as defined in section 362.2, public  
9 utility as defined in section 476.1, or pipeline providing  
10 gas, water, wastewater, or sewer service.

11 b. A thoroughfare, such as a road or street as defined in  
12 section 306.3.

13 5. "Boundary adjustment" means annexation, severance, or  
14 consolidation.

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

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

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

25 9. "Consolidation" means the combining of two or more  
26 cities into one city.

27 10. "Department" means the department of economic  
28 development.

29 11. "Development" means the construction or structural  
30 alteration, conversion, or enlargement of a structure or use  
31 of land, including the construction of basic improvements,  
32 public improvements, buildings, structures, or impermeable  
33 structures.

34 12. "Discontinuance" means termination of a city.

35 13. "Extra-urban development" means development of land

1 for a use, which creates urban densities and uses within a  
2 territory which is not designated for that type of use  
3 according to a strategic development plan required to be  
4 adopted by a local government as provided in this chapter.

5 However, "extra-urban development" does not include  
6 development which is part of any of the following:

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

12 b. The construction, installation, improvement, or  
13 maintenance of basic improvements.

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

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

22 14. "Farm operation" means a condition or activity which  
23 occurs on a farm in connection with the production of farm  
24 products and includes but is not limited to the raising,  
25 harvesting, drying, or storage of crops; the harvesting of  
26 trees; care or feeding of livestock; the handling or  
27 transportation of crops or livestock; the treatment or  
28 disposal of wastes resulting from livestock; the marketing of  
29 products at roadside stands or farm markets; the operation of  
30 farm machinery and irrigation pumps; ground and aerial seeding  
31 and spraying; the application of chemical fertilizers,  
32 conditioners, insecticides, pesticides, and herbicides; and  
33 the employment and use of farm labor.

34 15. "Farmland" means land that is used to carry on a farm  
35 operation or is classified as land that may be used to carry

1 on a farm operation.

2 16. "Fund" means the land use planning fund for  
3 development management and farmland and natural area  
4 protection as created in section 6C.21.

5 17. "Incorporation" means establishment of a new city.

6 18. "Independent strategic development plan" or  
7 "independent plan" means a strategic development plan  
8 governing a city's incorporated land or a county's  
9 unincorporated land which is subject to approval by a local  
10 government pursuant to section 6C.53.

11 19. "Island" means territory that is completely surrounded  
12 by the corporate boundaries of one or more cities or the  
13 boundary of the state, a river, or similar natural barrier  
14 which prevents access to public benefits and services  
15 originating outside the boundaries of a city.

16 20. "Inventory" means a permanent land use and natural  
17 resources inventory system as provided in section 6C.32.

18 21. "Joint strategic development plan" or "joint plan"  
19 means a strategic development plan governing unincorporated  
20 territory, including an urbanized area and which is subject to  
21 approval by multiple local governments as provided in section  
22 6C.55.

23 22. "Land use commission" or "commission" means land use  
24 planning commission for development management and farmland  
25 and natural area protection as created pursuant to section  
26 6C.16.

27 23. "Land use council" or "council" means the land use  
28 strategic development council as created pursuant to section  
29 6C.12.

30 24. "Land use planning board" or "board" means the land  
31 use planning board for development management and farmland and  
32 natural area protection as created pursuant to section 6C.14.

33 25. "Local government" means a county or city government.

34 26. "Local legislation" means any ordinance, resolution,  
35 amendment, regulation, or rule adopted by a local government,

1 which has the force and effect of law.

2 27. "Major public project" means the construction or  
3 expansion of an improvement, including a structure or basic  
4 improvements which involves the development of more than fifty  
5 acres of land. However, all of the following shall be  
6 considered a major public project:

7 a. The construction or expansion of a street or highway.

8 b. The construction of a dam or reservoir.

9 c. The construction of a correctional institution as  
10 provided in chapter 904.

11 d. The excavation of more than six thousand tons of soil.

12 28. "Member agency" means a state agency which is  
13 represented on the council as provided in section 6C.12.

14 29. "Parcel" means a specific tract of land including an  
15 area located within a territory.

16 30. "Planned territory" means territory which is governed  
17 or proposed to be governed by a strategic development plan.

18 31. "Public agency" means a state agency, local  
19 government, or other political subdivision, including but not  
20 limited to a principal department as provided in section 7E.5,  
21 a school corporation organized under chapter 273 or 274, a  
22 community college as provided in chapter 260C, a regional  
23 library as provided in chapter 256, or a township as provided  
24 in chapter 359.

25 32. "Public benefits and services" means benefits and  
26 services provided by a local government to persons residing  
27 within its local government, regardless of whether the  
28 benefits and services are provided directly or by another  
29 person under contract with the local government, including  
30 providing for the health and safety, education, or  
31 transportation of the public. A public benefit and service  
32 includes but is not limited to fire protection and  
33 suppression, law enforcement, the collection and disposal of  
34 refuse, the delivery of public water and sewer facilities, and  
35 ambulance or emergency care.

1 33. "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 34. "Public improvement" means basic improvements and  
10 facilities including but not limited to parks and recreational  
11 areas and public buildings which are constructed by or for the  
12 use of a public agency other than state agencies.

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

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

18 37. "Registered voter" means a person who is registered to  
19 vote pursuant to chapter 48A.

20 38. "Severance" means the deletion of territory from a  
21 city.

22 39. "State agency" means the same as "agency" defined in  
23 section 17A.2.

24 40. "State strategic development plan" or "state plan"  
25 means a plan for development of major public projects which is  
26 approved by member state agencies as provided in section  
27 6C.42.

28 41. "Strategic development plan" means an independent  
29 strategic development plan or a joint strategic development  
30 plan as provided in subchapter III which is adopted by a local  
31 government as a means to organize the manner and location of  
32 future development within a territory under the jurisdiction  
33 of the local government.

34 42. "Territory" means any land area which is under the  
35 jurisdiction of a local government as provided in this chapter

1 and which is subject to a strategic development plan or city  
2 development.

3 43. "Urban sprawl" means the development of land that  
4 occurs on the fringes of cities, if the development is for a  
5 use which is not contiguous to existing or approved  
6 development, creates urban densities and uses within future  
7 urbanizing and agriculturally productive land, natural or  
8 historic areas, and is designed without regard to its  
9 surroundings.

10 44. "Urbanized area" means unincorporated territory  
11 adjacent to the limits of a city, regardless of whether the  
12 territory is governed by a county zoning ordinance as provided  
13 in chapter 335. The unincorporated area shall include any  
14 area over which the city exercises jurisdiction under section  
15 414.23. For cities other than cities located more than thirty  
16 miles from the state's borders, the territory shall be within  
17 two miles of the limits of a city. For cities located thirty  
18 miles or less from the state's borders, the territory shall be  
19 within three miles of the limits of the city. The distance  
20 from a city to a state's borders is measured from the center  
21 of the city.

22 Sec. 4. NEW SECTION. 6C.4 COOPERATION REQUIRED.

23 This chapter relies upon cooperation between public  
24 agencies, including cooperation between local governments, and  
25 cooperation between state agencies and other state agencies  
26 and local governments in order to provide for strategic  
27 development planning. All state and local governments shall  
28 cooperate in achieving the purposes and carrying out the  
29 provisions of this chapter.

30 Sec. 5. NEW SECTION. 6C.5 STATE FINANCIAL ASSISTANCE --  
31 CONFORMANCE WITH PLANS REQUIRED.

32 1. Each public agency awarding financial assistance to  
33 persons for use in developing land shall consider whether the  
34 development is consistent with the purposes of this chapter as  
35 provided in section 6C.2, the requirements of this chapter,



1 and any relevant strategic development plan. Financial  
 2 assistance includes but is not limited to moneys awarded from  
 3 the community economic betterment account established pursuant  
 4 to section 15.320 or the revitalize Iowa's sound economy fund  
 5 established pursuant to section 315.2, or from tax increment  
 6 financing created pursuant to section 403.19 or tax exemptions  
 7 within revitalization areas as provided in chapter 404.

8 2. A public agency shall give priority to projects that  
 9 conform with the state strategic development plan and the  
 10 strategic development plan governing land where the  
 11 development is proposed to occur.

12 a. Except as otherwise provided in paragraph "b", if a  
 13 public agency awards financial assistance for development  
 14 based on a point system, no criteria shall be worth more than  
 15 criteria requiring that projects conform with the plans  
 16 enumerated in this subsection.

17 b. A public agency is not required to rank conformance  
 18 with plans enumerated in this subsection plans as the highest  
 19 criteria if the development project receives assistance under  
 20 the quality jobs enterprise zone program created pursuant to  
 21 section 15A.9; the new jobs and income program created  
 22 pursuant to chapter 15, part 13; or the Iowa agricultural  
 23 industry finance Act as provided in chapter 15E, division XIX.

24 SUBCHAPTER II

25 PART 1

26 STATE ADMINISTRATION

27 Sec. 6. NEW SECTION. 6C.11 CREATION OF STATE  
 28 ADMINISTRATIVE ENTITIES -- PROCEDURES.

29 1. The following entities are created under this  
 30 subchapter for purposes of administering this chapter:

31 a. The state land use strategic development council.

32 b. The land use planning board for development management  
 33 and farmland and natural area protection.

34 c. The land use planning commission for development  
 35 management and farmland and natural area protection.

1 2. The department of economic development shall provide  
2 office space and staff assistance, and shall budget funds to  
3 cover expenses of the entities. The office of attorney  
4 general shall provide legal counsel to the entities.

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

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

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

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

29 Sec. 7. NEW SECTION. 6C.12 STATE LAND USE STRATEGIC  
30 DEVELOPMENT COUNCIL.

31 1. The state land use strategic development council is  
32 created as the state's principal agency overseeing planning by  
33 major state agencies involved in large-scale development  
34 projects. The purpose of the council is to ensure that  
35 development by state agencies is coordinated, including

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1 through the adoption of a state strategic development plan as  
2 provided in section 6C.42.

3 2. The council shall be composed of all of the following  
4 persons:

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

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

9 c. The director of the department of natural resources or  
10 a designee.

11 d. The director of the department of transportation or a  
12 designee.

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

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

17 g. The secretary of agriculture or a designee.

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

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

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

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

3 Sec. 8. NEW SECTION. 6C.13 COUNCIL -- POWERS AND DUTIES.

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

8 2. The board shall adopt rules pursuant to chapter 17A  
9 which are necessary to administer its duties under this  
10 chapter.

11 Sec. 9. NEW SECTION. 6C.14 LAND USE PLANNING BOARD FOR  
12 DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
13 PROTECTION.

14 1. The land use planning board for development management  
15 and farmland and natural area protection is created as the  
16 state's principal agency overseeing planning by local  
17 governments.

18 2. The governor shall appoint seven members to the board,  
19 including all of the following:

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

22 b. One member appointed from a city with a population of  
23 more than twenty thousand but not more than forty-five  
24 thousand.

25 c. One member appointed from a city with a population of  
26 twenty thousand or less.

27 d. One member appointed from a county with a population of  
28 more than fifty thousand.

29 e. One member appointed from a county with a population of  
30 more than twenty-five thousand but not more than fifty  
31 thousand.

32 f. One member appointed from a county with a population of  
33 twenty-five thousand or less.

34 g. One member appointed to represent the general public.

35 3. An appointment to the board created under this

1 subchapter shall be based upon the training, experience, and  
2 capacity of the appointee, and not upon political  
3 considerations, other than as provided in section 69.16.

4 4. The members shall be subject to confirmation by the  
5 senate as provided in section 2.32. The appointments must be  
6 for six-year staggered terms beginning and ending as provided  
7 in section 69.19, or for an unexpired term if a vacancy  
8 occurs. No member shall serve more than two complete six-year  
9 terms.

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

14 6. The board shall elect a chairperson each year.

15 Sec. 10. NEW SECTION. 6C.15 POWERS AND DUTIES OF THE  
16 BOARD.

17 1. The board shall approve or disapprove strategic  
18 development plans and annexation petitions, including plans of  
19 annexation, as provided in this chapter.

20 2. The board shall administer the land use planning fund  
21 for development management and farmland and natural area  
22 protection as created in section 6C.21. The board shall pay  
23 claims by eligible local governments for reimbursement of  
24 expenses relating to preparing strategic development plans as  
25 provided in section 6C.22.

26 3. The board shall adopt rules pursuant to chapter 17A  
27 which are necessary to administer its duties under this  
28 chapter. The rules shall include establishing filing fees for  
29 petitions and applications submitted to the board. The board  
30 may establish a schedule of fees required to file these  
31 documents with the board, based on criteria established by the  
32 board, which may include the size of the local government  
33 filing the document.

34 4. The board may adopt forms to be completed and submitted  
35 by local governments as required for the efficient

1 administration of this chapter. The board shall adopt a  
2 simple form for strategic development plans to be completed by  
3 small cities.

4 Sec. 11. NEW SECTION. 6C.16 LAND USE PLANNING COMMISSION  
5 FOR DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
6 PROTECTION.

7 1. The land use planning commission for development  
8 management and farmland and natural area protection is created  
9 as the state's advisory and oversight body responsible for  
10 monitoring the administration of this chapter, and considering  
11 policies and approaches required to accomplish the purposes of  
12 this chapter as provided in section 6C.2.

13 2. The commission shall be composed of twenty-one voting  
14 members with diverse expertise in planning development,  
15 design, zoning, annexation, agriculture, historic  
16 preservation, and conservation, including all of the  
17 following:

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

19 (1) Not more than one member from each chamber shall be  
20 from the same political party. The two senators shall be  
21 appointed by the majority leader of the senate after  
22 consultation with the president of the senate and the minority  
23 leader of the senate. The two representatives shall be  
24 appointed by the speaker of the house of representatives after  
25 consultation with the majority and minority leaders of the  
26 house of representatives.

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

30 b. One member appointed by the governor.

31 c. The executive director of the Iowa farm bureau  
32 federation or a designee of the executive director.

33 d. The executive director of the Iowa farmers' union or a  
34 designee of the executive director.

35 e. The executive director of the Iowa league of cities or

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- 1 a designee of the executive director.
- 2 f. The executive director of the Iowa state association of  
3 counties or a designee of the executive director.
- 4 g. The chairperson of the department of community and  
5 regional planning in the college of design at Iowa state  
6 university of science and technology.
- 7 h. The president of the Iowa chapter of the American  
8 planning association or a designee of the president.
- 9 i. The executive director of the associated builders and  
10 contractors of Iowa, inc. or a designee of the executive  
11 director.
- 12 j. The executive director of the Iowa association of soil  
13 and water conservation district commissioners or a designee of  
14 the executive director.
- 15 k. The executive director of the Iowa historic  
16 preservation alliance or a designee of the executive director.
- 17 l. The president of the Iowa chapter of the American  
18 society of landscape architects or a designee of the  
19 president.
- 20 m. The executive director of the Iowa chapter of the  
21 American institute of architects or a designee of the  
22 executive director.
- 23 n. The executive director of the Iowa natural heritage  
24 foundation or a designee of the executive director.
- 25 o. The executive director of the Iowa public transit  
26 association or a designee of the executive director.
- 27 p. The executive director of the Iowa sportsmen's  
28 federation or a designee of the executive director.
- 29 q. The president of the Iowa Audubon council or a designee  
30 of the president.
- 31 r. One member appointed jointly by the Iowa cattlemen's  
32 association, the Iowa pork producers association, the Iowa  
33 sheep producers association, the Iowa turkey federation, the  
34 Iowa poultry association, the Iowa state dairy association,  
35 the Iowa corn growers association, and the Iowa soybean

1 association.

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

4 4. The commission shall be chaired by two members of the  
5 general assembly, one appointed by the majority leader of the  
6 senate and one appointed by the speaker of the house of  
7 representatives. The commission shall meet on call of the co-  
8 chairpersons each year during the first week of October. The  
9 commission may meet at other times on call of the co-  
10 chairpersons, if the co-chairpersons determine that  
11 extraordinary circumstances require a meeting.

12 Sec. 12. NEW SECTION. 6C.17 COMMISSION POWERS AND  
13 DUTIES.

14 1. The commission shall oversee the administration of this  
15 chapter, monitor the effectiveness of public agencies in  
16 achieving the purposes of this chapter as provided in section  
17 6C.2, and study methods to better achieve those purposes. The  
18 council and the board shall report to the commission as  
19 required by the commission.

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

23 3. The commission shall submit a report to the governor  
24 and the general assembly by January 10 of each year. The  
25 report shall include findings and recommendations, including  
26 any proposed legislation, which shall be submitted as a  
27 departmental bill.

28 Sec. 13. NEW SECTION. 6C.18 REPEAL OF COMMISSION --  
29 DIRECTIONS TO CODE EDITOR.

30 Sections 6C.16 and 6C.17 and this section are repealed on  
31 January 1, 2003. The Iowa Code editor shall eliminate those  
32 sections from the 2003 Code of Iowa and correct internal  
33 references as necessary.

34 PART 2

35 Sec. 14. NEW SECTION. 6C.21 LAND USE PLANNING FUND FOR



1 DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
2 PROTECTION.

3 1. A land use planning fund for development management and  
4 farmland and natural area protection is created within the  
5 state treasury under the control of the department.

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

7 a. Moneys appropriated by the general assembly.

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

11 c. Fees paid to the department of revenue and finance  
12 which have been collected by county auditors for deposit into  
13 the fund pursuant to section 331.507.

14 3. The fund shall be used exclusively to reimburse  
15 counties for preparing strategic development plans as provided  
16 in section 6C.22.

17 4. The treasurer of state shall act as custodian of the  
18 fund. The treasurer of state is authorized to invest the  
19 moneys deposited in the fund. The income from such investment  
20 shall be credited to and deposited in the fund.

21 Notwithstanding section 8.33, moneys in the fund are not  
22 subject to reversion to the general fund of the state. The  
23 fund shall be administered by the board which shall make  
24 expenditures from the fund consistent with the purposes set  
25 out in section 6C.22. The moneys in the fund shall be  
26 disbursed upon warrants drawn by the director of revenue and  
27 finance pursuant to the order of the board. The fiscal year  
28 of the fund begins July 1. The finances of the fund shall be  
29 calculated on an accrual basis in accordance with generally  
30 accepted accounting principles. The auditor of state shall  
31 regularly perform audits of the fund.

32 Sec. 15. NEW SECTION. 6C.22 REIMBURSEMENT OF LOCAL  
33 GOVERNMENTS FOR PREPARATION OF PLANS.

34 1. The board shall approve a claim against the fund to  
35 reimburse local governments for costs associated with

1 preparing strategic development plans.

2 2. a. Except as provided in paragraph "b", the board  
3 shall pay a claim if all of the following apply:

4 (1) The claim is made in a manner and according to  
5 procedures required in this section and established by the  
6 board.

7 (2) The claim is complete and accurate, and contains no  
8 significant false or misleading statements.

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

11 (4) The person filing the claim is a local government.

12 (5) The amount of the claim is for reasonable costs  
13 associated with preparing the strategic development plan.

14 (6) If the claim is for costs related to preparing a joint  
15 strategic development plan, the claim is submitted by all  
16 local governments which are parties to the joint plan.

17 b. The board is not required to approve a claim for  
18 reimbursement of costs incurred in preparing part of a joint  
19 strategic development plan as provided in section 6C.57, until  
20 the entire plan is approved.

21 3. The claim must include supporting evidence that the  
22 claim is for reasonable costs related to preparation of the  
23 strategic development plan, which may include invoices, as  
24 required by the board.

25 4. The amount of the claim shall be based on the local  
26 government's ability to pay according to a schedule of rates  
27 reimbursing a percentage of the total costs expended by the  
28 local government in preparing the strategic development plan.  
29 However, a local government shall not be required to incur  
30 more than one hundred thousand dollars in unreimbursed  
31 expenses for preparing a strategic development plan.

32 5. If at any time the board determines that there are  
33 insufficient moneys in the fund to make payment of all claims,  
34 the department shall pay claims according to the date that the  
35 claims are received by the department. To the extent that a

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1 claim cannot be fully satisfied, the department shall order  
2 that the unpaid portion of the payment be deferred until the  
3 claim can be satisfied.

4 SUBCHAPTER III  
5 LAND USE INVENTORIES

6 Sec. 16. NEW SECTION. 6C.31 IOWA STATE UNIVERSITY --  
7 REPOSITORY -- STUDY AND REPORT.

8 To the extent that moneys and data are available, Iowa  
9 state university shall do all of the following:

10 1. Serve as the repository of permanent land use and  
11 natural resources inventories completed pursuant to section  
12 6C.32. The university shall provide for computer access of  
13 these inventories by the department for use by entities  
14 described in subchapter II.

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

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

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

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

33 (3) An assessment of the productive quality of soil of  
34 farmland converted to another use. The assessment of the soil  
35 may be by using crop yields, corn suitability ratings, or

1 classifications by the United States department of  
2 agriculture.

3 (4) An evaluation of urban growth patterns throughout the  
4 state, including areas of urban sprawl and extra-urban  
5 development.

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

9 3. Iowa state university shall assist the board in  
10 adopting rules necessary to implement a permanent land use and  
11 natural resources inventory system as required pursuant to  
12 section 6C.32. The university shall provide technical  
13 assistance to counties in completing the system according to a  
14 schedule established by the university in cooperation with the  
15 board.

16 Sec. 17. NEW SECTION. 6C.32 PERMANENT LAND USE AND  
17 NATURAL RESOURCES INVENTORY 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. A county board of supervisors may establish a county  
24 land preservation and use commission in order to carry out  
25 this section, as provided by the county board of supervisors.

26 b. The data shall be systematically collected by the  
27 county, subject to all of the following:

28 (1) Whenever possible, the data shall be enhanced by  
29 aerial imagery.

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

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

34 (4) To every extent practical, the system shall include  
35 any data collected for county land use inventories pursuant to

1 1982 Iowa Acts, chapter 1245.

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

4 2. The system shall be instituted by a county according to  
5 rules adopted by the board. The rules shall provide for  
6 implementation according to a schedule adopted by the board in  
7 cooperation with Iowa state university. All counties shall  
8 have a system implemented by June 30, 2003. However, a county  
9 shall not be required to implement a system until the state  
10 appropriates moneys to the county for implementation.

11 SUBCHAPTER IV

12 STRATEGIC DEVELOPMENT PLANNING

13 PART 1

14 STATE AGENCY PLANNING

15 Sec. 18. NEW SECTION. 6C.41 CONSULTATION DURING MAJOR  
16 DEVELOPMENT PROJECTS.

17 1. The state land use strategic development council shall  
18 meet regularly and its members shall consult when a state  
19 agency is engaged in a major development project. The state  
20 agency must consult with the council during regularly  
21 scheduled meetings conducted throughout the planning stages of  
22 a major public project.

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

25 3. In reviewing a major public project, the council shall  
26 to every extent practical ensure that the missions, policies,  
27 and goals of affected member agencies are not negatively  
28 impacted. The major public project shall be consistent with  
29 the state strategic development plan as required by section  
30 6C.42.

31 Sec. 19. NEW SECTION. 6C.42 STATE STRATEGIC DEVELOPMENT  
32 PLAN.

33 1. The council shall establish, maintain, and revise a  
34 state strategic development plan.

35 2. The state plan shall include development standards and

1 practices that ensure that development conducted by state  
2 agencies carries out the purposes of this chapter as provided  
3 in section 6C.2, the requirements of this chapter, and  
4 relevant joint strategic development plans. The state plan  
5 shall require that development comply with requirements that  
6 to every degree practical preserve the most productive  
7 farmland; protect soil from wind and water erosion; protect  
8 and enhance natural and recreational areas and wildlife;  
9 encourage higher density and efficient urban development  
10 patterns; foster alternative transportation systems; encourage  
11 mixed use development; and preserve, protect, and maintain  
12 significant historic or cultural resources.

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

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

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

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

34 Sec. 20. NEW SECTION. 6C.43 OVERSIGHT.

35 1. The council shall report to the commission during its

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1 October meeting as provided in section 6C.16. The report  
2 shall include a summary of any major public projects  
3 considered by the council, including any comments or  
4 objections noted by the council or member agencies.

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

11 a. Present information to the committee as requested by  
12 the committee.

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

16 c. Submit a copy of its state strategic development plan  
17 and any amendments to or revisions of the plan with the  
18 committee.

19 PART 2

20 LOCAL GOVERNMENT PLANNING

21 Sec. 21. NEW SECTION. 6C.51 DESCRIPTION.

22 1. A strategic development plan shall integrate the  
23 planning functions of the local government, including the  
24 planning of basic improvements and the provision of public  
25 benefits and services.

26 2. A strategic development plan is either an independent  
27 strategic development plan or a joint strategic development  
28 plan as provided in this subchapter. The plan may be part of  
29 a single plan or part of a combined plan.

30 3. A strategic development plan may be part of a  
31 comprehensive plan adopted pursuant to section 335.5 or  
32 section 414.3, if a comprehensive plan complies with  
33 requirements for a strategic development plan required under  
34 this part. A local government shall not be required to adopt  
35 an ordinance in conformance with this plan. However, a local

1 government shall comply with a comprehensive plan adopted  
2 pursuant to section 335.5 or section 414.3 to the extent  
3 required in those sections.

4 Sec. 22. NEW SECTION. 6C.52 PURPOSE.

5 A strategic development plan shall carry out the purposes  
6 of this chapter as provided in section 6C.2 and the  
7 requirements of this chapter, including by doing all of the  
8 following:

9 1. Identifying and protecting nonreplaceable farmland,  
10 natural areas, environmentally sensitive land, historical or  
11 cultural areas, and critical areas of local or statewide  
12 concern.

13 2. Preventing the occurrence of urban sprawl, including  
14 the economic, environmental, and social costs that accompany  
15 it, and by encouraging infill and redevelopment of existing  
16 urban sites.

17 3. Allowing local governments to plan for development in a  
18 comprehensive, orderly, and cooperative manner.

19 4. Ensuring that adequate basic improvements and public  
20 benefits and services are provided concurrently with  
21 development.

22 Sec. 23. NEW SECTION. 6C.53 INDEPENDENT STRATEGIC  
23 DEVELOPMENT PLANS -- PARTICIPATION BY LOCAL GOVERNMENTS.

24 Each local government shall adopt an independent strategic  
25 development plan that governs all land located within the  
26 jurisdiction of the local government, if the jurisdiction is  
27 not shared with any other local government. Two or more  
28 adjoining counties or adjoining cities may be parties to a  
29 common independent plan.

30 Sec. 24. NEW SECTION. 6C.54 INDEPENDENT STRATEGIC  
31 DEVELOPMENT PLANS -- CONTENTS.

32 An independent strategic development plan shall include all  
33 elements required to be included by the board in order to  
34 accomplish the purposes of this chapter as provided in section  
35 6C.2, the purposes of this subchapter as provided in section



1 6C.52, and the administration of this chapter's provisions,  
2 which shall at least include all of the following:

3 1. An identification of all areas served by adequate basic  
4 improvements and receiving an adequate level of public  
5 benefits and services. The plan shall address any areas where  
6 basic improvements and public benefits and services should be  
7 expanded in order to encourage development according to the  
8 independent plan.

9 2. An identification of parcels where development is  
10 occurring, including development that is inconsistent with the  
11 purposes of this chapter as provided in section 6C.2 and the  
12 purposes of this subchapter as provided in section 6C.52.

13 3. An identification of each area planned for development,  
14 including the type of development for which the area is best  
15 suited.

16 4. A description of public improvements planned to be  
17 developed in the area, including plans to construct adequate  
18 basic improvements or deliver an adequate level of public  
19 benefits and services, including to undeveloped areas,  
20 affected areas subject to land recycling as provided under  
21 chapter 455H, and vacant sites.

22 Sec. 25. NEW SECTION. 6C.55 JOINT STRATEGIC DEVELOPMENT  
23 PLANS -- PARTICIPATION BY LOCAL GOVERNMENTS.

24 1. Except as provided in this subsection, a local  
25 government shall adopt a joint strategic development plan.  
26 The joint plan shall govern unincorporated contiguous  
27 territory of a county where a city is located, if the county  
28 and city are parties to the joint plan. The joint plan shall  
29 at least govern the city's urbanized area located within the  
30 county.

31 a. A city shall be excused from adopting a joint plan as  
32 provided in this section, if the city council adopts a  
33 resolution declaring that it elects not to adopt a joint  
34 strategic development plan. The city shall submit the  
35 resolution to the board in lieu of the joint plan as required

1 in this section. The city shall not exercise jurisdiction  
2 within its urbanized area including as provided in section  
3 414.23.

4 b. A county is not qualified to be a party to a joint plan  
5 if the county does not adopt countywide zoning as provided in  
6 chapter 335. The city may adopt a zoning ordinance pursuant  
7 to chapter 414 to govern the city's urbanized area in an  
8 unqualified county.

9 2. To the extent that unincorporated territory is located  
10 within two or more qualified counties or adjoins two or more  
11 cities, each of the qualified counties and cities shall adopt  
12 the joint strategic development plan.

13 3. A city and a qualified county may execute a joint  
14 strategic development plan that includes any unincorporated  
15 territory that is within the jurisdiction of the county if all  
16 of the following apply:

17 a. The territory is contiguous.

18 b. The territory is not within the urbanized area of  
19 another city, unless the city is a party to the joint plan.

20 4. Two or more adjoining qualified counties may be parties  
21 to a joint strategic development plan, if any city that shares  
22 jurisdiction over an urbanized area in common with the  
23 counties is also a party.

24 Sec. 26. NEW SECTION. 6C.56 JOINT STRATEGIC DEVELOPMENT  
25 PLANS -- CONTENTS.

26 1. A joint strategic development plan shall include all  
27 elements required to be included by the board in order to  
28 accomplish the purposes of this chapter as provided in section  
29 6C.2, the purposes of this subchapter as provided in section  
30 6C.52, and the administration of this chapter's provisions.

31 2. The joint strategic development plan shall at least  
32 include all of the following:

33 a. An identification of each parcel planned for  
34 development, including the type of development for which the  
35 parcel is best suited. The joint plan shall include all of

1 the following:

2 (1) An identification of parcels planned for immediate  
3 development around each city, an adjacent area planned for  
4 future development, and parcels not planned for development.  
5 In identifying the parcels, the joint plan must describe the  
6 level and type of development appropriate within the  
7 boundaries of each parcel in order to accommodate urban  
8 expansion in a manner that carries out the purposes of this  
9 chapter.

10 (2) An identification of farmland, natural areas,  
11 historical or cultural areas, and environmentally sensitive  
12 land that should not be developed or developed with heightened  
13 scrutiny.

14 (3) An evaluation of the agricultural productivity of the  
15 territory's farmland, including its corn suitability rating.

16 (4) A map of the area's territory, including a description  
17 of topography.

18 (5) A description of population densities.

19 b. A description of public improvements and public  
20 benefits and services available in and planned for the  
21 territory, including all of the following:

22 (1) An identification of all land within the territory  
23 that is served by adequate basic improvements and receives an  
24 adequate level of public benefits and services. The plan  
25 shall address any areas where basic improvements or public  
26 benefits and services should be expanded in order to encourage  
27 development according to the joint plan.

28 (2) Public benefits and services provided to or planned  
29 for the territory by any existing special service districts.

30 (3) Arrangements for the maintenance, improvement, and  
31 traffic control of any roads shared by the parties.

32 c. The location of all public improvements to be located  
33 in the area subject to the joint plan.

34 d. An identification of parcels where development is  
35 occurring, including extra-urban development and development

1 that is inconsistent with the purposes of this chapter as  
2 provided in section 6C.2 and the purposes of this subchapter  
3 as provided in section 6C.52.

4 Sec. 27. NEW SECTION. 6C.57 STRATEGIC DEVELOPMENT PLANS  
5 -- PREPARATIONS, SUBMISSION, APPROVAL, AND FILING.

6 1. Planning commissions, councils of governments, or  
7 similar organizations or associations representing the  
8 interests of local governments may assist local governments in  
9 preparing individual strategic development plans. However, a  
10 joint strategic development plan must be prepared by one of  
11 the following:

12 a. The council of governments for the area.

13 b. A coordinating committee established by resolution  
14 adopted by all participating local governments. The  
15 coordinating committee shall be composed of members as  
16 established by the joint resolution.

17 2. A local government shall submit strategic development  
18 plans to the board for approval and filing under this section,  
19 in a manner and according to procedures required by the board.

20 A local government shall submit an updated strategic  
21 development plan for approval by the board each seven years.

22 A local government shall submit its initial strategic  
23 development plan to the board as follows:

24 a. Except as otherwise provided in paragraph "b", the  
25 following shall apply:

26 (1) The plans shall be submitted by June 30, 2002, for  
27 both of the following:

28 (a) Counties having a population of one hundred fifty  
29 thousand or more.

30 (b) Cities having a population of seventy-five thousand or  
31 more.

32 (2) The plans shall be submitted by June 30, 2003, for  
33 both of the following:

34 (a) Counties having a population of fifty thousand or more  
35 but less one hundred fifty thousand.

1 (b) Cities having a population of twenty-five thousand or  
2 more but less than seventy-five thousand.

3 (3) The plans shall be submitted by June 30, 2004, for  
4 both of the following:

5 (a) Counties having a population of less than fifty  
6 thousand.

7 (b) Cities having a population of less than twenty-five  
8 thousand.

9 b. If a city is required to file an independent strategic  
10 development plan governing land within a county, the county  
11 shall submit an independent strategic development plan and any  
12 required joint strategic development plan by the date required  
13 for the city to file its plans.

14 3. The board may conduct a public hearing regarding a  
15 strategic development plan submitted for approval.

16 4. A city may object to an independent strategic  
17 development plan submitted by a county, based on the failure  
18 of the plan to carry out the purposes of this chapter pursuant  
19 to section 6C.2, the purpose of a strategic development plan  
20 as required pursuant to section 6C.52, or the requirements of  
21 this subchapter. The board shall consider the objection and  
22 may deny approval of the independent strategic development  
23 plan based on the objection.

24 5. a. If a joint strategic development plan has not been  
25 adopted as required in this section, either local government  
26 may file an application with the board to resolve the dispute.  
27 The board shall do any of the following:

28 (1) Order the parties to negotiate the terms of a joint  
29 plan.

30 (2) Conduct a hearing as a contested case proceeding under  
31 chapter 17A and may order the parties to adopt terms and  
32 conditions of a joint plan, as required by the board.

33 b. A local government may file the application after one  
34 year from the date that a joint strategic development plan is  
35 required to be submitted to the board as provided in section

1 6C.57. However, if local governments submit part of a joint  
2 plan as provided in this section, a local government may file  
3 the application after six months from the date that the part  
4 of the joint plan was submitted.

5 c. Each affected local government is a party to the  
6 hearing.

7 d. The board's decision shall be regarded as a final  
8 agency action of the department as provided under chapter 17A.

9 6. The board shall not approve a strategic development  
10 plan unless all of the following occur:

11 a. Each participating local government approves the plan  
12 by resolution. All parties to a plan must adopt the plan by  
13 resolution.

14 b. The board shall approve the plan only if it determines  
15 that the plan meets the purposes of this chapter as provided  
16 in section 6C.2, the purposes of this subchapter as provided  
17 in section 6C.52, and the requirements of the plan as provided  
18 in this subchapter.

19 7. The board may approve and file parts of a joint  
20 strategic development plan adopted by all local governments  
21 who have jurisdiction over the common territory governed by  
22 the plan.

23 Sec. 28. NEW SECTION. 6C.58 RESTRICTIONS ON PLANNING AND  
24 DEVELOPMENT.

25 1. A person charged by a local government to carry out  
26 development functions, including a board, commission, council,  
27 or committee or local government employee or appointed  
28 official, shall not engage in planning unless the planning is  
29 consistent with the local government's strategic development  
30 plan or the governing body of the local government adopts a  
31 resolution authorizing the person to carry out the planning.

32 2. A public agency shall not develop land in a manner that  
33 is inconsistent with a strategic development plan. A public  
34 agency other than a state agency shall not construct a public  
35 building within territory subject to a joint strategic

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1 development plan, unless the public building is constructed in  
2 a manner and location provided for in the joint plan. If any  
3 territory is ungoverned by a joint plan approved by the board,  
4 the public agency shall not construct a public building within  
5 the territory until that part of the joint plan governing the  
6 territory is approved by the board.

7 3. A local government shall not approve development that  
8 is inconsistent with a strategic development plan, including  
9 the issuance of permits or the platting of land as provided in  
10 chapter 354.

11 4. If a city is excused from submitting a joint strategic  
12 development plan pursuant to section 6C.55, any unincorporated  
13 area adjoining the city shall be governed by a strategic  
14 development plan submitted by other local governments as if  
15 the city does not exist.

16 Sec. 29. NEW SECTION. 6C.59 LOCAL LEGISLATION.

17 A local government may adopt local legislation regulating  
18 development within its territory in order to carry out the  
19 purposes of this chapter that is consistent with the local  
20 government's strategic development plan. A local government  
21 shall cooperate with any other local government, which is a  
22 party to a joint strategic development plan in adopting local  
23 legislation regulating development within a common territory  
24 subject to the joint plan. The local legislation may provide  
25 for all of the following:

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

34 2. Providing for the establishment of urban growth  
35 boundaries; urban service areas; phased development areas;

1 differential property tax rates otherwise consistent with  
2 state law; conservation easements; the acquisition of  
3 development rights, including the purchase of development  
4 rights or the transfer of development rights; and development  
5 standards.

6 SUBCHAPTER V  
7 CITY DEVELOPMENT  
8 PART 1  
9 GENERAL

10 Sec. 30. NEW SECTION. 6C.71 PURPOSE.

11 The purpose of this subchapter is to establish a process  
12 for the approval of a petition for city development which  
13 furthers the purposes of this chapter as provided in section  
14 6C.2, is consistent with a strategic development plan  
15 governing the territory as provided in subchapter IV, and  
16 which considers the desire of the residents of the territory  
17 subject to a boundary change and the interests of the  
18 residents of all territories affected by a city development.

19 Sec. 31. NEW SECTION. 6C.72 BOARD INITIATIVE.

20 1. The board may initiate proceedings for city  
21 development, based on the results of studies.

22 2. The board may request a city to submit a plan for city  
23 development or may formulate its own plan for city  
24 development.

25 3. A plan for city development submitted at the board's  
26 initiation must include the same information as an involuntary  
27 petition provided in section 6C.81. The plan for city  
28 development shall be filed and acted upon in the same manner  
29 as a petition.

30 4. A plan for city development may include any information  
31 determined to be relevant by the board, including but not  
32 limited to results of studies, surveys, and arguments.

33 Sec. 32. NEW SECTION. 6C.73 AGREEMENTS VOID.

34 1. A local government shall not execute an agreement with  
35 another local government under chapter 28E that provides for



1 annexation, including but not limited to furnishing public  
2 benefits or services, extending basic improvements, or  
3 constructing public facilities. Any such agreement that is in  
4 effect on the effective date of this Act is void.

5 2. Any agreement executed by cities pursuant to section  
6 368.4, as that section existed prior to the effective date of  
7 this Act, is void.

8 PART 2

9 PETITIONS

10 Sec. 33. NEW SECTION. 6C.81 INVOLUNTARY CITY DEVELOPMENT  
11 PETITIONS.

12 1. The board may accept a petition for city development  
13 submitted by a city council, a county board of supervisors, a  
14 regional planning authority, or five percent of the qualified  
15 electors of a city or territory subject to the petition.

16 2. a. A petitioner shall provide notice by certified mail  
17 to all of the following:

18 (1) The city council of each city subject to the city  
19 development.

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

22 (3) The city council of a city if an incorporation  
23 includes territory within the city's urbanized area.

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

25 b. The notice shall provide information regarding the  
26 petition as required by the board and shall include a copy of  
27 the petition.

28 3. Within ninety days of receipt of a petition, the board  
29 shall initiate appropriate proceedings or dismiss the petition  
30 as provided in this paragraph. The board may combine  
31 petitions which concern the same territory or city or which  
32 provide for city development affecting common territory.

33 4. a. A petition must provide how the city development  
34 will further the city's joint strategic development plan. The  
35 petition shall include all of the following:

- 1 (1) A general statement of the city development.
- 2 (2) A map of the territory, city, or cities involved.
- 3 (3) The location of public improvements planned to be
- 4 constructed in the proposed bounded territory.
- 5 (4) An assessed valuation of platted and unplatted land in
- 6 the bounded territory.
- 7 (5) The names of owners of property located in the bounded
- 8 territory.
- 9 (6) The population density of the bounded territory.
- 10 (7) A description of bounded territory's topography.
- 11 (8) Plans for the disposal of assets and assumption of
- 12 liabilities.
- 13 (9) A description of existing public benefits and services
- 14 available in the bounded territory.
- 15 (10) Plans for agreements with any existing special
- 16 service districts.
- 17 (11) In a case of annexation or incorporation, the
- 18 petition must state that none of the territory is within a
- 19 city.
- 20 (12) In a case of incorporation or consolidation, the
- 21 petition must state the name of the proposed city.
- 22 (13) Any formal agreement between affected cities and
- 23 counties for the maintenance, improvement, and traffic control
- 24 of any shared roads involved in an incorporation or boundary
- 25 adjustment.
- 26 (14) In the discretion of a city council, a provision for
- 27 a transition for the imposition of city taxes against property
- 28 within an annexation area.
- 29 (a) The provision shall not allow a greater exemption from
- 30 taxation than the tax exemption formula schedule provided
- 31 under section 427B.3, subsections 1 through 5, and shall be
- 32 applied in the levy and collection of taxes.
- 33 (b) The provision may also allow for the partial provision
- 34 of city services during the time in which the exemption from
- 35 taxation is in effect.

1     Sec. 34. NEW SECTION. 6C.82 SPECIAL REQUIREMENTS FOR  
2 ANNEXATIONS -- PUBLIC HEARINGS.

3     1. Before a petition for involuntary annexation is  
4 submitted to the board, the petitioner must hold a public  
5 hearing on the petition. The petitioner shall provide notice  
6 of the hearing which shall include the time and place of the  
7 public hearing.

8     a. At least ten days before a petition for annexation is  
9 submitted to the board, the petitioner must deliver a notice  
10 by certified mail to all of the following:

11     (1) Any party to a joint strategic development plan  
12 governing the bounded territory.

13     (2) The city council of each city whose urbanized area  
14 contains a portion of the bounded territory.

15     (3) The board of supervisors of each county which contains  
16 a portion of the bounded territory.

17     (4) The regional planning authority for the bounded  
18 territory.

19     (5) Each affected public utility.

20     (6) Each owner of property located in the bounded  
21 territory. The petition shall identify all property owners  
22 listed in the petition.

23     (7) Each owner of adjacent property located within the  
24 bounded territory.

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

29     2. The mayor of the city proposing to annex the bounded  
30 territory, or that person's designee, shall serve as  
31 chairperson of the public hearing. The city clerk of the city  
32 or the city clerk's designee shall record the proceedings of  
33 the public hearing. Any person attending the public hearing  
34 may provide oral or written comments regarding the petition.  
35 The minutes of the public hearing and all documents submitted

1 at the public meeting shall be forwarded to the board by the  
2 chairperson of the hearing in a manner and according to  
3 procedures required by the board.

4 Sec. 35. NEW SECTION. 6C.83 VOLUNTARY ANNEXATIONS --  
5 PETITIONS TO CITY COUNCIL.

6 1. A petition for voluntary annexation of territory by a  
7 city must be approved by resolution of the council which  
8 receives the petition. The city council shall approve or deny  
9 the petition following a public hearing as provided in this  
10 section. If approved by the council, the petition must be  
11 delivered to the board for approval.

12 2. All of the owners of land in a territory adjoining a  
13 city must petition the council of the adjoining city  
14 requesting the voluntary annexation. Territory comprising  
15 railway right-of-way or territory comprising not more than  
16 twenty percent of the land area may be included in the  
17 petition without the consent of an owner to avoid creating an  
18 island or to create more uniform boundaries.

19 3. The petition must contain any information required by  
20 the board, including a legal description and a map of the  
21 territory showing its location in relationship to the city.

22 4. The city shall provide notice of the petition as  
23 follows:

24 a. At least ten days prior to any action by the city  
25 council regarding the petition, the city shall provide notice  
26 as follows:

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

29 (a) Any party to a joint strategic development plan  
30 governing the bounded territory.

31 (b) The board of supervisors of each county which contains  
32 a portion of the territory proposed to be annexed.

33 (c) Each affected public utility.

34 (d) The regional planning authority of the territory.

35 (e) Each owner of property located within the bounded

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1 territory who is not a party to the petition.

2 (f) Each owner of property which adjoins the bounded  
3 territory.

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

7 b. The notice shall include the time and place of the  
8 public hearing and a legal description of the territory  
9 petitioned to be annexed.

10 5. a. A petition for voluntary annexation of territory  
11 without the consent of all the property owners in the  
12 territory must be approved by four-fifths of the council  
13 members.

14 b. A resolution approving an annexation may provide for  
15 the transition for the imposition of taxes.

16 Sec. 36. NEW SECTION. 6C.84 SPECIAL NOTICE REQUIRED FOR  
17 ANNEXATIONS INVOLVING LAND OWNED BY GOVERNMENTS.

18 1. If territory owned by the state is to be annexed under  
19 this subchapter, the attorney general must be provided with a  
20 copy of the petition, and notified of each hearing or meeting  
21 provided under this part.

22 2. If territory within the road right-of-way owned by a  
23 county is annexed as provided in this subchapter, the county  
24 attorney must be provided with a copy of the petition, and  
25 notified of each hearing or meeting provided in this part.

26 Sec. 37. NEW SECTION. 6C.85 SPECIAL SEVERANCE  
27 PROCEEDINGS.

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

31 1. The board may order a severance upon its own initiative  
32 or upon petition by a city as provided in section 6C.95.

33 2. Any territory may be severed upon the unanimous consent  
34 of all owners of the territory, approval by resolution of the  
35 city council of the city in which the territory is located,

1 and approval by the board.

2 3. If the bounded territory is severed, the city council  
3 shall provide by resolution for the equitable distribution of  
4 assets and equitable distribution and assumption of  
5 liabilities of the territory as between the city and the  
6 severed territory.

7 Sec. 38. NEW SECTION. 6C.86 APPROVAL OF CITY DEVELOPMENT  
8 PETITIONS REQUIRED.

9 City development shall not occur unless a petition is  
10 submitted and approved by the board as provided in this  
11 subchapter. The petition may be for incorporation,  
12 discontinuance, or boundary adjustment.

13 Sec. 39. NEW SECTION. 6C.87 SUBMISSION OF CITY  
14 DEVELOPMENT PETITIONS.

15 1. A person eligible to file a petition for city  
16 development with the board shall comply with the requirements  
17 of this subchapter, according to procedures and in a manner  
18 required by the board. A petition must include all elements  
19 required to be included by the board pursuant to rules adopted  
20 by the board, which carries out the purposes of this chapter  
21 as provided in section 6C.2, the purposes of this subchapter  
22 as provided in section 6C.71, and the requirements of this  
23 subchapter.

24 2. A petition for annexation must contain a plan of  
25 annexation which provides for how the annexation complies with  
26 the requirements of a strategic development plan governing the  
27 bounded territory. The plan shall provide all of the  
28 following:

29 a. A description of public benefits and services planned  
30 to be extended to the bounded territory and a schedule of when  
31 the public benefits and services will be extended to residents  
32 of the bounded territory.

33 b. The location of public buildings planned to be  
34 constructed within the bounded territory.

35 c. The rationale for the annexation and for inclusion of

1 the bounded territory.

2 Sec. 40. NEW SECTION. 6C.88 PUBLIC HEARING AND  
3 CONSIDERATION OF EVIDENCE.

4 1. The board shall conduct a public meeting regarding a  
5 petition as soon as practicable for a city development  
6 petition.

7 a. The board shall provide notice as follows:

8 (1) The notice shall be delivered to all of the following:

9 (a) Each party participating in a joint strategic  
10 development plan.

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

13 (c) The county board of supervisors for each county, which  
14 contains a portion of a city to be discontinued or territory  
15 to be incorporated, annexed, or severed.

16 (d) Any regional planning authority for the territory  
17 involved.

18 (e) All the owners of property located within a bounded  
19 territory subject to annexation.

20 (f) All the owners of property adjoining property with the  
21 bounded territory subject to annexation.

22 (2) The board shall publish notice of the petition and  
23 hearing in two issues of a newspaper having general  
24 circulation in each city and each territory involved in the  
25 proposal.

26 b. The notice shall include a brief description of the  
27 petition and a statement of where the petition is available  
28 for public inspection.

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

31 d. The board may subpoena witnesses and documents relevant  
32 to the proposed city development.

33 2. In considering a petition for a boundary adjustment,  
34 the board shall receive and weigh evidence of all of the  
35 following:

1 a. The potential effect of the proposed city development  
2 on adjacent areas, and on other local governments directly  
3 affected, including but not limited to the potential impact of  
4 the proposed boundary adjustment on future revenues of  
5 affected local governments.

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

8 c. The desire of persons residing in the bounded territory  
9 favoring the boundary adjustment.

10 d. Any recommendations regarding the petition submitted by  
11 the regional planning authority for the bounded territory.

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

14 a. Existing and projected commercial and industrial  
15 development within the bounded territory.

16 b. Existing and projected population in the bounded  
17 territory.

18 c. The potential effects of extending public benefits and  
19 services and constructing proposed public improvements as  
20 required in the plan of annexation, including but not limited  
21 to the cost and adequacy of providing existing public benefits  
22 and services and constructing public improvements within the  
23 bounded territory.

24 d. The extent of available and suitable developable land  
25 within the corporate limits of the city.

26 Sec. 41. NEW SECTION. 6C.89 DISMISSAL OF PETITIONS.

27 The board may dismiss a petition if it finds that it  
28 proposes substantially the same city development that has been  
29 disapproved by the board, a city, or by election within the  
30 two years prior to the date the petition is submitted to the  
31 board, or that any bounded territory proposed to be annexed  
32 has been voluntarily annexed under section 6C.83. The board  
33 shall file for record a statement of each dismissal and the  
34 reason for it, and shall promptly notify the parties to the  
35 proceeding of its decision.



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1 Sec. 42. NEW SECTION. 6C.90 APPROVAL OR DISAPPROVAL OF  
2 PETITIONS.

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

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

16 3. The board shall consider any objection by a county to  
17 the plan of annexation provided in chapter 6C, regardless of  
18 whether it is qualified to be a party in a joint strategic  
19 development plan pursuant to section 6C.55, if the bounded  
20 territory is located in the county. The board may disapprove  
21 the petition based only on the objection. If land in an  
22 adjoining county could reasonably be annexed as part of future  
23 city development, the board shall consider comments regarding  
24 the plan of annexation presented by the adjoining county.

25 4. The board may amend a petition, including by placing  
26 conditions upon its approval. If a petition is substantially  
27 amended, the board shall continue any meeting to a later date  
28 and provide notice describing the amendments in the same  
29 manner as required pursuant to this part.

30 5. The board may establish an expedited process to approve  
31 any of the following:

32 a. A petition for the voluntary annexation of territory as  
33 provided in section 6C.83 or the voluntary severance of  
34 territory as provided in section 6C.85.

35 b. A petition submitted by a city to sever annexed

1 territory because the city cannot provide public benefits or  
2 services to the territory.

3 c. A board action to sever territory as provided in  
4 chapter 6C.

5 6. The board shall deny a petition based on any of the  
6 following:

7 a. An inadequate quantity or quality of evidence submitted  
8 by the petitioner.

9 b. The application is premature.

10 c. For a petition for incorporation, any of the following  
11 apply:

12 (1) The city proposed to be incorporated will be unable to  
13 provide customary public benefits and services.

14 (2) Any part of the territory is within an urbanized area.  
15 The board shall deny the petition, unless a petition for  
16 annexation of substantially the same territory to such city  
17 has been dismissed, disapproved, or voted upon unfavorably  
18 within the last five years.

19 d. For a discontinuance or severance, any of the following  
20 apply:

21 (1) The city proposed to be discontinued or the territory  
22 to be severed will be surrounded by one or more cities and a  
23 petition for annexation of the same bounded territory has not  
24 been approved by the board.

25 (2) The county or another city will be unable to provide  
26 necessary public benefits and services to the residents of the  
27 territory.

28 e. For a boundary adjustment, the city development would  
29 create an island.

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

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

33 (2) The bounded territory does not follow property lines.

34 (3) It is unreasonable or impracticable for the city  
35 applying for annexation to extend public benefits and services

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1 to the bounded territory within three years.

2 (4) The motive for annexation is solely to increase  
3 revenues to the city applying for annexation.

4 g. For a consolidation of cities which are not contiguous.

5 7. If a petition for voluntary annexation is not approved  
6 pursuant to this section, the board may convert the petition  
7 to a petition for involuntary annexation pursuant to section  
8 6C.81. The conversion shall not prejudice the status of the  
9 applicant.

10 8. Upon approval by the board, the city clerk shall file a  
11 copy of related documents with the county board of  
12 supervisors, secretary of state, and state department of  
13 transportation. The documents shall include the board's  
14 order, any city resolution, and a map and a legal description  
15 of the territory. The city clerk shall also record a copy of  
16 the map and resolution with the county recorder.

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

19 Sec. 43. NEW SECTION. 6C.91 ELECTION.

20 1. If the board approves a petition as provided in section  
21 6C.90 for city development, the board shall provide for an  
22 election. However, an election is not required if one of the  
23 following applies:

24 a. The city development is a voluntary annexation under  
25 section 6C.83, the bounded territory is within an urbanized  
26 area of the city, and the territory is not within an urbanized  
27 area of another city.

28 b. The city development is a severance under section  
29 6C.85.

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

34 a. A city development which is an incorporation,  
35 discontinuance, annexation, or severance, shall be authorized

1 if a majority of the total number of persons voting approves  
2 the city development. In the case of incorporation or  
3 discontinuance, the registered voters of the territory or city  
4 respectively are eligible to vote in the election. In the  
5 case of annexation or severance, the registered voters of the  
6 territory and of the city are eligible to vote in the  
7 election.

8 b. A city development which is a consolidation shall be  
9 authorized if a favorable majority vote in each city approves  
10 a consolidation. The registered voters of each city are  
11 eligible to vote in the election.

12 3. The county commissioner of elections shall publish  
13 notice of the election as provided in section 49.53 and shall  
14 conduct the election in the same manner as other special city  
15 elections.

16 4. The city shall provide to the commissioner of elections  
17 a map of the area subject to the petition for city  
18 development. The commissioner of elections shall approve the  
19 map for posting. The map shall be displayed prominently in at  
20 least four places within the voting precinct, and inside each  
21 voting booth, or on the left-hand side inside the curtain of  
22 each voting machine.

23 5. The costs of an incorporation election shall be borne  
24 by the initiating petitioners if the election fails. However,  
25 if the proposition is approved the cost shall become a charge  
26 of the new city.

27 Sec. 44. NEW SECTION. 6C.92 PROCEDURE AFTER APPROVAL.

28 1. After the county commissioner of elections has  
29 certified the results to the board of an election conducted  
30 pursuant to section 6C.91, the board shall do all of the  
31 following:

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

34 b. File with the secretary of state and the clerk of each  
35 city incorporated or involved in a boundary adjustment, and

1 record with the recorder of each county which contains a  
2 portion of any city or territory involved, all of the  
3 following:

- 4 (1) Copies of the proceedings including the original
- 5 petition and any amendments.
- 6 (2) The order of the board approving the petition.
- 7 (3) Evidence that notice has been delivered or published
- 8 as provided in this subchapter.
- 9 (4) Certification of the election result conducted
- 10 pursuant to section 6C.91.
- 11 (5) Any other material that the board determines to be of
- 12 primary importance to the proceedings.

13 c. File with the state department of transportation a copy  
14 of the map and legal land description of each completed  
15 incorporation or boundary adjustment.

16 2. Upon proper filing and expiration of time for appeal,  
17 the incorporation, discontinuance, or boundary adjustment is  
18 complete. However, if an appeal to any of the proceedings is  
19 pending, completion does not occur until the appeal is  
20 decided, unless a subsequent date is provided in the petition  
21 as approved by the board.

22 Sec. 45. NEW SECTION. 6C.93 APPEAL.

23 1. A city, or a resident or property owner in the  
24 territory or city affected by a city development petition may  
25 appeal a decision of the board rendered under section 6C.90 or  
26 an election conducted under section 6C.91.

27 2. An appeal must be filed within thirty days of the  
28 filing of a decision or the publication of notice of the  
29 result of an election.

30 3. Except as provided in this subsection the judicial  
31 review provisions of this section and chapter 17A shall be the  
32 exclusive means by which a person or party who is aggrieved or  
33 adversely affected may seek judicial review of a board's  
34 decision or an election result. The court may reverse and  
35 remand a decision of the board or election result with

1 appropriate directions.

2 4. Notwithstanding section 17A.19, subsection 2, the  
3 appeal shall be made to the district court of a county which  
4 contains a portion of any city or territory involved in the  
5 petition. Notwithstanding section 17A.19, subsection 5, an  
6 appeal of an approval of a petition does not stay an election.  
7 Notwithstanding section 17A.19, subsection 8, the court upon  
8 review of the appeal shall not reverse or remand a board's  
9 decision or election result unless any one of the following  
10 applies:

11 a. For an election result, the election was conducted in  
12 an illegal manner.

13 b. For a decision by the board, any of the following  
14 apply:

15 (1) The board did not have jurisdiction to consider the  
16 petition.

17 (2) The board conducted its proceedings in an irregular  
18 manner.

19 (3) The decision of the board is any of the following:

20 (a) Conducted according to irregular procedures.

21 (b) Unsupported by substantial evidence in the record.

22 (c) Unreasonable, arbitrary, or capricious.

23 (d) Characterized by an abuse of discretion or a clearly  
24 unwarranted exercise of discretion.

25 Sec. 46. NEW SECTION. 6C.94 SUPERVISION OF PROCEDURES.

26 1. When a city development is complete, the board shall  
27 supervise procedures necessary to carry out the petition as  
28 approved by the board.

29 2. In implementing the petition approved by the board, all  
30 of the following shall apply:

31 a. For an incorporation, the county commissioner of  
32 elections shall conduct an election for mayor and council of  
33 the city, who shall serve until their successors take office  
34 following the next regular city election.

35 b. For a discontinuance, the board shall publish two

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1 notices as provided in section 368.15 that it will do all of  
2 the following:

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

5 (2) Levy necessary taxes against the property within the  
6 discontinued city to pay claims allowed. All records of a  
7 discontinued city shall be deposited with the county auditor  
8 of the county designated by the board. Any remaining balances  
9 shall be deposited in the county treasury where the former  
10 city was located.

11 c. For a boundary adjustment, the proper city officials  
12 shall carry out procedures necessary to implement the  
13 petition.

14 Sec. 47. NEW SECTION. 6C.95 COMPLIANCE WITH REQUIREMENTS  
15 FOR A BOUNDARY ADJUSTMENT -- RECONSIDERATION.

16 1. A city shall comply with any conditions provided in a  
17 petition for a boundary adjustment or conditions imposed on  
18 the city by the board in approving the petition.

19 2. A city shall provide public benefits and services to a  
20 bounded territory annexed under a plan of annexation approved  
21 by the board as part of a petition for boundary adjustment, as  
22 provided in section 6C.90. If a city fails to provide public  
23 benefits and services within its bounded territory within  
24 three years, the city may apply for an extension to provide  
25 the public benefits and services for a period not to exceed  
26 two additional years. The board may grant the extension, if  
27 the board determines that the city has acted in good faith to  
28 provide the public benefits and services and that unforeseen  
29 events contributed to the delay. The board may grant an  
30 extension for one more additional year if the board determines  
31 that exigent circumstances warrant the extension. However, in  
32 no case may the board approve an extension for more than six  
33 years following the board's approval of the plan of  
34 annexation.

35 3. The board shall reconsider approving a petition upon

1 its own initiative for a boundary adjustment if the board  
2 finds that the petition may be disapproved under this  
3 subsection.

4 a. If the petition was for an annexation, the board may  
5 reconsider the petition upon receipt of an appeal brought by  
6 an owner of land located in the bounded territory annexed  
7 pursuant to a plan of annexation approved as part of the  
8 petition. The appeal shall be submitted in a manner and  
9 according to procedures required by the board. The board  
10 shall disapprove a reconsidered petition, if the board  
11 determines that one of the following applies:

12 b. The city fails to provide public benefits and services  
13 to the annexed bounded territory within the period required by  
14 this section.

15 c. The city misrepresented a material fact in its petition  
16 for annexation that caused the board to approve the petition.

17 4. If the board determines that the petition should not  
18 have been approved, the board may do any of the following:

19 a. Provide an order of tax relief to do either of the  
20 following:

21 (1) Require that all or some property within the annexed  
22 territory be taxed according to a reduced rate. The reduced  
23 rate shall not be less than the rate applicable if the  
24 territory had not been annexed. The property shall be taxed  
25 at the reduced rate until at least public benefits and  
26 services are extended to property within the annexed property.

27 (2) Require that the city provide a rebate to residents  
28 equaling the difference between the property taxes paid to the  
29 city by owners of property within the annexed territory and  
30 the amount in taxes owed under the reduced rate.

31 b. Order the severance of all or any part of bounded  
32 territory annexed pursuant to a plan of annexation submitted  
33 with a petition for boundary alteration as provided in section  
34 6C.85, if any of the following apply:

35 c. The board finds all of the following apply:



1 (1) The city failed to comply with purposes of this  
2 chapter as provided in section 6C.2, the requirements of this  
3 subchapter, a joint strategic development plan as provided in  
4 subchapter IV, or conditions provided in the petition or order  
5 approving the petition.

6 (2) The failure was due to the city's bad faith,  
7 recklessness, or disregard for the facts as stated in the  
8 petition, including the plan of annexation.

9 d. The city petitions the board to order a severance,  
10 based on the city's failure to provide adequate public  
11 benefits or services to land owners in the bounded territory.

12 PART III

13 SPECIAL PROVISIONS

14 Sec. 48. NEW SECTION. 6C.101 AUTOMATIC DISCONTINUANCE.

15 1. A city is automatically discontinued if, for a period  
16 of six years or more, the city fails to do any of the  
17 following:

18 a. Hold a city election.

19 b. Levy taxes.

20 2. If the board determines that a city is discontinued  
21 under this section, the board shall take control of the  
22 property of the discontinued city and carry out all necessary  
23 functions and procedures as if the city were discontinued  
24 under a petition as provided in section 6C.94.

25 Sec. 49. NEW SECTION. 6C.102 DISCONTINUED CITIES --  
26 CEMETERY FUNDS.

27 If a city is discontinued under this subchapter, and the  
28 board determines that perpetual care funds exist, the board  
29 shall provide for the transfer of the funds to any of the  
30 following:

31 1. A trustee named by a district court.

32 2. The county board of supervisors in the county where the  
33 discontinued city was located.

34 3. A governmental entity deemed suitable by the board.

35 Sec. 50. NEW SECTION. 6C.103 UTILITIES -- TAXES UPON

1 ANNEXATION.

2 1. a. A city that annexes territory shall provide written  
3 notification to all public utilities operating in the annexed  
4 territory. The notice shall include all of the following:

5 (1) A legal description and map of the annexed territory.

6 (2) Each street address within the annexed territory,  
7 where possible.

8 (3) A statement containing the effective date of the  
9 annexation and a copy of the order, resolution, or ordinance  
10 proclaiming the annexation to all public utilities operating  
11 in the annexed area.

12 2. If notification of the annexation is provided to a  
13 public utility as provided in this section less than sixty  
14 days prior to the effective date of the annexation, the public  
15 utility shall have sixty days from the date of notification to  
16 adjust its tax and accounting records to reflect the  
17 annexation for any tax purpose.

18 3. Additional or increased fees or taxes, other than ad  
19 valorem taxes, imposed on a public utility as a result of an  
20 annexation to a city shall become effective sixty days after  
21 the effective date of the annexation.

22 Sec. 51. NEW SECTION. 6C.104 SECONDARY ROAD ANNEXATION.

23 1. The board of supervisors of each county affected by an  
24 annexation shall notify the board of the existence of that  
25 portion of any secondary road which extends to the centerline,  
26 has not become part of the city by annexation, and has a  
27 common boundary with a city.

28 2. The notification shall include a legal description and  
29 a map identifying the location of the secondary road.

30 3. The board shall provide notice and an opportunity to be  
31 heard to each city in or next to which the secondary road is  
32 located.

33 4. The board shall certify that the notification is  
34 correct and declare the road, or portion of the road extending  
35 to the centerline, annexed to the city as of the date of

1 certification.

2 5. The title and interest of a county in any secondary  
3 road which is annexed by a city is transferred to the city  
4 upon the effective date of the annexation.

5 DIVISION B

6 MISCELLANEOUS PROVISIONS

7 Sec. 52. NEW SECTION. 6B.46A RESTRICTIONS UPON USE OF  
8 UTILITY EASEMENTS.

9 1. This section governs the acquisition of an interest in  
10 real estate by the state or local government through a  
11 proceeding brought under this chapter for purposes of  
12 extending a utility.

13 2. The scope of the interest shall be limited to the  
14 express creation of an appurtenant easement to the extent  
15 necessary in order to extend the utility over the property of  
16 the owner.

17 3. The dominant estate shall not undergo a change in use.  
18 The person holding the dominant estate may maintain the  
19 utility system, but shall not expand the size or capacity of  
20 the utility.

21 4. The owner of the land subject to the proceeding  
22 creating the easement shall hold a servient estate, and may  
23 use the property in any manner that does not unreasonably  
24 interfere with the easement.

25 5. The easement shall expire when the utility is no longer  
26 used for the purpose intended.

27 Sec. 53. Section 15.108, subsection 3, paragraph a,  
28 subparagraph (2), Code 1999, is amended to read as follows:

29 (2) Provide office space and staff assistance to the city  
30 development land use planning board for development management  
31 and natural area protection as provided in section 368-9  
32 6C.11.

33 Sec. 54. Section 331.304, subsection 7, Code 1999, is  
34 amended to read as follows:

35 7. The board may file a an involuntary petition with the

1 city-development land use planning board for development  
2 management and natural area protection as provided in section  
3 ~~368-11~~ 6C.85.

4 Sec. 55. Section 331.321, subsection 1, paragraph u, Code  
5 1999, is amended by striking the paragraph.

6 Sec. 56. Section 331.427, subsection 1, unnumbered  
7 paragraph 1, Code 1999, is amended to read as follows:

8 Except as otherwise provided by state law, county revenues  
9 from taxes and other sources for general county services shall  
10 be credited to the general fund of the county, including  
11 revenues received under sections 6C.94, 101A.3, 101A.7,  
12 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
13 section 331.554, subsection 6, sections 341A.20, 364.3,  
14 ~~368-21~~, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,  
15 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6,  
16 602.8108, 904.908, and 906.17, and chapter 405A, and the  
17 following:

18 Sec. 57. Section 331.507, subsection 2, unnumbered  
19 paragraph 1, Code 1999, is amended to read as follows:

20 The auditor is ~~entitled-to~~ shall collect the following  
21 fees:

22 Sec. 58. Section 331.507, subsection 2, paragraph a, Code  
23 1999, is amended to read as follows:

24 a. For a transfer of property made in the transfer  
25 records, ~~five~~ nine dollars for each separate parcel of real  
26 estate described in a deed, or transfer of title certified by  
27 the clerk of the district court. However, the fee shall not  
28 exceed ~~fifty~~ fifty-four dollars for a transfer of property  
29 which is described in one instrument of transfer.

30 Sec. 59. Section 331.507, subsection 3, Code 1999, is  
31 amended to read as follows:

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

34 a. The first five dollars collected under this section for  
35 each separate parcel of real estate, up to fifty dollars for

1 transfers of property described in one instrument shall be  
2 paid into the county treasury as provided in section 331.902.  
3 b. The remaining moneys collected under this section shall  
4 be paid to the department of revenue and finance on a monthly  
5 basis for deposit in the land use planning fund for  
6 development management and farmland and natural area  
7 protection as created in section 6C.21.

8 Sec. 60. Section 362.1, Code 1999, is amended to read as  
9 follows:

10 362.1 CITATION.

11 This chapter and chapters 364, 368, 372, 376, 380, 384, 388  
12 and 392 may be cited as the "City Code of Iowa".

13 Sec. 61. Section 362.9, Code 1999, is amended to read as  
14 follows:

15 362.9 APPLICATION OF CITY CODE.

16 The provisions of this chapter and chapters 364, 368, 372,  
17 376, 380, 384, 388 and 392 are applicable to all cities.

18 Sec. 62. Section 384.38, subsection 2, Code 1999, is  
19 amended to read as follows:

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

1 submitted to, and receive written approval from, the board of  
2 supervisors of any county which contains part of the property,  
3 and the city-development-board land use planning board for  
4 development management and natural area protection established  
5 in section 368-9 6C.11.

6 Sec. 63. Section 414.23, unnumbered paragraph 1, Code  
7 1999, is amended to read as follows:

8 ~~The powers granted by~~ To the extent that an unincorporated  
9 area is not governed by a zoning ordinance adopted by a county  
10 pursuant to chapter 335, a city may adopt a city zoning  
11 ordinance under this chapter may-be-extended-by-ordinance-by  
12 any-city-to that governs the unincorporated area up-to  
13 adjacent to the city as provided in this section.

14 1. For cities located more than thirty miles from the  
15 state's borders, the unincorporated area must be located  
16 within two miles beyond the limits of such the city,-except  
17 for-those-areas-within-a-county-where-a-county-zoning  
18 ordinance-exists. For cities located thirty miles or less  
19 from the state's borders, the unincorporated area must be  
20 located within three miles beyond the limits of the city. The  
21 distance from a city to a state's borders is measured from the  
22 center of the city.

23 2. The zoning ordinance shall adopted by the city must  
24 describe in general terms the unincorporated area to be  
25 included.

26 3. The unincorporated area shall be governed by a joint  
27 strategic development plan as provided in chapter 6C.

28 4. The exemption from regulation granted by section 335.2  
29 to property used for agricultural purposes shall apply to such  
30 unincorporated the unincorporated area.

31 5. If the limits of any-such a city are at any place less  
32 than four miles distant from the limits of any-other another  
33 city which has extended or thereafter extends its zoning  
34 jurisdiction under this section, then-at-such-time the powers  
35 herein-granted unincorporated area shall extend to a line

1063

1 equidistant between the limits of ~~said~~ the cities.

2 Sec. 64. Section 455B.306A, subsection 1, Code 1999, is  
3 amended to read as follows:

4 1. A city which annexes an area pursuant to chapter 368  
5 6C, or plans to operate or expand solid waste collection  
6 services into an area where the collection of solid waste is  
7 presently being provided by a private entity, shall notify the  
8 private entity by certified mail at least sixty days before  
9 its annexation or expansion of its intent to provide solid  
10 waste collection services in the area.

11 Sec. 65. Section 524.1202, subsection 1, Code 1999, is  
12 amended to read as follows:

13 1. Except as otherwise provided in subsection 2 of this  
14 section, no state bank shall establish a bank office outside  
15 the corporate limits of a municipal corporation or in a  
16 municipal corporation in which there is already an established  
17 state or national bank or office, however the subsequent  
18 chartering and establishment of any state or national bank,  
19 through the opening of its principal place of business within  
20 the municipal corporation where the bank office is located,  
21 shall not affect the right of the bank office to continue in  
22 operation in that municipal corporation. The existence and  
23 continuing operation of a bank office shall not be affected by  
24 the subsequent discontinuance of a ~~municipal-corporation~~ city  
25 pursuant to ~~the-provisions-of-sections-368-11-to-368-22~~  
26 chapter 6C. A bank office existing and operating on July 1,  
27 1976, which is not located within the confines of a municipal  
28 corporation, shall be allowed to continue its existence and  
29 operation without regard to this subsection.

30 Sec. 66. IMPLEMENTATION OF ACT. The fees and funds  
31 generated as a result of the enactment of this Act are  
32 intended to cover the costs of any state mandate included in  
33 this Act and this specification of state funding shall be  
34 deemed to meet all the state funding-related requirements of  
35 section 25B.2, subsection 3, and no additional state funding

1 shall be necessary for the full implementation of this Act by,  
2 and enforcement of this Act against, all affected political  
3 subdivisions.

4 Sec. 67. TRANSFER OF SECTION. The Code editor is directed  
5 to transfer section 368.2, Code 1999, to chapter 380 and  
6 correct internal references as necessary.

7 Sec. 68.

8 1. Sections 352.3 through 352.5, Code 1999, are repealed.

9 2. Sections 368.1 and 368.3 through 368.24, Code 1999, are  
10 repealed.

11 Sec. 69. EFFECTIVE DATE. This Act takes effect July 1,  
12 1999. However, the land use planning board for development  
13 management and farmland and natural area protection, the land  
14 use commission for development management and farmland and  
15 natural area protection, and the state land use strategic  
16 development council as created in this Act shall be appointed  
17 as soon as practical upon the enactment of this Act. The  
18 entities shall carry out all functions necessary to prepare  
19 for the administration of this Act on July 1, 1999, and  
20 provide for the transition of administration of provisions  
21 from under chapter 368 to chapter 6C, including the adoption  
22 of rules.

23 EXPLANATION

24 GENERAL

25 This bill creates a new Code chapter 6C, referred to as the  
26 "Land Development Management Act". According to the bill, the  
27 purpose of the new Code chapter is to preserve the use of  
28 prime agricultural land for agricultural production; preserve  
29 natural, cultural, and historical areas; and provide for the  
30 orderly development of cities. The bill establishes a number  
31 of new provisions and rewrites provisions contained in Code  
32 chapter 368, which governs the city development board.

33 ADMINISTRATION

34 The bill creates a number of entities responsible for  
35 administration of the Code chapter.



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1 The bill creates a state land use strategic development  
 2 council. The bill provides that this is the state's principal  
 3 agency overseeing planning of major state sponsored projects.  
 4 The council is a consultative body that reviews policies  
 5 regarding major development initiatives undertaken by state  
 6 agencies. The council must establish, maintain, and revise a  
 7 state strategic development plan that provides for development  
 8 by member state agencies. The council has members  
 9 representing major agencies involved or interested in  
 10 development, including the state department of transportation,  
 11 the department of natural resources, the department of  
 12 agriculture and land stewardship, and the department of  
 13 general services.

14 The bill creates the land use planning board for  
 15 development management and farmland and natural area  
 16 protection. This is the successor board to the city  
 17 development board created under Code chapter 368. The  
 18 composition of its membership is similar. The board is the  
 19 principal agency overseeing planning by local governments.

20 The bill creates the land use planning commission for  
 21 development management and farmland and natural area  
 22 protection. This entity is comprised of the same membership  
 23 as was represented on the legislative commission. The  
 24 commission is charged to monitor the administration of the  
 25 chapter and the extent to which the purposes of the chapter  
 26 are being satisfied. The commission sunsets on July 1, 2003.

27 The bill increases the fees from \$5 to \$9 required to be  
 28 collected by county auditors for the transfer of real estate  
 29 documents such as deeds. The additional fees are paid to the  
 30 department of revenue and finance for deposit into a special  
 31 fund administered by the board. Moneys in the fund must be  
 32 used to reimburse counties for the costs of preparing  
 33 strategic development plans.

34 LAND USE INVENTORIES

35 The bill provides that Iowa state university shall serve as

1 the repository of permanent land use and natural resources  
2 inventories completed as required by the bill. The bill  
3 requires the university to study the extent to which land in  
4 Iowa is being converted from agricultural use to residential,  
5 commercial, industrial, or public use. The university must  
6 report to the general assembly every two years. The  
7 university must also provide technical assistance to counties  
8 in completing the system. The system administered by the  
9 counties must assess and categorize land uses, the productive  
10 quality of farmland soil, and the changes in use or  
11 classifications for use of the land.

12 LOCAL LAND USE PLANNING

13 The bill requires that each local government adopt a  
14 strategic development plan that must be approved and filed  
15 with the board. According to the bill, the plan integrates  
16 the planning functions of the local governments. The bill  
17 provides that local governments must establish a strategic  
18 development plan in order to carry out the purposes of this  
19 bill, and integrate the planning functions of local  
20 government, including the planning of infrastructure and  
21 public facilities and the provision of public benefits and  
22 services. Local governments must adopt independent plans  
23 governing their jurisdictions. They must also cooperate to  
24 adopt joint plans governing areas of common interest. A local  
25 government must file a strategic development plan with the  
26 board according to a phased-in schedule that requires local  
27 governments representing larger counties and cities to file a  
28 plan prior to local governments representing smaller counties  
29 and cities filing a strategic development plan.

30 The board must approve a joint plan if it determines that  
31 the plan meets the purposes of this bill. The board may file  
32 parts of a plan adopted by local governments, which are  
33 approved by the local governments. The bill prevents the  
34 construction of public facilities outside the jurisdiction of  
35 a local government, unless the facilities are developed in

1 accordance with a plan. A city may object to a plan submitted  
2 by a county, based on planned extra-urban development. The  
3 board may deny approval of the plan based on the objection.

4 CITY DEVELOPMENT

5 Generally, the provisions in Code chapter 368 continue to  
6 govern city development, including boundary adjustments, such  
7 as annexation, severance, and consolidation, and  
8 incorporations and discontinuance. The bill rewrites these  
9 provisions as part of new Code chapter 6C, amending the  
10 language to enhance readability. The bill also includes new  
11 provisions, especially concerning annexation procedures.  
12 Under the bill, all annexations must be approved by the board.  
13 An annexation must comply with the purposes and requirements  
14 of the bill, including any joint plan that has been adopted.  
15 Under certain circumstances, a county may submit an objection  
16 with the board, if the territory proposed to be annexed is not  
17 governed by a joint strategic development plan. The board may  
18 reconsider approving a petition for annexation upon its own  
19 initiative or upon receipt of a petition brought by a property  
20 owner of annexed territory, if the city fails to extend public  
21 benefits and services to the annexed territory within the  
22 period required by this bill.

23 EMINENT DOMAIN (UTILITIES)

24 The bill provides for the acquisition of an interest in  
25 real estate by the state or local government through a  
26 condemnation proceeding brought under Code chapter 6B for  
27 purposes of extending infrastructure which is a utility  
28 system. The bill provides that the scope of the interest must  
29 be limited to the express creation of an appurtenant easement  
30 to the extent necessary in order to extend the utility system  
31 over the property of the owner.

32 STATE MANDATE

33 This bill may include a state mandate as defined in Code  
34 section 25B.3. The bill provides that fees and funds  
35 generated in this bill are intended to cover the costs of any

1 state mandate included in the bill. The inclusion of this  
2 specification of state funding is intended to reinstate the  
3 requirement of political subdivisions to comply with any state  
4 mandates included in this bill.

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3/4/99 referred to Local Gov  
S-3/11/99 Do Pass  
FILED MAR 3 1999  
S-3/15/99 referred to Local Gov  
S-3/25/99 ✓ w/53158

SENATE FILE **293**  
BY COMMITTEE ON SMALL BUSINESS,  
ECONOMIC DEVELOPMENT AND

TOURISM  
3/31/99 Passed on unfinished Business calendar  
(SUCCESSOR TO SSB 1063)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the development and management of land, by  
2 providing for planning and revenue, providing an effective  
3 date, and making a provision retroactively applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 293

1 DIVISION A  
2 SUBCHAPTER I  
3 GENERAL

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

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

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

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

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

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

18 b. Providing for the orderly development of cities  
19 including by providing for incorporation, discontinuation,  
20 annexation, severance, and consolidation.

21 3. This chapter is intended to do all of the following:

22 a. Strike a balance between the need to carry out the  
23 legitimate public purposes described in this section and the  
24 need to preserve private property rights.

25 b. Encourage economic development in this state by  
26 providing for development in areas where development has been  
27 planned by local governments acting in concert pursuant to  
28 this chapter and under state oversight.

29 c. Control urban sprawl, and thereby provide for the  
30 protection and preservation of the private and public interest  
31 in the land, water, and related resources of this state for  
32 the public health, safety, and general welfare, and for the  
33 benefit of present and future generations.

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

35 1. "Adjoining" means having a common boundary for not less

1 than fifty feet. Territory may be adjoining although  
2 separated by a roadway or waterway.

3 2. "Annexation" means the addition of territory to a city.

4 3. "Area" means an area of land.

5 4. "Basic improvement" means the development of land for  
6 any of the following:

7 a. A utility, including telephone or other communication  
8 lines, city utility as defined in section 362.2, public  
9 utility as defined in section 476.1, or pipeline providing  
10 gas, water, wastewater, or sewer service.

11 b. A thoroughfare, such as a road or street as defined in  
12 section 306.3.

13 5. "Boundary adjustment" means annexation, severance, or  
14 consolidation.

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

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

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

25 9. "Consolidation" means the combining of two or more  
26 cities into one city.

27 10. "Department" means the department of economic  
28 development.

29 11. "Development" means the construction or structural  
30 alteration, conversion, or enlargement of a structure or use  
31 of land, including the construction of basic improvements,  
32 public improvements, buildings, structures, or impermeable  
33 structures.

34 12. "Discontinuance" means termination of a city.

35 13. "Extra-urban development" means development of land

1 than fifty feet. Territory may be adjoining although  
2 separated by a roadway or waterway.

3 2. "Annexation" means the addition of territory to a city.

4 3. "Area" means an area of land.

5 4. "Basic improvement" means the development of land for  
6 any of the following:

7 a. A utility, including telephone or other communication  
8 lines, city utility as defined in section 362.2, public  
9 utility as defined in section 476.1, or pipeline providing  
10 gas, water, wastewater, or sewer service.

11 b. A thoroughfare, such as a road or street as defined in  
12 section 306.3.

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14 consolidation.

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

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22 facilities or shelter for persons, animals, or property.

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24 discontinuance, or boundary adjustment.

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26 cities into one city.

27 10. "Department" means the department of economic  
28 development.

29 11. "Development" means the construction or structural  
30 alteration, conversion, or enlargement of a structure or use  
31 of land, including the construction of basic improvements,  
32 public improvements, buildings, structures, or impermeable  
33 structures.

34 12. "Discontinuance" means termination of a city.

35 13. "Extra-urban development" means development of land



1 on a farm operation.

2 16. "Fund" means the land use planning fund for  
3 development management and farmland and natural area  
4 protection as created in section 6C.21.

5 17. "Incorporation" means establishment of a new city.

6 18. "Independent strategic development plan" or  
7 "independent plan" means a strategic development plan  
8 governing a city's incorporated land or a county's  
9 unincorporated land which is subject to approval by a local  
10 government pursuant to section 6C.53.

11 19. "Island" means territory that is completely surrounded  
12 by the corporate boundaries of one or more cities or the  
13 boundary of the state, a river, or similar natural barrier  
14 which prevents access to public benefits and services  
15 originating outside the boundaries of a city.

16 20. "Inventory" means a permanent land use and natural  
17 resources inventory system as provided in section 6C.32.

18 21. "Joint strategic development plan" or "joint plan"  
19 means a strategic development plan governing unincorporated  
20 territory, including an urbanized area and which is subject to  
21 approval by multiple local governments as provided in section  
22 6C.55.

23 22. "Land use commission" or "commission" means land use  
24 planning commission for development management and farmland  
25 and natural area protection as created pursuant to section  
26 6C.16.

27 23. "Land use council" or "council" means the land use  
28 strategic development council as created pursuant to section  
29 6C.12.

30 24. "Land use planning board" or "board" means the land  
31 use planning board for development management and farmland and  
32 natural area protection as created pursuant to section 6C.14.

33 25. "Local government" means a county or city government.

34 26. "Local legislation" means any ordinance, resolution,  
35 amendment, regulation, or rule adopted by a local government,

1 which has the force and effect of law.

2 27. "Major public project" means the construction or  
3 expansion of an improvement, including a structure or basic  
4 improvements which involves the development of more than fifty  
5 acres of land. However, all of the following shall be  
6 considered a major public project:

7 a. The construction or expansion of a street or highway.

8 b. The construction of a dam or reservoir.

9 c. The construction of a correctional institution as  
10 provided in chapter 904.

11 d. The excavation of more than six thousand tons of soil.

12 28. "Member agency" means a state agency which is  
13 represented on the council as provided in section 6C.12.

14 29. "Parcel" means a specific tract of land including an  
15 area located within a territory.

16 30. "Planned territory" means territory which is governed  
17 or proposed to be governed by a strategic development plan.

18 31. "Public agency" means a state agency, local  
19 government, or other political subdivision, including but not  
20 limited to a principal department as provided in section 7E.5,  
21 a school corporation organized under chapter 273 or 274, a  
22 community college as provided in chapter 260C, a regional  
23 library as provided in chapter 256, or a township as provided  
24 in chapter 359.

25 32. "Public benefits and services" means benefits and  
26 services provided by a local government to persons residing  
27 within its local government, regardless of whether the  
28 benefits and services are provided directly or by another  
29 person under contract with the local government, including  
30 providing for the health and safety, education, or  
31 transportation of the public. A public benefit and service  
32 includes but is not limited to fire protection and  
33 suppression, law enforcement, the collection and disposal of  
34 refuse, the delivery of public water and sewer facilities, and  
35 ambulance or emergency care.

1 33. "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 34. "Public improvement" means basic improvements and  
10 facilities including but not limited to parks and recreational  
11 areas and public buildings which are constructed by or for the  
12 use of a public agency other than state agencies.

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

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

18 37. "Registered voter" means a person who is registered to  
19 vote pursuant to chapter 48A.

20 38. "Severance" means the deletion of territory from a  
21 city.

22 39. "State agency" means the same as "agency" defined in  
23 section 17A.2.

24 40. "State strategic development plan" or "state plan"  
25 means a plan for development of major public projects which is  
26 approved by member state agencies as provided in section  
27 6C.42.

28 41. "Strategic development plan" means an independent  
29 strategic development plan or a joint strategic development  
30 plan as provided in subchapter III which is adopted by a local  
31 government as a means to organize the manner and location of  
32 future development within a territory under the jurisdiction  
33 of the local government.

34 42. "Territory" means any land area which is under the  
35 jurisdiction of a local government as provided in this chapter

1 and which is subject to a strategic development plan or city  
2 development.

3 43. "Urban sprawl" means the development of land that  
4 occurs on the fringes of cities, if the development is for a  
5 use which is not contiguous to existing or approved  
6 development, creates urban densities and uses within future  
7 urbanizing and agriculturally productive land, natural or  
8 historic areas, and is designed without regard to its  
9 surroundings.

10 44. "Urbanized area" means unincorporated territory  
11 adjacent to the limits of a city, regardless of whether the  
12 territory is governed by a county zoning ordinance as provided  
13 in chapter 335. The unincorporated area shall include any  
14 area over which the city exercises jurisdiction under section  
15 414.23. For cities other than cities located more than thirty  
16 miles from the state's borders, the territory shall be within  
17 two miles of the limits of a city. For cities located thirty  
18 miles or less from the state's borders, the territory shall be  
19 within three miles of the limits of the city. The distance  
20 from a city to a state's borders is measured from the center  
21 of the city.

22 Sec. 4. NEW SECTION. 6C.4 COOPERATION REQUIRED.

23 This chapter relies upon cooperation between public  
24 agencies, including cooperation between local governments, and  
25 cooperation between state agencies and other state agencies  
26 and local governments in order to provide for strategic  
27 development planning. All state and local governments shall  
28 cooperate in achieving the purposes and carrying out the  
29 provisions of this chapter.

30 Sec. 5. NEW SECTION. 6C.5 STATE FINANCIAL ASSISTANCE --  
31 CONFORMANCE WITH PLANS REQUIRED.

32 1. Each public agency awarding financial assistance to  
33 persons for use in developing land shall consider whether the  
34 development is consistent with the purposes of this chapter as  
35 provided in section 6C.2, the requirements of this chapter,

1 and any relevant strategic development plan. Financial  
2 assistance includes but is not limited to moneys awarded from  
3 the community economic betterment account established pursuant  
4 to section 15.320 or the revitalize Iowa's sound economy fund  
5 established pursuant to section 315.2, or from tax increment  
6 financing created pursuant to section 403.19 or tax exemptions  
7 within revitalization areas as provided in chapter 404.

8 2. A public agency shall give priority to projects that  
9 conform with the state strategic development plan and the  
10 strategic development plan governing land where the  
11 development is proposed to occur.

12 a. Except as otherwise provided in paragraph "b", if a  
13 public agency awards financial assistance for development  
14 based on a point system, no criteria shall be worth more than  
15 criteria requiring that projects conform with the plans  
16 enumerated in this subsection.

17 b. A public agency is not required to rank conformance  
18 with plans enumerated in this subsection as the highest  
19 criteria if the development project receives assistance under  
20 the quality jobs enterprise zone program created pursuant to  
21 section 15A.9; the new jobs and income program created  
22 pursuant to chapter 15, part 13; or the Iowa agricultural  
23 industry finance Act as provided in chapter 15E, division XIX.

24 SUBCHAPTER II

25 PART 1

26 STATE ADMINISTRATION

27 Sec. 6. NEW SECTION. 6C.11 CREATION OF STATE  
28 ADMINISTRATIVE ENTITIES -- PROCEDURES.

29 1. The following entities are created under this  
30 subchapter for purposes of administering this chapter:

31 a. The state land use strategic development council.

32 b. The land use planning board for development management  
33 and farmland and natural area protection.

34 c. The land use planning commission for development  
35 management and farmland and natural area protection.

1 2. The department of economic development shall provide  
2 office space and staff assistance, and shall budget funds to  
3 cover expenses of the entities. The office of attorney  
4 general shall provide legal counsel to the entities.

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

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

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

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

29 Sec. 7. NEW SECTION. 6C.12 STATE LAND USE STRATEGIC  
30 DEVELOPMENT COUNCIL.

31 1. The state land use strategic development council is  
32 created as the state's principal agency overseeing planning by  
33 major state agencies involved in large-scale development  
34 projects. 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.42.

3 2. The council shall be composed of all of the following  
4 persons:

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

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

9 c. The director of the department of natural resources or  
10 a designee.

11 d. The director of the department of transportation or a  
12 designee.

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

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

17 g. The secretary of agriculture or a designee.

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

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

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

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

3 Sec. 8. NEW SECTION. 6C.13 COUNCIL -- POWERS AND DUTIES.

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

8 2. The board shall adopt rules pursuant to chapter 17A  
9 which are necessary to administer its duties under this  
10 chapter.

11 Sec. 9. NEW SECTION. 6C.14 LAND USE PLANNING BOARD FOR  
12 DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
13 PROTECTION.

14 1. The land use planning board for development management  
15 and farmland and natural area protection is created as the  
16 state's principal agency overseeing planning by local  
17 governments.

18 2. The governor shall appoint seven members to the board,  
19 including all of the following:

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

22 b. One member appointed from a city with a population of  
23 more than twenty thousand but not more than forty-five  
24 thousand.

25 c. One member appointed from a city with a population of  
26 twenty thousand or less.

27 d. One member appointed from a county with a population of  
28 more than fifty thousand.

29 e. One member appointed from a county with a population of  
30 more than twenty-five thousand but not more than fifty  
31 thousand.

32 f. One member appointed from a county with a population of  
33 twenty-five thousand or less.

34 g. One member appointed to represent the general public.

35 3. An appointment to the board created under this



1 subchapter shall be based upon the training, experience, and  
2 capacity of the appointee, and not upon political  
3 considerations, other than as provided in section 69.16.

4 4. The members shall be subject to confirmation by the  
5 senate as provided in section 2.32. The appointments must be  
6 for six-year staggered terms beginning and ending as provided  
7 in section 69.19, or for an unexpired term if a vacancy  
8 occurs. No member shall serve more than two complete six-year  
9 terms.

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

14 6. The board shall elect a chairperson each year.

15 Sec. 10. NEW SECTION. 6C.15 POWERS AND DUTIES OF THE  
16 BOARD.

17 1. The board shall approve or disapprove strategic  
18 development plans and annexation petitions, including plans of  
19 annexation, as provided in this chapter.

20 2. The board shall administer the land use planning fund  
21 for development management and farmland and natural area  
22 protection as created in section 6C.21. The board shall pay  
23 claims by eligible local governments for reimbursement of  
24 expenses relating to preparing strategic development plans as  
25 provided in section 6C.22.

26 3. The board shall adopt rules pursuant to chapter 17A  
27 which are necessary to administer its duties under this  
28 chapter. The rules shall include establishing filing fees for  
29 petitions and applications submitted to the board. The board  
30 may establish a schedule of fees required to file these  
31 documents with the board, based on criteria established by the  
32 board, which may include the size of the local government  
33 filing the document.

34 4. The board may adopt forms to be completed and submitted  
35 by local governments as required for the efficient

1 administration of this chapter. The board shall adopt a  
2 simple form for strategic development plans to be completed by  
3 small cities.

4 Sec. 11. NEW SECTION. 6C.16 LAND USE PLANNING COMMISSION  
5 FOR DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
6 PROTECTION.

7 1. The land use planning commission for development  
8 management and farmland and natural area protection is created  
9 as the state's advisory and oversight body responsible for  
10 monitoring the administration of this chapter, and considering  
11 policies and approaches required to accomplish the purposes of  
12 this chapter as provided in section 6C.2.

13 2. The commission shall be composed of twenty-one voting  
14 members with diverse expertise in planning development,  
15 design, zoning, annexation, agriculture, historic  
16 preservation, and conservation, including all of the  
17 following:

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

19 (1) Not more than one member from each chamber shall be  
20 from the same political party. The two senators shall be  
21 appointed by the majority leader of the senate after  
22 consultation with the president of the senate and the minority  
23 leader of the senate. The two representatives shall be  
24 appointed by the speaker of the house of representatives after  
25 consultation with the majority and minority leaders of the  
26 house of representatives.

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

30 b. One member appointed by the governor.

31 c. The executive director of the Iowa farm bureau  
32 federation or a designee of the executive director.

33 d. The executive director of the Iowa farmers' union or a  
34 designee of the executive director.

35 e. The executive director of the Iowa league of cities or

1 a designee of the executive director.

2 f. The executive director of the Iowa state association of  
3 counties or a designee of the executive director.

4 g. The chairperson of the department of community and  
5 regional planning in the college of design at Iowa state  
6 university of science and technology.

7 h. The president of the Iowa chapter of the American  
8 planning association or a designee of the president.

9 i. The executive director of the associated builders and  
10 contractors of Iowa, inc. or a designee of the executive  
11 director.

12 j. The executive director of the Iowa association of soil  
13 and water conservation district commissioners or a designee of  
14 the executive director.

15 k. The executive director of the Iowa historic  
16 preservation alliance or a designee of the executive director.

17 l. The president of the Iowa chapter of the American  
18 society of landscape architects or a designee of the  
19 president.

20 m. The executive director of the Iowa chapter of the  
21 American institute of architects or a designee of the  
22 executive director.

23 n. The executive director of the Iowa natural heritage  
24 foundation or a designee of the executive director.

25 o. The executive director of the Iowa public transit  
26 association or a designee of the executive director.

27 p. The executive director of the Iowa sportsmen's  
28 federation or a designee of the executive director.

29 q. The president of the Iowa Audubon council or a designee  
30 of the president.

31 r. One member appointed jointly by the Iowa cattlemen's  
32 association, the Iowa pork producers association, the Iowa  
33 sheep producers association, the Iowa turkey federation, the  
34 Iowa poultry association, the Iowa state dairy association,  
35 the Iowa corn growers association, and the Iowa soybean

1 association.

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

4 4. The commission shall be chaired by two members of the  
5 general assembly, one appointed by the majority leader of the  
6 senate and one appointed by the speaker of the house of  
7 representatives. The commission shall meet on call of the co-  
8 chairpersons each year during the first week of October. The  
9 commission may meet at other times on call of the co-  
10 chairpersons, if the co-chairpersons determine that  
11 extraordinary circumstances require a meeting.

12 Sec. 12. NEW SECTION. 6C.17 COMMISSION POWERS AND  
13 DUTIES.

14 1. The commission shall oversee the administration of this  
15 chapter, monitor the effectiveness of public agencies in  
16 achieving the purposes of this chapter as provided in section  
17 6C.2, and study methods to better achieve those purposes. The  
18 council and the board shall report to the commission as  
19 required by the commission.

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

23 3. The commission shall submit a report to the governor  
24 and the general assembly by January 10 of each year. The  
25 report shall include findings and recommendations, including  
26 any proposed legislation, which shall be submitted as a  
27 departmental bill.

28 The commission's final report to the general assembly shall  
29 include findings regarding the financial condition of the fund  
30 and any recommendations to change or eliminate the amount of  
31 moneys deposited into the fund derived from fees collected  
32 pursuant to section 331.507, as provided in this Act.

33 Sec. 13. NEW SECTION. 6C.18 REPEAL OF COMMISSION --  
34 DIRECTIONS TO CODE EDITOR.

35 Sections 6C.16 and 6C.17 and this section are repealed on

1 January 1, 2004. The Iowa Code editor shall eliminate those  
2 sections from the 2004 Code of Iowa and correct internal  
3 references as necessary.

4 PART 2

5 Sec. 14. NEW SECTION. 6C.21 LAND USE PLANNING FUND FOR  
6 DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA  
7 PROTECTION.

8 1. A land use planning fund for development management and  
9 farmland and natural area protection is created within the  
10 state treasury under the control of the department.

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

12 a. Moneys appropriated by the general assembly.

13 b. Moneys available to and obtained or accepted by the  
14 department from the federal government or private sources for  
15 placement in the fund.

16 c. Fees paid to the department of revenue and finance  
17 which have been collected by county auditors for deposit into  
18 the fund pursuant to section 331.507.

19 3. Moneys in the fund shall be used exclusively for the  
20 following purposes:

21 a. First, to pay for the costs of administration of this  
22 chapter by the board. However, not more than one percent of  
23 the balance of the fund on July 1 of each state fiscal year  
24 shall be used for administration.

25 b. Second, to reimburse counties for preparing strategic  
26 development plans as provided in section 6C.22.

27 c. Finally, to the extent that moneys are remaining under  
28 this subsection, the moneys may be used to reimburse Iowa  
29 state university of science and technology and counties for  
30 costs associated with preparing permanent land use and natural  
31 resource inventories, as provided in section 6C.22.

32 4. The treasurer of state shall act as custodian of the  
33 fund. The treasurer of state is authorized to invest the  
34 moneys deposited in the fund. The income from such investment  
35 shall be credited to and deposited in the fund.

1 Notwithstanding section 8.33, moneys in the fund are not  
2 subject to reversion to the general fund of the state. The  
3 fund shall be administered by the board which shall make  
4 expenditures from the fund consistent with the purposes set  
5 out in section 6C.22. The moneys in the fund shall be  
6 disbursed upon warrants drawn by the director of revenue and  
7 finance pursuant to the order of the board. The fiscal year  
8 of the fund begins July 1. The finances of the fund shall be  
9 calculated on an accrual basis in accordance with generally  
10 accepted accounting principles. The auditor of state shall  
11 regularly perform audits of the fund.

12 Sec. 15. NEW SECTION. 6C.22 REIMBURSEMENT OF LOCAL  
13 GOVERNMENTS FOR PREPARATION OF PLANS.

14 1. a. The board shall approve a claim against the fund to  
15 reimburse local governments for costs associated with  
16 preparing strategic development plans.

17 b. The board may approve a claim against the fund to  
18 reimburse Iowa state university of science and technology or  
19 counties for costs associated with preparing land use and  
20 natural resource inventories.

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

23 (1) The claim is made in a manner and according to  
24 procedures required in this section and established by the  
25 board.

26 (2) The claim is complete and accurate, and contains no  
27 significant false or misleading statements.

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

30 (4) The person filing the claim for preparing a strategic  
31 development plan is a local government. The person filing the  
32 claim for preparing a land use and natural resource inventory  
33 is Iowa state university of science and technology or a  
34 county.

35 (5) The amount of the claim is for reasonable costs

1 associated with preparing the strategic development plan or  
2 land use and natural resource inventory.

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

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

10 c. The board shall pay a claim by a local government for  
11 reimbursement of costs incurred in preparing a joint strategic  
12 development plan before a local government authorized to  
13 submit a plan at a later date as provided in section 6C.57.

14 The board may pay a claim by a city that submits a plan  
15 earlier than required for another city, to the extent that  
16 moneys are available to satisfy the claim of the other city.

17 3. The claim must include supporting evidence that the  
18 claim is for reasonable costs related to preparation of the  
19 strategic development plan or land use and natural resource  
20 inventory, which may include invoices, as required by the  
21 board.

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

30 5. If at any time the board determines that there are  
31 insufficient moneys in the fund to make payment of all claims  
32 for preparing strategic development plans, the department  
33 shall pay claims according to the date that the claims are  
34 received by the department. To the extent that a claim cannot  
35 be fully satisfied, the department shall order that the unpaid

1 portion of the payment be deferred until the claim can be  
2 satisfied.

3 SUBCHAPTER III

4 LAND USE INVENTORIES

5 Sec. 16. NEW SECTION. 6C.31 IOWA STATE UNIVERSITY OF  
6 SCIENCE AND TECHNOLOGY -- REPOSITORY -- STUDY AND REPORT.

7 To the extent that moneys are appropriated and data is  
8 available, Iowa state university of science and technology  
9 shall do all of the following:

10 1. Serve as the repository of permanent land use and  
11 natural resources inventories completed pursuant to section  
12 6C.32. The university shall provide for computer access of  
13 these inventories by the department for use by entities  
14 described in subchapter II.

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

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

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

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

33 (3) An assessment of the productive quality of soil of  
34 farmland converted to another use. The assessment of the soil  
35 may be by using crop yields, corn suitability ratings, or



1 classifications by the United States department of  
2 agriculture.

3 (4) An evaluation of urban growth patterns throughout the  
4 state, including areas of urban sprawl and extra-urban  
5 development.

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

9 3. Iowa state university of science and technology shall  
10 provide technical advice to the board in adopting rules  
11 necessary to implement a permanent land use and natural  
12 resources inventory system as required pursuant to section  
13 6C.32. The university shall provide technical assistance to  
14 counties in completing the system according to a schedule  
15 established by the university in cooperation with the board.

16 Sec. 17. NEW SECTION. 6C.32 PERMANENT LAND USE AND  
17 NATURAL RESOURCES INVENTORY 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. A county board of supervisors may establish a county  
24 land preservation and use commission in order to carry out  
25 this section, as provided by the county board of supervisors.

26 b. The data shall be systematically collected by the  
27 county, subject to all of the following:

28 (1) Whenever possible, the data shall be enhanced by  
29 aerial imagery.

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

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

34 (4) To every extent practical, the system shall include  
35 any data collected for county land use inventories pursuant to

1 1982 Iowa Acts, chapter 1245.

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

4 2. The system shall be instituted by a county according to  
5 rules adopted by the board. The rules shall provide for  
6 implementation according to a schedule adopted by the board in  
7 cooperation with Iowa state university of science and  
8 technology. All counties shall have a system implemented by  
9 June 30, 2003. However, a county shall not be required to  
10 implement a system until the state appropriates moneys to the  
11 county for implementation.

12 SUBCHAPTER IV

13 STRATEGIC DEVELOPMENT PLANNING

14 PART 1

15 STATE AGENCY PLANNING

16 Sec. 18. NEW SECTION. 6C.41 CONSULTATION DURING MAJOR  
17 DEVELOPMENT PROJECTS.

18 1. The state land use strategic development council shall  
19 meet regularly and its members shall consult when a state  
20 agency is engaged in a major development project. The state  
21 agency must consult with the council during regularly  
22 scheduled meetings conducted throughout the planning stages of  
23 a major public project.

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

26 3. In reviewing a major public project, the council shall  
27 to every extent practical ensure that the missions, policies,  
28 and goals of affected member agencies are not negatively  
29 impacted. The major public project shall be consistent with  
30 the state strategic development plan as required by section  
31 6C.42.

32 Sec. 19. NEW SECTION. 6C.42 STATE STRATEGIC DEVELOPMENT  
33 PLAN.

34 1. The council shall establish, maintain, and revise a  
35 state strategic development plan.

1     2. The state plan shall include development standards and  
2 practices that ensure that development conducted by state  
3 agencies carries out the purposes of this chapter as provided  
4 in section 6C.2, the requirements of this chapter, and  
5 relevant strategic development plans. The state plan shall  
6 require that development comply with requirements that to  
7 every degree practical preserve the most productive farmland;  
8 protect soil from wind and water erosion; protect and enhance  
9 natural and recreational areas and wildlife; encourage higher  
10 density and efficient urban development patterns; foster  
11 alternative transportation systems; encourage mixed use  
12 development; and preserve, protect, and maintain significant  
13 historic or cultural resources.

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

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

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

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

3 Sec. 20. NEW SECTION. 6C.43 OVERSIGHT.

4 1. The council shall report to the commission during its  
5 October meeting as provided in section 6C.16. The report  
6 shall include a summary of any major public projects  
7 considered by the council, including any comments or  
8 objections noted by the council or member agencies.

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

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

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

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

23 PART 2

24 LOCAL GOVERNMENT PLANNING

25 Sec. 21. NEW SECTION. 6C.51 DESCRIPTION.

26 1. A strategic development plan shall integrate the  
27 planning functions of the local government, including the  
28 planning of basic improvements and the provision of public  
29 benefits and services.

30 2. A strategic development plan is either an independent  
31 strategic development plan or a joint strategic development  
32 plan as provided in this subchapter. The plan may be part of  
33 a single plan or part of a combined plan.

34 3. A strategic development plan may be part of a  
35 comprehensive plan adopted pursuant to section 335.5 or

1 section 414.3, if a comprehensive plan complies with  
2 requirements for a strategic development plan required under  
3 this part. A local government shall not be required to adopt  
4 an ordinance in conformance with this plan. However, a local  
5 government shall comply with a comprehensive plan adopted  
6 pursuant to section 335.5 or section 414.3 to the extent  
7 required in those sections.

8 Sec. 22. NEW SECTION. 6C.52 PURPOSE.

9 A strategic development plan shall carry out the purposes  
10 of this chapter as provided in section 6C.2 and the  
11 requirements of this chapter, including by doing all of the  
12 following:

13 1. Identifying and protecting nonreplaceable farmland,  
14 natural areas, environmentally sensitive land, historical or  
15 cultural areas, and critical areas of local or statewide  
16 concern.

17 2. Preventing the occurrence of urban sprawl, including  
18 the economic, environmental, and social costs that accompany  
19 it, and by encouraging infill and redevelopment of existing  
20 urban sites.

21 3. Allowing local governments to plan for development in a  
22 comprehensive, orderly, and cooperative manner.

23 4. Ensuring that adequate basic improvements and public  
24 benefits and services are provided concurrently with  
25 development.

26 Sec. 23. NEW SECTION. 6C.53 INDEPENDENT STRATEGIC  
27 DEVELOPMENT PLANS -- PARTICIPATION BY LOCAL GOVERNMENTS.

28 Each local government shall adopt an independent strategic  
29 development plan that governs all land located within the  
30 jurisdiction of the local government, if the jurisdiction is  
31 not shared with any other local government. Two or more  
32 adjoining counties or adjoining cities may be parties to a  
33 common independent plan.

34 Sec. 24. NEW SECTION. 6C.54 INDEPENDENT STRATEGIC  
35 DEVELOPMENT PLANS -- CONTENTS.

1 An independent strategic development plan shall include all  
2 elements required to be included by the board in order to  
3 accomplish the purposes of this chapter as provided in section  
4 6C.2, the purposes of this subchapter as provided in section  
5 6C.52, and the administration of this chapter's provisions,  
6 which shall at least include all of the following:

7 1. An identification of all areas served by adequate basic  
8 improvements and receiving an adequate level of public  
9 benefits and services. The plan shall address any areas where  
10 basic improvements and public benefits and services should be  
11 expanded in order to encourage development according to the  
12 independent plan.

13 2. An identification of parcels where development is  
14 occurring, including development that is inconsistent with the  
15 purposes of this chapter as provided in section 6C.2 and the  
16 purposes of this subchapter as provided in section 6C.52.

17 3. An identification of each area planned for development,  
18 including the type of development for which the area is best  
19 suited.

20 4. A description of public improvements planned to be  
21 developed in the area, including plans to construct adequate  
22 basic improvements or deliver an adequate level of public  
23 benefits and services, including to undeveloped areas,  
24 affected areas subject to land recycling as provided under  
25 chapter 455H, and vacant sites.

26 Sec. 25. NEW SECTION. 6C.55 JOINT STRATEGIC DEVELOPMENT  
27 PLANS -- PARTICIPATION BY LOCAL GOVERNMENTS.

28 1. Except as provided in this subsection, a local  
29 government shall adopt a joint strategic development plan.  
30 The joint plan shall govern unincorporated contiguous  
31 territory of a county where a city is located, if the county  
32 and city are parties to the joint plan. The joint plan shall  
33 at least govern the city's urbanized area located within the  
34 county.

35 a. A city shall be excused from adopting a joint plan as

1 provided in this section, if the city council adopts a  
2 resolution declaring that it elects not to adopt a joint  
3 strategic development plan. The city shall submit the  
4 resolution to the board in lieu of the joint plan as required  
5 in this section. The city shall not exercise jurisdiction  
6 within its urbanized area including as provided in section  
7 414.23.

8 b. A county is not qualified to be a party to a joint plan  
9 if the county does not adopt countywide zoning as provided in  
10 chapter 335. The city may adopt a zoning ordinance pursuant  
11 to chapter 414 to govern the city's urbanized area in an  
12 unqualified county.

13 2. To the extent that unincorporated territory is located  
14 within two or more qualified counties or adjoins two or more  
15 cities, each of the qualified counties and cities shall adopt  
16 the joint strategic development plan.

17 3. A city and a qualified county may execute a joint  
18 strategic development plan that includes any unincorporated  
19 territory that is within the jurisdiction of the county if all  
20 of the following apply:

21 a. The territory is contiguous.

22 b. The territory is not within the urbanized area of  
23 another city, unless the city is a party to the joint plan.

24 4. Two or more adjoining qualified counties may be parties  
25 to a joint strategic development plan, if any city that shares  
26 jurisdiction over an urbanized area in common with the  
27 counties is also a party.

28 Sec. 26. NEW SECTION. 6C.56 JOINT STRATEGIC DEVELOPMENT  
29 PLANS -- CONTENTS.

30 1. A joint strategic development plan shall include all  
31 elements required to be included by the board in order to  
32 accomplish the purposes of this chapter as provided in section  
33 6C.2, the purposes of this subchapter as provided in section  
34 6C.52, and the administration of this chapter's provisions.

35 2. The joint strategic development plan shall at least

1 include all of the following:

2 a. An identification of each parcel planned for  
3 development, including the type of development for which the  
4 parcel is best suited. The joint plan shall include all of  
5 the following:

6 (1) An identification of parcels planned for immediate  
7 development around each city, an adjacent area planned for  
8 future development, and parcels not planned for development.  
9 In identifying the parcels, the joint plan must describe the  
10 level and type of development appropriate within the  
11 boundaries of each parcel in order to accommodate urban  
12 expansion in a manner that carries out the purposes of this  
13 chapter.

14 (2) An identification of farmland, natural areas,  
15 historical or cultural areas, and environmentally sensitive  
16 land that should not be developed or developed with heightened  
17 scrutiny.

18 (3) An evaluation of the agricultural productivity of the  
19 territory's farmland, including its corn suitability rating.

20 (4) A map of the area's territory, including a description  
21 of topography.

22 (5) A description of population densities.

23 b. A description of public improvements and public  
24 benefits and services available in and planned for the  
25 territory, including all of the following:

26 (1) An identification of all land within the territory  
27 that is served by adequate basic improvements and receives an  
28 adequate level of public benefits and services. The plan  
29 shall address any areas where basic improvements or public  
30 benefits and services should be expanded in order to encourage  
31 development according to the joint plan.

32 (2) Public benefits and services provided to or planned  
33 for the territory by any existing special service districts.

34 (3) Arrangements for the maintenance, improvement, and  
35 traffic control of any roads shared by the parties.



1 c. The location of all public improvements to be located  
2 in the area subject to the joint plan.

3 d. An identification of parcels where development is  
4 occurring, including extra-urban development and development  
5 that is inconsistent with the purposes of this chapter as  
6 provided in section 6C.2 and the purposes of this subchapter  
7 as provided in section 6C.52.

8 Sec. 27. NEW SECTION. 6C.57 STRATEGIC DEVELOPMENT PLANS  
9 -- PREPARATIONS, SUBMISSION, APPROVAL, AND FILING.

10 1. Planning commissions, councils of governments, or  
11 similar organizations or associations representing the  
12 interests of local governments may assist local governments in  
13 preparing individual strategic development plans. However, a  
14 joint strategic development plan must be prepared by one of  
15 the following:

16 a. The council of governments for the area.

17 b. A coordinating committee established by resolution  
18 adopted by all participating local governments. The  
19 coordinating committee shall be composed of members as  
20 established by the joint resolution.

21 2. A local government shall submit strategic development  
22 plans to the board for approval and filing under this section,  
23 in a manner and according to procedures required by the board.

24 A local government shall submit an updated strategic  
25 development plan for approval by the board each seven years.  
26 A local government shall submit its initial strategic  
27 development plan to the board as follows:

28 a. Except as otherwise provided in paragraph "b", the  
29 following shall apply:

30 (1) The plans shall be submitted by June 30, 2002, for  
31 both of the following:

32 (a) Counties having a population of one hundred fifty  
33 thousand or more.

34 (b) Cities having a population of seventy-five thousand or  
35 more.

1 (2) The plans shall be submitted by June 30, 2003, for  
2 both of the following:

3 (a) Counties having a population of fifty thousand or more  
4 but less one hundred fifty thousand.

5 (b) Cities having a population of twenty-five thousand or  
6 more but less than seventy-five thousand.

7 (3) The plans shall be submitted by June 30, 2004, for  
8 both of the following:

9 (a) Counties having a population of fifteen thousand or  
10 more, but less than fifty thousand.

11 (b) Cities having a population of five thousand or more  
12 but less than twenty-five thousand.

13 (4) The plans shall be submitted by June 30, 2005, for  
14 both of the following:

15 (a) Counties having a population of less than fifteen  
16 thousand.

17 (b) Cities having a population of less than five thousand.

18 b. If a city is required to file an independent strategic  
19 development plan governing land within a county, the county  
20 shall submit an independent strategic development plan and any  
21 required joint strategic development plan by the date required  
22 for the city to file its plans.

23 3. The board may conduct a public hearing regarding a  
24 strategic development plan submitted for approval.

25 4. A city may object to an independent strategic  
26 development plan submitted by a county, based on the failure  
27 of the plan to carry out the purposes of this chapter pursuant  
28 to section 6C.2, the purpose of a strategic development plan  
29 as required pursuant to section 6C.52, or the requirements of  
30 this subchapter. The board shall consider the objection and  
31 may deny approval of the independent strategic development  
32 plan based on the objection.

33 5. a. If a joint strategic development plan has not been  
34 adopted as required in this section, either local government  
35 may file an application with the board to resolve the dispute.

1 The board shall do any of the following:

2 (1) Order the parties to negotiate the terms of a joint  
3 plan.

4 (2) Conduct a hearing as a contested case proceeding under  
5 chapter 17A and may order the parties to adopt terms and  
6 conditions of a joint plan, as required by the board.

7 b. A local government may file the application after one  
8 year from the date that a joint strategic development plan is  
9 required to be submitted to the board as provided in section  
10 6C.57. However, if local governments submit part of a joint  
11 plan as provided in this section, a local government may file  
12 the application after six months from the date that the part  
13 of the joint plan was submitted.

14 c. Each affected local government is a party to the  
15 hearing.

16 d. The board's decision shall be regarded as a final  
17 agency action of the department as provided under chapter 17A.

18 6. The board shall not approve a strategic development  
19 plan unless all of the following occur:

20 a. Each participating local government approves the plan  
21 by resolution. All parties to a plan must adopt the plan by  
22 resolution.

23 b. The board shall approve the plan only if it determines  
24 that the plan meets the purposes of this chapter as provided  
25 in section 6C.2, the purposes of this subchapter as provided  
26 in section 6C.52, and the requirements of the plan as provided  
27 in this subchapter.

28 7. a. The board may approve and file parts of a joint  
29 strategic development plan adopted by all local governments  
30 who have jurisdiction over the common territory governed by  
31 the plan.

32 b. The board may approve and file parts of an independent  
33 strategic development plan adopted by the local government  
34 that has jurisdiction over territory governed by the plan.

35 However, the board shall not approve a partial plan unless one

1 of the following applies:

2 (1) The partial plan governs twenty-five percent or more  
3 of the territory within the local government's jurisdiction.

4 (2) The partial plan governs all remaining territory that  
5 is not governed by a plan approved and filed with the board  
6 under this section.

7 Sec. 28. NEW SECTION. 6C.58 RESTRICTIONS ON PLANNING AND  
8 DEVELOPMENT.

9 1. A person charged by a local government to carry out  
10 development functions, including a board, commission, council,  
11 or committee or local government employee or appointed  
12 official, shall not engage in planning unless the planning is  
13 consistent with the local government's strategic development  
14 plan or the governing body of the local government adopts a  
15 resolution authorizing the person to carry out the planning.

16 2. A public agency shall not develop land in a manner that  
17 is inconsistent with a strategic development plan. A public  
18 agency other than a state agency shall not construct a public  
19 building within territory subject to a joint strategic  
20 development plan, unless the public building is constructed in  
21 a manner and location provided for in the joint plan. If any  
22 territory is ungoverned by a joint plan approved by the board,  
23 the public agency shall not construct a public building within  
24 the territory until that part of the joint plan governing the  
25 territory is approved by the board.

26 3. A local government shall not approve development that  
27 is inconsistent with a strategic development plan, including  
28 the issuance of permits or the platting of land as provided in  
29 chapter 354.

30 4. If a city is excused from submitting a joint strategic  
31 development plan pursuant to section 6C.55, any unincorporated  
32 area adjoining the city shall be governed by a strategic  
33 development plan submitted by other local governments as if  
34 the city does not exist.

35 Sec. 29. NEW SECTION. 6C.59 LOCAL LEGISLATION.

1 A local government may adopt local legislation regulating  
2 development within its territory in order to carry out the  
3 purposes of this chapter that is consistent with the local  
4 government's strategic development plan. A local government  
5 shall cooperate with any other local government, which is a  
6 party to a joint strategic development plan in adopting local  
7 legislation regulating development within a common territory  
8 subject to the joint plan. The local legislation may provide  
9 for all of the following:

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

18 2. Providing for the establishment of urban growth  
19 boundaries; urban service areas; phased development areas;  
20 conservation easements; the acquisition of development rights,  
21 including the purchase of development rights or the transfer  
22 of development rights; and development standards.

23 Sec. 30. NEW SECTION. 6C.60 REGIONAL DEVELOPMENT  
24 AUTHORITIES.

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

30 SUBCHAPTER V  
31 CITY DEVELOPMENT  
32 PART 1  
33 GENERAL

34 Sec. 31. NEW SECTION. 6C.71 PURPOSE.

35 The purpose of this subchapter is to establish a process

1 for the approval of a petition for city development which  
2 furthers the purposes of this chapter as provided in section  
3 6C.2, is consistent with a strategic development plan  
4 governing the territory as provided in subchapter IV, and  
5 which considers the desire of the residents of the territory  
6 subject to a boundary change and the interests of the  
7 residents of all territories affected by a city development.

8 Sec. 32. NEW SECTION. 6C.72 BOARD INITIATIVE.

9 1. The board may initiate proceedings for city  
10 development, based on the results of studies.

11 2. The board may request a city to submit a plan for city  
12 development or may formulate its own plan for city  
13 development.

14 3. A plan for city development submitted at the board's  
15 initiation must include the same information as an involuntary  
16 petition provided in section 6C.81. The plan for city  
17 development shall be filed and acted upon in the same manner  
18 as a petition.

19 4. A plan for city development may include any information  
20 determined to be relevant by the board, including but not  
21 limited to results of studies, surveys, and arguments.

22 Sec. 33. NEW SECTION. 6C.73 AGREEMENTS VOID.

23 1. A local government shall not execute an agreement with  
24 another local government under chapter 28E that provides for  
25 annexation, including but not limited to furnishing public  
26 benefits or services, extending basic improvements, or  
27 constructing public facilities. Any such agreement that is in  
28 effect on the effective date of this Act is void.

29 2. Any agreement executed by cities pursuant to section  
30 368.4, as that section existed prior to the effective date of  
31 this Act, is void.

32 PART 2  
33 PETITIONS

34 Sec. 34. NEW SECTION. 6C.81 INVOLUNTARY CITY DEVELOPMENT  
35 PETITIONS.

1 1. The board may accept a petition for city development  
2 submitted by a city council, a county board of supervisors, a  
3 regional planning authority, or five percent of the qualified  
4 electors of a city or territory subject to the petition.

5 2. a. A petitioner shall provide notice by certified mail  
6 to all of the following:

7 (1) The city council of each city subject to the city  
8 development.

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

11 (3) The city council of a city if an incorporation  
12 includes territory within the city's urbanized area.

13 (4) Any regional planning authority for the area.

14 b. The notice shall provide information regarding the  
15 petition as required by the board and shall include a copy of  
16 the petition.

17 3. Within ninety days of receipt of a petition, the board  
18 shall initiate appropriate proceedings or dismiss the petition  
19 as provided in this paragraph. The board may combine  
20 petitions which concern the same territory or city or which  
21 provide for city development affecting common territory.

22 4. a. A petition must provide how the city development  
23 will further the city's joint strategic development plan. The  
24 petition shall include all of the following:

25 (1) A general statement of the city development.

26 (2) A map of the territory, city, or cities involved.

27 (3) The location of public improvements planned to be  
28 constructed in the proposed bounded territory.

29 (4) An assessed valuation of platted and unplatted land in  
30 the bounded territory.

31 (5) The names of owners of property located in the bounded  
32 territory.

33 (6) The population density of the bounded territory.

34 (7) A description of the bounded territory's topography.

35 (8) Plans for the disposal of assets and assumption of

1 liabilities.

2 (9) A description of existing public benefits and services  
3 available in the bounded territory.

4 (10) Plans for agreements with any existing special  
5 service districts.

6 (11) In a case of annexation or incorporation, the  
7 petition must state that none of the territory is within a  
8 city.

9 (12) In a case of incorporation or consolidation, the  
10 petition must state the name of the proposed city.

11 (13) Any formal agreement between affected cities and  
12 counties for the maintenance, improvement, and traffic control  
13 of any shared roads involved in an incorporation or boundary  
14 adjustment.

15 (14) In the discretion of a city council, a provision for  
16 a transition for the imposition of city taxes against property  
17 within an annexation area.

18 (a) The provision shall not allow a greater exemption from  
19 taxation than the tax exemption formula schedule provided  
20 under section 427B.3, subsections 1 through 5, and shall be  
21 applied in the levy and collection of taxes.

22 (b) The provision may also allow for the partial provision  
23 of city services during the time in which the exemption from  
24 taxation is in effect.

25 Sec. 35. NEW SECTION. 6C.82 SPECIAL REQUIREMENTS FOR  
26 ANNEXATIONS -- PUBLIC HEARINGS.

27 1. Before a petition for involuntary annexation is  
28 submitted to the board, the petitioner must hold a public  
29 hearing on the petition. The petitioner shall provide notice  
30 of the hearing which shall include the time and place of the  
31 public hearing.

32 a. At least ten days before a petition for annexation is  
33 submitted to the board, the petitioner must deliver a notice  
34 by certified mail to all of the following:

35 (1) Any party to a joint strategic development plan



1 governing the bounded territory.

2 (2) The city council of each city whose urbanized area  
3 contains a portion of the bounded territory.

4 (3) The board of supervisors of each county which contains  
5 a portion of the bounded territory.

6 (4) The regional planning authority for the bounded  
7 territory.

8 (5) Each affected public utility.

9 (6) Each owner of property located in the bounded  
10 territory. The petition shall identify all property owners  
11 listed in the petition.

12 (7) Each owner of adjacent property located within the  
13 bounded territory.

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

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

28 Sec. 36. NEW SECTION. 6C.83 VOLUNTARY ANNEXATIONS --  
29 PETITIONS TO CITY COUNCIL.

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

1 2. All of the owners of land in a territory adjoining a  
2 city must petition the council of the adjoining city  
3 requesting the voluntary annexation. Territory comprising  
4 railway right-of-way or territory comprising not more than  
5 twenty percent of the land area may be included in the  
6 petition without the consent of an owner to avoid creating an  
7 island or to create more uniform boundaries.

8 3. The petition must contain any information required by  
9 the board, including a legal description and a map of the  
10 territory showing its location in relationship to the city.

11 4. The city shall provide notice of the petition as  
12 follows:

13 a. At least ten days prior to any action by the city  
14 council regarding the petition, the city shall provide notice  
15 as follows:

16 (1) The city shall mail a notice of the petition by  
17 certified mail to all of the following:

18 (a) Any party to a joint strategic development plan  
19 governing the bounded territory.

20 (b) The board of supervisors of each county which contains  
21 a portion of the territory proposed to be annexed.

22 (c) Each affected public utility.

23 (d) The regional planning authority of the territory.

24 (e) Each owner of property located within the bounded  
25 territory who is not a party to the petition.

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

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

31 b. The notice shall include the time and place of the  
32 public hearing and a legal description of the territory  
33 petitioned to be annexed.

34 5. a. A petition for voluntary annexation of territory  
35 without the consent of all the property owners in the

1 territory must be approved by four-fifths of the council  
2 members.

3 b. A resolution approving an annexation may provide for  
4 the transition for the imposition of taxes.

5 Sec. 37. NEW SECTION. 6C.84 SPECIAL NOTICE REQUIRED FOR  
6 ANNEXATIONS INVOLVING LAND OWNED BY GOVERNMENTS.

7 1. If territory owned by the state is to be annexed under  
8 this subchapter, the attorney general must be provided with a  
9 copy of the petition, and notified of each hearing or meeting  
10 provided under this part.

11 2. If territory within the road right-of-way owned by a  
12 county is annexed as provided in this subchapter, the county  
13 attorney must be provided with a copy of the petition, and  
14 notified of each hearing or meeting provided in this part.

15 Sec. 38. NEW SECTION. 6C.85 SPECIAL SEVERANCE  
16 PROCEEDINGS.

17 The board, a city, or the owners of land in bounded  
18 territory may provide for the severance of the bounded  
19 territory as provided in this section.

20 1. a. The board may order a severance upon its own  
21 initiative or upon petition by a city as provided in section  
22 6C.95.

23 b. Any territory may be severed upon the unanimous consent  
24 of all owners of the territory, approval by resolution of the  
25 city council of the city in which the territory is located,  
26 and approval by the board.

27 2. The board shall approve a severance if the severance  
28 satisfies the purposes of this chapter as provided in section  
29 6C.2, the purposes of this subchapter as provided in section  
30 6C.71, and any joint strategic development plan governing the  
31 territory proposed to be severed. The board shall conduct a  
32 special proceeding under this section to consider issuing an  
33 order or approving a petition for a severance in a manner and  
34 according to procedures adopted by the board. The board may  
35 establish an expedited process for considering a severance.

1 However, the board shall not issue an order or approve a  
2 petition for a severance, if the board would not have approved  
3 a severance under section 6C.90.

4 3. If the bounded territory is severed, the city council  
5 shall provide by resolution for the equitable distribution of  
6 assets and equitable distribution and assumption of  
7 liabilities of the territory as between the city and the  
8 severed territory.

9 Sec. 39. NEW SECTION. 6C.86 APPROVAL OF CITY DEVELOPMENT  
10 PETITIONS REQUIRED.

11 City development shall not occur unless a petition is  
12 submitted and approved by the board as provided in this  
13 subchapter. The petition may be for incorporation,  
14 discontinuance, or boundary adjustment.

15 Sec. 40. NEW SECTION. 6C.87 SUBMISSION OF CITY  
16 DEVELOPMENT PETITIONS.

17 1. A person eligible to file a petition for city  
18 development with the board shall comply with the requirements  
19 of this subchapter, according to procedures and in a manner  
20 required by the board. A petition must include all elements  
21 required to be included by the board pursuant to rules adopted  
22 by the board, which carries out the purposes of this chapter  
23 as provided in section 6C.2, the purposes of this subchapter  
24 as provided in section 6C.71, and the requirements of this  
25 subchapter.

26 2. A petition for annexation must contain a plan of  
27 annexation which provides for how the annexation complies with  
28 the requirements of a strategic development plan governing the  
29 bounded territory. The plan shall provide all of the  
30 following:

31 a. A description of public benefits and services planned  
32 to be extended to the bounded territory and a schedule of when  
33 the public benefits and services will be extended to residents  
34 of the bounded territory.

35 b. The location of public buildings planned to be

1 constructed within the bounded territory.

2 c. The rationale for the annexation and for inclusion of  
3 the bounded territory.

4 Sec. 41. NEW SECTION. 6C.88 PUBLIC MEETING AND  
5 CONSIDERATION OF EVIDENCE.

6 1. The board shall conduct a public meeting regarding a  
7 petition as soon as practicable for a city development  
8 petition.

9 a. The board shall provide notice as follows:

10 (1) The notice shall be delivered to all of the following:

11 (a) Each party participating in a joint strategic  
12 development plan.

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

15 (c) The county board of supervisors for each county, which  
16 contains a portion of a city to be discontinued or territory  
17 to be incorporated, annexed, or severed.

18 (d) Any regional planning authority for the territory  
19 involved.

20 (e) All the owners of property located within a bounded  
21 territory subject to annexation.

22 (f) All the owners of property adjoining property with the  
23 bounded territory subject to annexation.

24 (2) The board shall publish notice of the petition and  
25 hearing in two issues of a newspaper having general  
26 circulation in each city and each territory involved in the  
27 proposal.

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

31 c. Any person may submit written briefs, and in the  
32 board's discretion, may present oral comments.

33 d. The board may subpoena witnesses and documents relevant  
34 to the proposed city development.

35 2. In considering a petition for a boundary adjustment,

1 the board shall receive and weigh evidence of all of the  
2 following:

3 a. The potential effect of the proposed city development  
4 on adjacent areas, and on other local governments directly  
5 affected, including but not limited to the potential impact of  
6 the proposed boundary adjustment on future revenues of  
7 affected local governments.

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

10 c. The desire of persons residing in the bounded territory  
11 favoring the boundary adjustment.

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

14 a. Existing and projected commercial and industrial  
15 development within the bounded territory.

16 b. Existing and projected population in the bounded  
17 territory.

18 c. The potential effects of extending public benefits and  
19 services and constructing proposed public improvements as  
20 required in the plan of annexation, including but not limited  
21 to the cost and adequacy of providing existing public benefits  
22 and services and constructing public improvements within the  
23 bounded territory.

24 d. The extent of available and suitable developable land  
25 within the corporate limits of the city.

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

29 Sec. 42. NEW SECTION. 6C.89 DISMISSAL OF PETITIONS.

30 The board may dismiss a petition if it finds that it  
31 proposes substantially the same city development that has been  
32 disapproved by the board, a city, or by election within the  
33 two years prior to the date the petition is submitted to the  
34 board, or that any bounded territory proposed to be annexed  
35 has been voluntarily annexed under section 6C.83. The board

1 shall file for record a statement of each dismissal and the  
2 reason for it, and shall promptly notify the parties to the  
3 proceeding of its decision.

4 Sec. 43. NEW SECTION. 6C.90 APPROVAL OR DISAPPROVAL OF  
5 PETITIONS.

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

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

19 3. The board shall consider any objection by a county to  
20 the plan of annexation provided in chapter 6C, regardless of  
21 whether it is qualified to be a party in a joint strategic  
22 development plan pursuant to section 6C.55, if the bounded  
23 territory is located in the county. The board may disapprove  
24 the petition based only on the objection. If land in an  
25 adjoining county could reasonably be annexed as part of future  
26 city development, the board shall consider comments regarding  
27 the plan of annexation presented by the adjoining county.

28 4. The board may amend a petition, including by placing  
29 conditions upon its approval. If a petition is substantially  
30 amended, the board shall continue any meeting to a later date  
31 and provide notice describing the amendments in the same  
32 manner as required pursuant to this part.

33 5. The board may establish an expedited process to approve  
34 any of the following:

35 a. A petition for the voluntary annexation of territory as

1 provided in section 6C.83 or the voluntary severance of  
2 territory as provided in section 6C.85.

3 b. A petition submitted by a city to sever annexed  
4 territory because the city cannot provide public benefits or  
5 services to the territory.

6 c. A board action to sever territory as provided in  
7 chapter 6C.

8 6. The board shall deny a petition based on any of the  
9 following:

10 a. An inadequate quantity or quality of evidence submitted  
11 by the petitioner.

12 b. The petition is premature.

13 c. For a petition for incorporation, any of the following  
14 apply:

15 (1) The city proposed to be incorporated will be unable to  
16 provide customary public benefits and services.

17 (2) Any part of the territory is within an urbanized area.  
18 The board shall deny the petition, unless a petition for  
19 annexation of substantially the same territory to such city  
20 has been dismissed, disapproved, or voted upon unfavorably  
21 within the last five years.

22 d. For a discontinuance or severance, any of the following  
23 apply:

24 (1) The city proposed to be discontinued or the territory  
25 to be severed will be surrounded by one or more cities and a  
26 petition for annexation of the same bounded territory has not  
27 been approved by the board.

28 (2) The county or another city will be unable to provide  
29 necessary public benefits and services to the residents of the  
30 territory.

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

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

34 (1) The bounded territory does not adjoin the city  
35 applying for the annexation.



1 (2) The establishment of the boundaries of the bounded  
2 territory is not rational. Establishing the boundaries of  
3 bounded territory that fail to follow property lines is  
4 presumed not to be rational.

5 (3) It is unreasonable or impracticable for the city  
6 applying for annexation to extend public benefits and services  
7 to the bounded territory within four years.

8 (4) The motive for annexation is solely to increase  
9 revenues to the city applying for annexation.

10 g. For a consolidation of cities which are not contiguous.

11 7. If a petition for voluntary annexation is not approved  
12 pursuant to this section, the board may convert the petition  
13 to a petition for involuntary annexation pursuant to section  
14 6C.81. The conversion shall not prejudice the status of the  
15 applicant.

16 8. Upon approval by the board, the city clerk shall file a  
17 copy of related documents with the county board of  
18 supervisors, secretary of state, and state department of  
19 transportation. The documents shall include the board's  
20 order, any city resolution, and a map and a legal description  
21 of the territory. The city clerk shall also record a copy of  
22 the map and resolution with the county recorder.

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

25 Sec. 44. NEW SECTION. 6C.91 ELECTION.

26 1. If the board approves a petition as provided in section  
27 6C.90 for city development, the board shall provide for an  
28 election. However, an election is not required if one of the  
29 following applies:

30 a. The city development is a voluntary annexation under  
31 section 6C.83, the bounded territory is within an urbanized  
32 area of the city, and the territory is not within an urbanized  
33 area of another city.

34 b. The city development is a severance under section  
35 6C.85.

1 2. The date for the election shall not be less than thirty  
2 days nor more than ninety days after the board orders the  
3 election as provided in section 6C.90. The county  
4 commissioner of elections shall conduct the election.

5 a. A city development which is an incorporation,  
6 discontinuance, annexation, or severance, shall be authorized  
7 if a majority of the total number of persons voting approves  
8 the city development. In the case of incorporation or  
9 discontinuance, the registered voters of the territory or city  
10 respectively are eligible to vote in the election. In the  
11 case of annexation or severance, the registered voters of the  
12 territory and of the city are eligible to vote in the  
13 election.

14 b. A city development which is a consolidation shall be  
15 authorized if a favorable majority vote in each city approves  
16 a consolidation. The registered voters of each city are  
17 eligible to vote in the election.

18 3. The county commissioner of elections shall publish  
19 notice of the election as provided in section 49.53 and shall  
20 conduct the election in the same manner as other special city  
21 elections.

22 4. The city shall provide to the commissioner of elections  
23 a map of the area subject to the petition for city  
24 development. The commissioner of elections shall approve the  
25 map for posting. The map shall be displayed prominently in at  
26 least four places within the voting precinct, and inside each  
27 voting booth, or on the left-hand side inside the curtain of  
28 each voting machine.

29 5. The costs of an incorporation election shall be borne  
30 by the initiating petitioners if the election fails. However,  
31 if the proposition is approved the cost shall become a charge  
32 of the new city.

33 Sec. 45. NEW SECTION. 6C.92 PROCEDURE AFTER APPROVAL.

34 1. After the county commissioner of elections has  
35 certified the results to the board of an election conducted

1 pursuant to section 6C.91, the board shall do all of the  
2 following:

3 a. Provide for the publication of a notice of the result  
4 as provided in section 362.3.

5 b. File with the secretary of state and the clerk of each  
6 city incorporated or involved in a boundary adjustment, and  
7 record with the recorder of each county which contains a  
8 portion of any city or territory involved, all of the  
9 following:

10 (1) Copies of the proceedings including the original  
11 petition and any amendments.

12 (2) The order of the board approving the petition.

13 (3) Evidence that notice has been delivered or published  
14 as provided in this subchapter.

15 (4) Certification of the election result conducted  
16 pursuant to section 6C.91.

17 (5) Any other material that the board determines to be of  
18 primary importance to the proceedings.

19 c. File with the state department of transportation a copy  
20 of the map and legal land description of each completed  
21 incorporation or boundary adjustment.

22 2. Upon proper filing and expiration of time for appeal,  
23 the incorporation, discontinuance, or boundary adjustment is  
24 complete. However, if an appeal to any of the proceedings is  
25 pending, completion does not occur until the appeal is  
26 decided, unless a subsequent date is provided in the petition  
27 as approved by the board.

28 Sec. 46. NEW SECTION. 6C.93 APPEAL.

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

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

1 3. Except as provided in this subsection the judicial  
2 review provisions of this section and chapter 17A shall be the  
3 exclusive means by which a person or party who is aggrieved or  
4 adversely affected may seek judicial review of a board's  
5 decision or an election result. The court may reverse and  
6 remand a decision of the board or election result with  
7 appropriate directions.

8 4. Notwithstanding section 17A.19, subsection 2, the  
9 appeal shall be made to the district court of a county which  
10 contains a portion of any city or territory involved in the  
11 petition. Notwithstanding section 17A.19, subsection 5, an  
12 appeal of an approval of a petition does not stay an election.  
13 Notwithstanding section 17A.19, subsection 8, the court upon  
14 review of the appeal shall not reverse or remand a board's  
15 decision or election result unless any of the following apply:

16 a. For an election result, the election was conducted in  
17 an illegal manner.

18 b. For a decision by the board, any of the following  
19 apply:

20 (1) The board did not have jurisdiction to consider the  
21 petition.

22 (2) The board conducted its proceedings in an irregular  
23 manner.

24 (3) The decision of the board is any of the following:

25 (a) Conducted according to irregular procedures.

26 (b) Unsupported by substantial evidence in the record.

27 (c) Unreasonable, arbitrary, or capricious.

28 (d) Characterized by an abuse of discretion or a clearly  
29 unwarranted exercise of discretion.

30 Sec. 47. NEW SECTION. 6C.94 SUPERVISION OF PROCEDURES.

31 1. When a city development is complete, the board shall  
32 supervise procedures necessary to carry out the petition as  
33 approved by the board.

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

1 a. For an incorporation, the county commissioner of  
2 elections shall conduct an election for mayor and council of  
3 the city, who shall serve until their successors take office  
4 following the next regular city election.

5 b. For a discontinuance, the board shall publish two  
6 notices as provided in section 368.15 that it will do all of  
7 the following:

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

10 (2) Levy necessary taxes against the property within the  
11 discontinued city to pay claims allowed. All records of a  
12 discontinued city shall be deposited with the county auditor  
13 of the county designated by the board. Any remaining balances  
14 shall be deposited in the county treasury where the former  
15 city was located.

16 c. For a boundary adjustment, the proper city officials  
17 shall carry out procedures necessary to implement the  
18 petition.

19 Sec. 48. NEW SECTION. 6C.95 COMPLIANCE WITH REQUIREMENTS  
20 FOR A BOUNDARY ADJUSTMENT -- RECONSIDERATION.

21 1. A city shall comply with any conditions provided in a  
22 petition for a boundary adjustment or conditions imposed on  
23 the city by the board in approving the petition.

24 2. A city shall provide public benefits and services to a  
25 bounded territory annexed under a plan of annexation approved  
26 by the board as part of a petition for boundary adjustment, as  
27 provided in section 6C.90. If a city fails to provide public  
28 benefits and services within its bounded territory within four  
29 years from the date that the annexation becomes final, the  
30 city may apply for an extension to provide the public benefits  
31 and services for a period not to exceed two additional years.  
32 The board may grant the extension, if the board determines  
33 that the city has acted in good faith to provide the public  
34 benefits and services and that unforeseen events contributed  
35 to the delay. The board may grant an extension for one

1 additional year if the board determines that exigent  
2 circumstances warrant the extension. However, in no case may  
3 the board approve an extension for more than seven years  
4 following the date that the annexation becomes final.

5 3. The board shall reconsider approving a petition upon  
6 its own initiative for a boundary adjustment if the board  
7 finds that the petition may be disapproved under this  
8 subsection.

9 a. If the petition was for an annexation, the board may  
10 reconsider the petition upon receipt of an appeal brought by  
11 an owner of land located in the bounded territory annexed  
12 pursuant to a plan of annexation approved as part of the  
13 petition. The appeal shall be submitted in a manner and  
14 according to procedures required by the board. The board  
15 shall disapprove a reconsidered petition, if the board  
16 determines that one of the following applies:

17 b. The city fails to provide public benefits and services  
18 to the annexed bounded territory within the period required by  
19 this section.

20 c. The city misrepresented a material fact in its petition  
21 for annexation that caused the board to approve the petition.

22 4. If the board determines that the petition should not  
23 have been approved, the board may do any of the following:

24 a. Provide an order of tax relief to do either of the  
25 following:

26 (1) Require that all or some property within the annexed  
27 territory be taxed according to a reduced rate. The reduced  
28 rate shall not be less than the rate applicable if the  
29 territory had not been annexed. The property shall be taxed  
30 at the reduced rate until at least public benefits and  
31 services are extended to property within the annexed property.

32 (2) Require that the city provide a rebate to residents  
33 equaling the difference between the property taxes paid to the  
34 city by owners of property within the annexed territory and  
35 the amount in taxes owed under the reduced rate.

1 b. Order the severance of all or any part of bounded  
2 territory annexed pursuant to a plan of annexation submitted  
3 with a petition for boundary alteration as provided in section  
4 6C.85, if any of the following apply:

5 c. The board finds all of the following apply:

6 (1) The city failed to comply with purposes of this  
7 chapter as provided in section 6C.2, the requirements of this  
8 subchapter, a joint strategic development plan as provided in  
9 subchapter IV, or conditions provided in the petition or order  
10 approving the petition.

11 (2) The failure was due to the city's bad faith,  
12 recklessness, or disregard for the facts as stated in the  
13 petition, including the plan of annexation.

14 d. The city petitions the board to order a severance,  
15 based on the city's failure to provide adequate public  
16 benefits or services to land owners in the bounded territory.

17 PART III

18 SPECIAL PROVISIONS

19 Sec. 49. NEW SECTION. 6C.101 AUTOMATIC DISCONTINUANCE.

20 1. A city is automatically discontinued if, for a period  
21 of six years or more, the city fails to do any of the  
22 following:

- 23 a. Hold a city election.
- 24 b. Levy taxes.

25 2. If the board determines that a city is discontinued  
26 under this section, the board shall take control of the  
27 property of the discontinued city and carry out all necessary  
28 functions and procedures as if the city were discontinued  
29 under a petition as provided in section 6C.94.

30 Sec. 50. NEW SECTION. 6C.102 DISCONTINUED CITIES --  
31 CEMETERY FUNDS.

32 If a city is discontinued under this subchapter, and the  
33 board determines that perpetual care funds exist, the board  
34 shall provide for the transfer of the funds to any of the  
35 following:

1 1. A trustee named by a district court.

2 2. The county board of supervisors in the county where the  
3 discontinued city was located.

4 3. A governmental entity deemed suitable by the board.

5 Sec. 51. NEW SECTION. 6C.103 UTILITIES -- TAXES UPON  
6 ANNEXATION.

7 1. A city that annexes territory shall provide written  
8 notification to all public utilities operating in the annexed  
9 territory. The notice shall include all of the following:

10 a. A legal description and map of the annexed territory.

11 b. Each street address within the annexed territory, where  
12 possible.

13 c. A statement containing the effective date of the  
14 annexation and a copy of the order, resolution, or ordinance  
15 proclaiming the annexation to all public utilities operating  
16 in the annexed area.

17 2. If notification of the annexation is provided to a  
18 public utility as provided in this section less than sixty  
19 days prior to the effective date of the annexation, the public  
20 utility shall have sixty days from the date of notification to  
21 adjust its tax and accounting records to reflect the  
22 annexation for any tax purpose.

23 3. Additional or increased fees or taxes, other than ad  
24 valorem taxes, imposed on a public utility as a result of an  
25 annexation to a city shall become effective sixty days after  
26 the effective date of the annexation.

27 Sec. 52. NEW SECTION. 6C.104 SECONDARY ROAD ANNEXATION.

28 1. The board of supervisors of each county affected by an  
29 annexation shall notify the board of the existence of that  
30 portion of any secondary road which extends to the centerline,  
31 has not become part of the city by annexation, and has a  
32 common boundary with a city.

33 2. The notification shall include a legal description and  
34 a map identifying the location of the secondary road.

35 3. The board shall provide notice and an opportunity to be



1 heard to each city in or next to which the secondary road is  
2 located.

3 4. The board shall certify that the notification is  
4 correct and declare the road, or portion of the road extending  
5 to the centerline, annexed to the city as of the date of  
6 certification.

7 5. The title and interest of a county in any secondary  
8 road which is annexed by a city is transferred to the city  
9 upon the effective date of the annexation.

10

DIVISION B

11

MISCELLANEOUS PROVISIONS

12 Sec. 53. NEW SECTION. 6B.46A RESTRICTIONS UPON USE OF  
13 UTILITY EASEMENTS.

14 1. This section governs the acquisition of an interest in  
15 real estate by the state or local government through a  
16 proceeding brought under this chapter for purposes of  
17 extending a utility.

18 2. The scope of the interest shall be limited to the  
19 express creation of an appurtenant easement to the extent  
20 necessary in order to extend the utility over the property of  
21 the owner.

22 3. The dominant estate shall not undergo a change in use.  
23 The person holding the dominant estate may maintain the  
24 utility system, but shall not expand the size or capacity of  
25 the utility.

26 4. The owner of the land subject to the proceeding  
27 creating the easement shall hold a servient estate, and may  
28 use the property in any manner that does not unreasonably  
29 interfere with the easement.

30 5. The easement shall expire when the utility is no longer  
31 used for the purpose intended.

32 Sec. 54. Section 15.108, subsection 3, paragraph a,  
33 subparagraph (2), Code 1999, is amended to read as follows:

34 (2) Provide office space and staff assistance to the city  
35 development land use planning board for development management

1 and natural area protection as provided in section 368-9  
2 6C.11.

3 Sec. 55. Section 306.9, unnumbered paragraph 1, Code 1999,  
4 is amended to read as follows:

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

19 Sec. 56. Section 314.12, Code 1999, is amended to read as  
20 follows:

21 314.12 BORROW-PITS RESTORATION OF AREAS -- TOPSOIL  
22 PRESERVED.

23 In the award of contracts a contract for a project  
24 involving the construction, reconstruction, improvement,  
25 repair, or maintenance of any a highway, the agency having  
26 charge-of awarding such-contracts the contract shall require  
27 that when the area be restored as provided in this section.  
28 The restoration shall apply to land acquired by title or  
29 easement, whether by agreement or condemnation.

30 1. a. Except as provided in paragraph "b", if fill dirt,  
31 soil, or other materials are to-be removed from a borrow pits  
32 acquired-by-title-or-easement, whether-by-agreement-or  
33 condemnation, for use in the project, adequate provision shall  
34 be-made-for-the-restoration-of-the-borrow pit area, either-by  
35 removal-and-replacement-of the agency shall provide for either

1 of the following:

2 (1) Removing and replacing a minimum of eight inches of  
3 topsoil, or by fertilizing.

4 (2) Fertilizing, mulching, reseeding, or providing other  
5 appropriate measures to provide install vegetative cover or  
6 prevent erosion, except where a.

7 b. Restoring the area as provided in paragraph "a" is not  
8 required if any of the following applies:

9 (1) A lake or subwater table conditions are designed, or  
10 where the.

11 (2) The area is zoned for commercial, industrial, or  
12 residential use, or where the.

13 (3) The borrow is in locations of an area where white oak,  
14 sand, loess, or undrainable clays are located.

15 c. When the borrow pit is acquired by easement, the  
16 restoration method shall be determined by agreement with the  
17 landowner.

18 2. If topsoil is removed from a part of the project, the  
19 undeveloped ground that has been excavated shall be covered  
20 with the topsoil. The topsoil shall be applied to a depth  
21 that at least equals the topsoil depth prior to excavation.  
22 The agency shall install practices on the land that prevents  
23 soil erosion, including by providing vegetative cover  
24 consistent with section 314.22.

25 Sec. 57. Section 331.304, subsection 7, Code 1999, is  
26 amended to read as follows:

27 7. The board may file a an involuntary petition with the  
28 city-development land use planning board for development  
29 management and natural area protection as provided in section  
30 368:11 6C.85.

31 Sec. 58. Section 331.321, subsection 1, paragraph u, Code  
32 1999, is amended by striking the paragraph.

33 Sec. 59. Section 331.427, subsection 1, unnumbered  
34 paragraph 1, Code 1999, is amended to read as follows:

35 Except as otherwise provided by state law, county revenues

1 from taxes and other sources for general county services shall  
 2 be credited to the general fund of the county, including  
 3 revenues received under sections 6C.94, 101A.3, 101A.7,  
 4 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
 5 section 331.554, subsection 6, sections 341A.20, 364.3,  
 6 ~~368-217~~, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,  
 7 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6,  
 8 602.8108, 904.908, and 906.17, and chapter 405A, and the  
 9 following:

10 Sec. 60. Section 331.507, subsection 2, unnumbered  
 11 paragraph 1, Code 1999, is amended to read as follows:

12 The auditor is ~~entitled to~~ shall collect the following  
 13 fees:

14 Sec. 61. Section 331.507, subsection 2, paragraph a, Code  
 15 1999, is amended to read as follows:

16 a. For a transfer of property made in the transfer  
 17 records, five nine dollars for each separate parcel of real  
 18 estate described in a deed, or transfer of title certified by  
 19 the clerk of the district court. However, the fee shall not  
 20 exceed fifty fifty-four dollars for a transfer of property  
 21 which is described in one instrument of transfer.

22 Sec. 62. Section 331.507, subsection 3, Code 1999, is  
 23 amended to read as follows:

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

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

30 b. The remaining moneys collected under this section shall  
 31 be paid to the department of revenue and finance on a monthly  
 32 basis for deposit in the land use planning fund for  
 33 development management and farmland and natural area  
 34 protection as created in section 6C.21.

35 Sec. 63. Section 362.1, Code 1999, is amended to read as

1 follows:

2 362.1 CITATION.

3 This chapter and chapters 364, 368~~7~~ 372, 376, 380, 384, 388  
4 and 392 may be cited as the "City Code of Iowa".

5 Sec. 64. Section 362.9, Code 1999, is amended to read as  
6 follows:

7 362.9 APPLICATION OF CITY CODE.

8 The provisions of this chapter and chapters 6C, 364, 368~~7~~  
9 372, 376, 380, 384, 388 and 392 are applicable to all cities.

10 Sec. 65. Section 384.38, subsection 2, Code 1999, is  
11 amended to read as follows:

12 2. Upon petition as provided in section 384.41, subsection  
13 1, a city may assess to private property affected by public  
14 improvements within three miles of the city's boundaries the  
15 cost of construction and repair of public improvements within  
16 that area. The right-of-way of a railway company shall not be  
17 assessed unless the company joins as a petitioner for said  
18 improvements. In the petition the property owners shall waive  
19 the limitation provided in section 384.62 that an assessment  
20 may not exceed twenty-five percent of the value of the lot.  
21 The petition shall contain a statement that the owners agree  
22 to pay the city an amount equal to five percent of the cost of  
23 the improvements, to cover administrative expenses incurred by  
24 the city. This amount may be added to the cost of the  
25 improvements. Before the council may adopt the resolution of  
26 necessity, the preliminary resolution, preliminary plans and  
27 specifications, plat, schedule, and estimate of cost must be  
28 submitted to, and receive written approval from, the board of  
29 supervisors of any county which contains part of the property,  
30 and the city-development-board land use planning board for  
31 development management and natural area protection established  
32 in section 368-9 6C.11.

33 Sec. 66. Section 414.23, unnumbered paragraph 1, Code  
34 1999, is amended to read as follows:

35 ~~The-powers-granted-by~~ To the extent that an unincorporated

1 area is not governed by a zoning ordinance adopted by a county  
2 pursuant to chapter 335, a city may adopt a city zoning  
3 ordinance under this chapter ~~may-be-extended-by-ordinance-by~~  
4 ~~any-city-to~~ that governs the unincorporated area up-to  
5 adjacent to the city as provided in this section.

6 1. For cities located more than thirty miles from the  
7 state's borders, the unincorporated area must be located  
8 within two miles beyond the limits of such the city, ~~except~~  
9 ~~for-those-areas-within-a-county-where-a-county-zoning~~  
10 ~~ordinance-exists.~~ For cities located thirty miles or less  
11 from the state's borders, the unincorporated area must be  
12 located within three miles beyond the limits of the city. The  
13 distance from a city to a state's borders is measured from the  
14 center of the city.

15 2. The zoning ordinance shall adopted by the city must  
16 describe in general terms the unincorporated area to be  
17 included.

18 3. The unincorporated area shall be governed by a joint  
19 strategic development plan as provided in chapter 6C.

20 4. The exemption from regulation granted by section 335.2  
21 to property used for agricultural purposes shall apply to such  
22 unincorporated the unincorporated area.

23 5. If the limits of any-such a city are at any place less  
24 than four miles distant from the limits of any-other another  
25 city which has extended or thereafter extends its zoning  
26 jurisdiction under this section, then-at-such-time the powers  
27 herein-granted unincorporated area shall extend to a line  
28 equidistant between the limits of said the cities.

29 Sec. 67. NEW SECTION. 427.20 CITY DEVELOPMENT.

30 If a city changes the zoning classification of a parcel of  
31 property under chapter 414, the city shall not assess and tax  
32 the parcel based on the changed zoning classification until  
33 the parcel is used according to the changed classification or  
34 three years from the date that the classification is changed,  
35 whichever occurs earlier.

1     Sec. 68. Section 455B.306A, subsection 1, Code 1999, is  
2 amended to read as follows:

3     1. A city which annexes an area pursuant to chapter 368  
4 6C, or plans to operate or expand solid waste collection  
5 services into an area where the collection of solid waste is  
6 presently being provided by a private entity, shall notify the  
7 private entity by certified mail at least sixty days before  
8 its annexation or expansion of its intent to provide solid  
9 waste collection services in the area.

10    Sec. 69. Section 524.1202, subsection 1, Code 1999, is  
11 amended to read as follows:

12    1. Except as otherwise provided in subsection 2 of this  
13 section, no state bank shall establish a bank office outside  
14 the corporate limits of a municipal corporation or in a  
15 municipal corporation in which there is already an established  
16 state or national bank or office, however the subsequent  
17 chartering and establishment of any state or national bank,  
18 through the opening of its principal place of business within  
19 the municipal corporation where the bank office is located,  
20 shall not affect the right of the bank office to continue in  
21 operation in that municipal corporation. The existence and  
22 continuing operation of a bank office shall not be affected by  
23 the subsequent discontinuance of a ~~municipal corporation~~ city  
24 pursuant to ~~the provisions of sections 368-11 to 368-22~~  
25 chapter 6C. A bank office existing and operating on July 1,  
26 1976, which is not located within the confines of a municipal  
27 corporation, shall be allowed to continue its existence and  
28 operation without regard to this subsection.

29    Sec. 70. IMPLEMENTATION OF ACT. The fees and funds  
30 generated as a result of the enactment of this Act are  
31 intended to cover the costs of any state mandate included in  
32 this Act and this specification of state funding shall be  
33 deemed to meet all the state funding-related requirements of  
34 section 25B.2, subsection 3, and no additional state funding  
35 shall be necessary for the full implementation of this Act by,

1 and enforcement of this Act against, all affected political  
2 subdivisions.

3 Sec. 71. TRANSFER OF SECTION. The Code editor is directed  
4 to transfer section 368.2, Code 1999, to chapter 380 and  
5 correct internal references as necessary.

6 Sec. 72.

7 1. Sections 352.3 through 352.5, Code 1999, are repealed.

8 2. Sections 368.1 and 368.3 through 368.24, Code 1999, are  
9 repealed.

10 Sec. 73. MORATORIUM. On and after November 30, 1998, all  
11 of the following shall apply:

12 1. A city shall not annex land, unless one of the  
13 following applies:

14 a. The annexation conforms to the provisions of this Act.

15 b. A city council approves an application or petition for  
16 an annexation of territory on or after November 30, 1998, but  
17 before the effective date of this Act as provided in chapter  
18 368, Code 1999.

19 2. A county shall not plat land, unless one of the  
20 following applies:

21 a. The annexation conforms to the provisions of this Act.

22 b. The governing body approves a subdivision plat lying  
23 within the jurisdiction of the governing body prior to  
24 recording as provided in section 354.8 on or after November  
25 30, 1998, but before the effective date of this Act.

26 Sec. 74. EFFECTIVE DATE.

27 1. Except as provided in this section, this Act takes  
28 effect July 1, 1999.

29 2. The land use planning board for development management  
30 and farmland and natural area protection, the land use  
31 commission for development management and farmland and natural  
32 area protection, and the state land use strategic development  
33 council as created in this Act shall be appointed as soon as  
34 practical upon the enactment of this Act. The entities shall  
35 carry out all functions necessary to prepare for the



1 administration of this Act on July 1, 1999, and provide for  
2 the transition of administration of provisions from under  
3 chapter 368 to chapter 6C, including the adoption of rules.

4 3. a. Section 73 of this Act is retroactive to November  
5 30, 1998.

6 b. Section 73 of this Act takes effect upon enactment.

7 EXPLANATION

8 GENERAL

9 This bill creates a new Code chapter 6C, referred to as the  
10 "Land Development Management Act". According to the bill, the  
11 purpose of the new Code chapter is to preserve the use of  
12 prime agricultural land for agricultural production; preserve  
13 natural, cultural, and historical areas; and provide for the  
14 orderly development of cities. The bill establishes a number  
15 of new provisions and rewrites provisions contained in Code  
16 chapter 368, which governs the city development board.

17 ADMINISTRATION

18 The bill creates a number of entities responsible for  
19 administration of the Code chapter.

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

33 The bill creates the land use planning board for  
34 development management and farmland and natural area  
35 protection. This is the successor board to the city

1 development board created under Code chapter 368. The  
2 composition of its membership is similar. The board is the  
3 principal agency overseeing planning by local governments.  
4 The bill creates the land use planning commission for  
5 development management and farmland and natural area  
6 protection. This entity is comprised of the same membership  
7 as was represented on the legislative commission. The  
8 commission is charged to monitor the administration of the  
9 chapter and the extent to which the purposes of the chapter  
10 are being satisfied. The commission sunsets on July 1, 2003.

11 The bill increases the fees from \$5 to \$9 required to be  
12 collected by county auditors for the transfer of real estate  
13 documents such as deeds. The additional fees are paid to the  
14 department of revenue and finance for deposit into a special  
15 fund administered by the board. Moneys in the fund must be  
16 used for costs related to administering and reimbursing Iowa  
17 state university and counties for costs related to preparing  
18 land use and natural resource inventories, for the costs of  
19 administering the bill's provisions, and to reimburse counties  
20 for the costs of preparing strategic development plans.

21 LAND USE INVENTORIES

22 The bill provides that Iowa state university of science and  
23 technology shall serve as the repository of permanent land use  
24 and natural resources inventories completed as required by the  
25 bill. The bill requires the university to study the extent to  
26 which land in Iowa is being converted from agricultural use to  
27 residential, commercial, industrial, or public use. The  
28 university must report to the general assembly every two  
29 years. The university must also provide technical assistance  
30 to counties in completing the system. The system administered  
31 by the counties must assess and categorize land uses, the  
32 productive quality of farmland soil, and the changes in use or  
33 classifications for use of the land.

34 LOCAL LAND USE PLANNING

35 The bill requires that each local government adopt a

1 strategic development plan that must be approved and filed  
2 with the board. According to the bill, the plan integrates  
3 the planning functions of the local governments. The bill  
4 provides that local governments must establish a strategic  
5 development plan in order to carry out the purposes of this  
6 bill, and integrate the planning functions of local  
7 governments, including the planning of infrastructure and  
8 public facilities and the provision of public benefits and  
9 services. Local governments must adopt independent plans  
10 governing their jurisdictions. They must also cooperate to  
11 adopt joint plans governing areas of common interest. A local  
12 government must file a strategic development plan with the  
13 board according to a phased-in schedule that requires local  
14 governments representing larger counties and cities to file a  
15 plan prior to local governments representing smaller counties  
16 and cities filing a strategic development plan.

17 The board must approve a joint plan if it determines that  
18 the plan meets the purposes of this bill. The board may file  
19 parts of a plan adopted by local governments, which are  
20 approved by the local governments. The bill prevents the  
21 construction of public facilities outside the jurisdiction of  
22 a local government, unless the facilities are developed in  
23 accordance with a plan. A city may object to a plan submitted  
24 by a county, based on planned extra-urban development. The  
25 board may deny approval of the plan based on the objection.

26 CITY DEVELOPMENT

27 Generally, the provisions in Code chapter 368 continue to  
28 govern city development, including boundary adjustments, such  
29 as annexation, severance, and consolidation, and  
30 incorporations and discontinuance. The bill rewrites these  
31 provisions as part of new Code chapter 6C, amending the  
32 language to enhance readability. The bill also includes new  
33 provisions, especially concerning annexation procedures.  
34 Under the bill, all annexations must be approved by the board.  
35 An annexation must comply with the purposes and requirements

1 of the bill, including any joint plan that has been adopted.  
2 Under certain circumstances, a county may submit an objection  
3 with the board, if the territory proposed to be annexed is not  
4 governed by a joint strategic development plan. The board may  
5 reconsider approving a petition for annexation upon its own  
6 initiative or upon receipt of a petition brought by a property  
7 owner of annexed territory, if the city fails to extend public  
8 benefits and services to the annexed territory within the  
9 period required by this bill.

10 EMINENT DOMAIN (UTILITIES)

11 The bill provides for the acquisition of an interest in  
12 real estate by the state or local government through a  
13 condemnation proceeding brought under Code chapter 6B for  
14 purposes of extending infrastructure which is a utility  
15 system. The bill provides that the scope of the interest must  
16 be limited to the express creation of an appurtenant easement  
17 to the extent necessary in order to extend the utility system  
18 over the property of the owner.

19 DEPARTMENT OF TRANSPORTATION

20 The bill provides that the department of transportation  
21 must adopt rules that establish an analytical framework for  
22 determining when a primary highway must be relocated through  
23 cultivated land, including by using diagonal routes.

24 The bill also provides that if topsoil is removed from a  
25 part of a highway project, the undeveloped ground that has  
26 been excavated must be covered with the topsoil.

27 PROPERTY TAX ASSESSMENTS

28 If a city changes the zoning classification of a parcel of  
29 property under Code chapter 414, the city shall not assess and  
30 tax the parcel based on the changed zoning classification  
31 until the parcel is used according to the changed  
32 classification or three years from the date that the  
33 classification is changed, whichever occurs earlier.

34 STATE MANDATE

35 This bill may include a state mandate as defined in Code

1 section 25B.3. The bill provides that fees and funds  
2 generated in this bill are intended to cover the costs of any  
3 state mandate included in the bill. The inclusion of this  
4 specification of state funding is intended to reinstate the  
5 requirement of political subdivisions to comply with any state  
6 mandates included in this bill.

7 MORATORIUM

8 The bill provides that on and after November 30, 1998, a  
9 city cannot annex land, and a county shall not plat land  
10 unless the annexation or platting conforms to the provisions  
11 of this bill, or the city or county has taken some affirmative  
12 action to annex the land.

13 EFFECTIVE DATE

14 The bill takes effect on July 1, 1999. However, entities  
15 created in the bill must be appointed and begin performing  
16 functions as provided in the bill as soon as possible. The  
17 provision establishing the moratorium takes effect upon  
18 enactment and is retroactively applicable.

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## SENATE FILE 293

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1 Amend Senate File 293 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION A  
5 SUBCHAPTER I  
6 GENERAL

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

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

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

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

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

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

21 b. Providing for the orderly development of cities  
22 including by providing for incorporation,  
23 discontinuation, annexation, severance, and  
24 consolidation.

25 c. Striking a balance between the need to carry  
26 out the legitimate public purposes described in this  
27 section and the need to preserve private property  
28 rights.

29 d. Encouraging economic development in this state  
30 by providing for development in areas where  
31 development has been planned by local governments  
32 acting in concert pursuant to this chapter and under  
33 state oversight.

34 e. Controlling urban sprawl, and thereby providing  
35 for the protection and preservation of the private and  
36 public interest in the land, water, and related  
37 resources of this state for the public health, safety,  
38 and general welfare, and for the benefit of present  
39 and future generations.

40 3. All public agencies, including state and local  
41 governments, shall cooperate in achieving the purposes  
42 and carrying out the provisions of this chapter.

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

44 1. "Adjoining" means having a common boundary for  
45 not less than fifty feet. Territory may be adjoining  
46 although separated by a roadway or waterway.

47 2. "Annexation" means the addition of territory to  
48 a city.

49 3. "Area" means an area of land.

50 4. "Basic improvement" means the development of

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- 1 land for any of the following:
- 2 a. A utility, including telephone or other
- 3 communication lines, city utility as defined in
- 4 section 362.2, public utility as defined in section
- 5 476.1, or pipeline providing gas, water, wastewater,
- 6 or sewer service.
- 7 b. A thoroughfare, such as a road or street as
- 8 defined in section 306.3.
- 9 5. "Board" means the land management planning
- 10 board as created pursuant to section 6C.14.
- 11 6. "Boundary adjustment" means annexation,
- 12 severance, or consolidation.
- 13 7. "Bounded territory" means territory proposed to
- 14 be incorporated, annexed, or severed, whether or not
- 15 contiguous to all other areas proposed to be
- 16 incorporated, annexed, or severed. "Bounded
- 17 territory" having a common boundary with the right-of-
- 18 way of a secondary road extends to the centerline of
- 19 the road.
- 20 8. "Building" means any fixed structure affording
- 21 facilities or shelter for persons, animals, or
- 22 property.
- 23 9. "City development" means an incorporation,
- 24 discontinuance, or boundary adjustment.
- 25 10. "Committee" means the local strategic
- 26 development committee required to be created pursuant
- 27 to section 6C.53.
- 28 11. "Consolidation" means the combining of two or
- 29 more cities into one city.
- 30 12. "Council" means the state strategic
- 31 development council as created pursuant to section
- 32 6C.12.
- 33 13. "Department" means the department of economic
- 34 development.
- 35 14. "Development" means the construction or
- 36 structural alteration, conversion, or enlargement of a
- 37 structure or use of land, including the construction
- 38 of basic improvements, public improvements, buildings,
- 39 structures, or impermeable structures.
- 40 15. "Discontinuance" means termination of a city.
- 41 16. "Extraterritorial area" means unincorporated
- 42 territory adjacent to the limits of a city, regardless
- 43 of whether the territory is governed by a county
- 44 zoning ordinance as provided in chapter 335. The
- 45 unincorporated area shall include any area over which
- 46 the city exercises jurisdiction under section 414.23.
- 47 17. "Extra-urban development" means development of
- 48 land for a use, which creates densities and uses
- 49 within a territory which is not designated for that
- 50 type of use according to a strategic development plan

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1 required to be adopted by a local government as  
2 provided in this chapter. However, "extra-urban  
3 development" does not include development which is  
4 part of any of the following:

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

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

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

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

21 18. "Farm operation" means a condition or activity  
22 which occurs on a farm in connection with the  
23 production of farm products and includes but is not  
24 limited to the raising, harvesting, drying, or storage  
25 of crops; the harvesting of trees; the care or feeding  
26 of livestock; the handling or transportation of crops  
27 or livestock; the treatment or disposal of wastes  
28 resulting from livestock; the marketing of products at  
29 roadside stands or farm markets; the operation of farm  
30 machinery and irrigation pumps; ground and aerial  
31 seeding and spraying; the application of chemical  
32 fertilizers, conditioners, insecticides, pesticides,  
33 and herbicides; and the employment and use of farm  
34 labor.

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

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

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

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

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

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- 1 24. "Local government" means a county or city  
2 government.
- 3 25. "Local legislation" means any ordinance,  
4 resolution, amendment, regulation, or rule adopted by  
5 a local government, which has the force and effect of  
6 law.
- 7 26. "Major public project" means any of the  
8 following:
- 9 a. The construction of a new or the relocation of  
10 an existing highway.
- 11 b. The construction or expansion of an  
12 improvement, including a structure or basic  
13 improvement, other than a highway, which involves the  
14 development of more than fifty acres of land or six  
15 thousand tons of top soil.
- 16 c. The construction of any of the following:
- 17 (1) A dam or reservoir.
- 18 (2) A correctional institution as provided in  
19 chapter 904.
- 20 27. "Member agency" means a state agency which is  
21 represented on the council as provided in section  
22 6C.12.
- 23 28. "Owner of property" means the owner of  
24 property as shown on the records of the county  
25 recorder.
- 26 29. "Parcel" means a specific tract of land  
27 including an area located within a territory.
- 28 30. "Planned territory" means territory which is  
29 governed or proposed to be governed by a strategic  
30 development plan.
- 31 31. "Public agency" means a state agency, local  
32 government, or other political subdivision, including  
33 but not limited to a principal department as provided  
34 in section 7E.5, a school corporation organized under  
35 chapter 273 or 274, a community college as provided in  
36 chapter 260C, a regional library as provided in  
37 chapter 256, or a township as provided in chapter 359.
- 38 32. "Public benefits and services" means benefits  
39 and services provided by a local government to persons  
40 residing within the jurisdiction of the local  
41 government, regardless of whether the benefits and  
42 services are provided directly or by another person  
43 under contract with the local government, including  
44 providing for the health and safety, education, or  
45 transportation of the public. A public benefit and  
46 service includes but is not limited to fire protection  
47 and suppression, law enforcement, the collection and  
48 disposal of refuse, the delivery of public water and  
49 sewer facilities, and ambulance or emergency care.
- 50 33. "Public building" means any building used for

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

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

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

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

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

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

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

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

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

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

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

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

48 Each public agency awarding financial assistance to  
49 persons for use in developing land shall consider  
50 whether the development is consistent with the

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1 purposes of this chapter as provided in section 6C.2,  
2 the requirements of this chapter, and any relevant  
3 strategic development plan. Financial assistance  
4 includes but is not limited to moneys awarded from the  
5 community economic betterment account established  
6 pursuant to section 15.320 or the revitalize Iowa's  
7 sound economy fund established pursuant to section  
8 315.2, or from tax increment financing created  
9 pursuant to section 403.19 or tax exemptions within  
10 revitalization areas as provided in chapter 404.

## SUBCHAPTER II

## PART 1

## STATE ADMINISTRATION

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

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

18 a. The state strategic development council.

19 b. The land management planning board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 g. The secretary of agriculture or a designee.

26 h. The state historic preservation officer  
27 appointed by the director of the department of  
28 cultural affairs.

29 i. A designee appointed by the state board of  
30 regents as provided for in chapter 262. The member  
31 shall be appointed from the university of Iowa, Iowa  
32 state university of science and technology, and the  
33 university of northern Iowa on a rotating basis. Each  
34 appointee shall serve one term prior to replacement.  
35 A member appointed under this proposal shall be an  
36 expert in issues relating to land use planning.

37 j. Four members of the general assembly, who shall  
38 serve as nonvoting, ex officio members. The members  
39 shall include two members of the senate appointed by  
40 the president of the senate, after consultation with  
41 the majority leader and the minority leader of the  
42 senate, and two members of the house of  
43 representatives appointed by the speaker of the house,  
44 after consultation with the majority leader and the  
45 minority leader of the house. The legislative members  
46 shall be appointed upon the convening and for the  
47 period of each general assembly. Not more than one  
48 member from each house shall be of the same political  
49 party.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 5. A member may be removed from office by the  
50 governor for misfeasance, malfeasance, willful neglect

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1 of duty, or other just cause, after notice and  
2 hearing, unless the notice and hearing is expressly  
3 waived in writing.

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

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

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

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

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

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

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

31 PART 2

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

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

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

38 a. Moneys appropriated by the general assembly.

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

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

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

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

49 b. Second, to reimburse local governments for  
50 preparing strategic development plans as provided in

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1 section 6C.22.

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

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

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

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

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

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

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

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

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

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

50 (5) The amount of the claim is for reasonable

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1 costs associated with preparing the strategic  
2 development plan or land use and natural resource  
3 inventory.

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

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

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

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

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

#### 34 SUBCHAPTER III

#### 35 LAND USE INVENTORIES

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

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

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

48 2. Study the extent to which land in Iowa is being  
49 converted from agricultural use to residential,  
50 commercial, industrial, or public uses, including

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1 farmland, recreational areas, natural areas, and  
2 public facilities and basic improvements.

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

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

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

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

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

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

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

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

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

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

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

50 (1) Whenever possible, the data shall be enhanced

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1 by aerial imagery.

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

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

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

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

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

20 SUBCHAPTER IV

21 STRATEGIC DEVELOPMENT PLANNING

22 PART 1

23 STATE AGENCY PLANNING

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

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

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

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

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

44 1. a. The council shall establish, maintain, and  
45 revise a state strategic development plan which shall  
46 be implemented by state agencies, as provided in this  
47 section. State agencies shall consult with the  
48 council regarding major public projects. The council  
49 may adopt rules which exempt major public projects  
50 from the requirements of this section, to the extent

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1 that the council determines that compliance with the  
2 state strategic development plan or consultation with  
3 the council is inconsistent with or unnecessary to  
4 carry out the purposes of this chapter as provided in  
5 section 6C.2.

6 b. The state plan shall include development  
7 standards and practices that ensure that development  
8 conducted by state agencies carries out the purposes  
9 of this chapter as provided in section 6C.2, the  
10 requirements of this chapter, and relevant strategic  
11 development plans. Each state agency shall adopt  
12 policies governing development, including planning and  
13 construction of projects, which implement development  
14 standards and practices as required in the state  
15 strategic development plan.

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

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

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

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

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

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

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

49 b. Notify the committee of the planning stages of  
50 a major public project initiated by a member agency,

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1 including any comments or objections of the council or  
2 a member agency.  
3 c. Submit a copy of its state strategic  
4 development plan and any amendments to or revisions of  
5 the plan with the committee.

6

## PART 2

7

## LOCAL GOVERNMENT PLANNING

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

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

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

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

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

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

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

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

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

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

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

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

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

48 i. Identifying and protecting nonreplaceable  
49 farmland, natural areas, environmentally sensitive  
50 land, historical or cultural areas, and critical areas

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1 of local or statewide concern.

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

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

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

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

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

27 a. The county.

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

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

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

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

43 2. A strategic development plan may rely upon a  
44 comprehensive plan adopted pursuant to section 335.5  
45 or section 414.3, to the extent that the comprehensive  
46 plan complies with this part.

47 3. A strategic development plan approved by the  
48 board shall be the basis for the comprehensive plan of  
49 each county required pursuant to section 335.5, if the  
50 county has adopted a zoning ordinance, and for the

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1 comprehensive plan of each participating city required  
2 pursuant to section 414.3. The county and each  
3 participating city shall amend its comprehensive plan  
4 as necessary to conform to the strategic development  
5 plan approved by the board.

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

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

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

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

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

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

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

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

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

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1 historical areas, or other areas planned for  
2 development.

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

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

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

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

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

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

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

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

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

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

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

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

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1 land.

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

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

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

23 a. Not later than one hundred twenty days after  
24 receiving the recommended strategic development plan,  
25 the county board of supervisors and the city council  
26 for each participating city shall adopt a resolution  
27 to either ratify or reject the recommended strategic  
28 development plan. A local government that fails to  
29 timely adopt the resolution shall be deemed to have  
30 ratified the recommended strategic development plan on  
31 the last day of the one hundred twenty-day period.

32 b. If the county board of supervisors or the city  
33 council of any participating city rejects the  
34 recommended strategic development plan submitted by  
35 the committee, the county or participating city shall  
36 submit its objections to the plan, as provided by the  
37 committee. After receiving objections to the plan,  
38 the committee may recommend a revised strategic  
39 development plan. The committee shall submit the  
40 revised strategic development plan for ratification to  
41 the county board of supervisors and the city council  
42 of each participating city.

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

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1 ratified the recommended strategic development plan on  
2 the last day of the one hundred twenty-day period.

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

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

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

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

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

46 The board of supervisors for the county shall  
47 notify the board of the ratification or rejection of  
48 the proposed strategic development plan in a manner  
49 required by the board. A notice of rejection  
50 submitted to the board may be accompanied by final

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1 recommendations for amendment to the proposed  
2 strategic development plan. The board shall adopt the  
3 proposed plan as provided in section 6C.57.

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

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

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

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

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

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

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

50 1. The affected county, an affected participating

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

10 2. Appeal must be filed within sixty days after  
11 the strategic development plan is recorded upon final  
12 approval of the board. In accordance with the Iowa  
13 rules of civil procedure pertaining to service of  
14 process, copies of the petition shall be served upon  
15 the board, the county, and each city located in the  
16 county.

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

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

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

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

43 b. Subsection 5.

44 c. Subsection 8.

45 d. Subsections 10 through 12.

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

47 A local government may adopt local legislation  
48 regulating development within its territory in order  
49 to carry out the purposes of this chapter that is  
50 consistent with the local government's strategic

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1 development plan. A local government shall cooperate  
2 with any other local government, which is a party to a  
3 strategic development plan in adopting local  
4 legislation regulating development within a strategic  
5 development area. The local legislation may provide  
6 for all of the following:

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

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

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

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

28 SUBCHAPTER V  
29 CITY DEVELOPMENT  
30 PART 1  
31 GENERAL

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

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

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

44 A local government shall not execute an agreement  
45 with another local government under chapter 28E that  
46 annexes territory. Local governments who are parties  
47 in an agreement on the effective date of this Act that  
48 provides for annexation under chapter 28 shall amend  
49 the agreement to the extent necessary in order to be  
50 consistent with the provisions of this chapter. The

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1 local governments must amend the agreement prior to  
2 the date on which a strategic development plan  
3 governing the territory subject to the agreement is  
4 recorded with the county recorder as provided in  
5 section 6C.58. Any agreement that is inconsistent  
6 with the provisions of this chapter shall be void on  
7 the date that a strategic development plan governing  
8 the territory is recorded with the county recorder as  
9 provided in section 6C.58.

## PART 2

## PETITIONS

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

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

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

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

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

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

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

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

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

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

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

48 (1) A general statement of the city development.

49 (2) A map of the territory, city, or cities  
50 involved.

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1 (3) The location of public improvements planned to  
2 be constructed in the proposed bounded territory.

3 (4) An assessed valuation of platted and unplatted  
4 land in the bounded territory.

5 (5) The names of owners of property located in the  
6 bounded territory.

7 (6) The population density of the bounded  
8 territory.

9 (7) A description of the bounded territory's  
10 topography.

11 (8) Plans for the disposal of assets and  
12 assumption of liabilities.

13 (9) A description of existing public benefits and  
14 services available in the bounded territory.

15 (10) Plans for agreements with any existing  
16 special service districts.

17 (11) In a case of annexation or incorporation, the  
18 petition must state that none of the territory is  
19 within a city.

20 (12) In a case of incorporation or consolidation,  
21 the petition must state the name of the proposed city.

22 (13) Any formal agreement between affected cities  
23 and counties for the maintenance, improvement, and  
24 traffic control of any shared roads involved in an  
25 incorporation or boundary adjustment.

26 (14) In the discretion of a city council, a  
27 provision for a transition for the imposition of city  
28 taxes against property within an annexation area.

29 (a) The provision shall not allow a greater  
30 exemption from taxation than the tax exemption formula  
31 schedule provided under section 427B.3, subsections 1  
32 through 5, and shall be applied in the levy and  
33 collection of taxes.

34 (b) The provision may also allow for the partial  
35 provision of city services during the time in which  
36 the exemption from taxation is in effect.

37 **Sec. 32. NEW SECTION. 6C.82 SPECIAL REQUIREMENTS**  
38 **FOR ANNEXATIONS -- PUBLIC HEARINGS.**

39 1. Before a petition for involuntary annexation is  
40 submitted to the board, the petitioner must hold a  
41 public hearing on the petition. The petition shall  
42 identify all property owners listed in the petition.  
43 The petitioner shall provide notice of the hearing  
44 which shall include the time and place of the public  
45 hearing.

46 a. At least thirty days before a petition for  
47 annexation is submitted to the board, the petitioner  
48 must deliver a notice by certified mail to all of the  
49 following:

50 (1) Any party to a strategic development plan

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1 governing the bounded territory.

2 (2) The city council of each city whose urbanized  
3 area contains a portion of the bounded territory.

4 (3) The board of supervisors of each county which  
5 contains a portion of the bounded territory.

6 (4) The regional planning authority for the  
7 bounded territory.

8 (5) Each affected public utility.

9 (6) Each owner of property located in the bounded  
10 territory. The notice shall also be mailed to each  
11 person who has purchased land under real estate  
12 contract under chapter 656, if the contract is  
13 recorded with the county recorder.

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

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

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

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

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

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

49 3. The petition must contain any information  
50 required by the board, including a legal description

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1 and a map of the territory showing its location in  
2 relationship to the city.

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

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

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

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

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

15 (c) Each affected public utility.

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

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

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

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

29 b. The notice shall include the time and place of  
30 the public hearing and a legal description of the  
31 territory petitioned to be annexed. If the city  
32 publishes additional notices, at least one of the  
33 notices shall identify the territory by a description  
34 using common landmarks.

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

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

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

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

50 2. If territory within the road right-of-way owned

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1 by a county is annexed as provided in this subchapter,  
2 the county attorney must be provided with a copy of  
3 the petition, and notified of each hearing or meeting  
4 provided in this part.

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

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

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

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

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

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

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

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

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

44 1. A person eligible to file a petition for city  
45 development with the board shall comply with the  
46 requirements of this subchapter, according to  
47 procedures and in a manner required by the board. A  
48 petition must include all elements required to be  
49 included by the board pursuant to rules adopted by the  
50 board, which carries out the purposes of this chapter

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1 as provided in section 6C.2, the purposes of this  
2 subchapter as provided in section 6C.71, and the  
3 requirements of this subchapter.

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

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

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

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

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

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

23 a. The board shall provide notice as follows:

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

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

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

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

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

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

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

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

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

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- 1 c. Any person may submit written briefs, and in  
2 the board's discretion, may present oral comments.
- 3 d. The board may subpoena witnesses and documents  
4 relevant to the proposed city development.
- 5 2. In considering a petition for a boundary  
6 adjustment, the board shall receive and weigh evidence  
7 of all of the following:
- 8 a. The potential effect of the proposed city  
9 development on adjacent areas, and on other local  
10 governments directly affected, including but not  
11 limited to the potential impact of the proposed  
12 boundary adjustment on future revenues of affected  
13 local governments.
- 14 b. Whether the petition is based on a voluntary  
15 boundary adjustment.
- 16 c. The desire of persons residing in the bounded  
17 territory.
- 18 3. If the petition is for an annexation, the board  
19 shall receive and weigh evidence of all of the  
20 following:
- 21 a. Existing and projected commercial and  
22 industrial development within the bounded territory.
- 23 b. Existing and projected population in the  
24 bounded territory.
- 25 c. The potential effects of extending public  
26 benefits and services and constructing proposed public  
27 improvements as required in the plan of annexation,  
28 including but not limited to the cost and adequacy of  
29 providing existing public benefits and services and  
30 constructing public improvements within the bounded  
31 territory.
- 32 d. The extent of available and suitable  
33 developable land within the corporate limits of the  
34 city.
- 35 e. The extent to which the bounded territory  
36 included in the proposed annexation is as compact and  
37 contiguous to the city as possible.
- 38 f. The extent to which a voluntary boundary  
39 adjustment was attempted.

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

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

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1 parties to the proceeding of its decision.  
2 Sec. 40. NEW SECTION. 6C.90 APPROVAL OR  
3 DISAPPROVAL OF PETITIONS.  
4 1. The board shall base its decision to approve or  
5 disapprove a petition for a city development on all  
6 evidence determined relevant by the board. The  
7 decision shall be based on the extent to which a  
8 petition and evidence supporting the petition  
9 satisfies the purposes of this chapter as provided in  
10 section 6C.2, the purposes of this subchapter as  
11 provided in section 6C.71, the requirements of this  
12 subchapter, and any strategic development plan  
13 governing the territory proposed to be adjusted as  
14 required pursuant to subchapter IV.  
15 2. The board shall approve or disapprove a  
16 petition as amended, within ninety days of the final  
17 meeting, and shall file its decision for record and  
18 promptly notify the parties to the proceeding of its  
19 decision.  
20 3. The board shall consider any objection by a  
21 county to the plan of annexation, if the bounded  
22 territory is located in the county. The board may  
23 disapprove the petition based only on the objection.  
24 If land in an adjoining county could reasonably be  
25 annexed as part of future city development, the board  
26 shall consider comments regarding the plan of  
27 annexation presented by the adjoining county.  
28 4. The board may establish an expedited process to  
29 approve any of the following:  
30 a. A petition for the voluntary annexation of  
31 territory as provided in section 6C.83 or the  
32 voluntary severance of territory as provided in  
33 section 6C.85.  
34 b. A petition submitted by a city to sever annexed  
35 territory because the city cannot provide public  
36 benefits or services to the territory.  
37 c. A board action to sever territory as provided  
38 in section 6C.95.  
39 5. The board shall deny a petition based on any of  
40 the following:  
41 a. An inadequate quantity or quality of evidence  
42 submitted by the petitioner.  
43 b. The petition is premature.  
44 c. For a petition for incorporation, any of the  
45 following apply:  
46 (1) The city proposed to be incorporated will be  
47 unable to provide customary public benefits and  
48 services.  
49 (2) Any part of the territory is within an  
50 extraterritorial area. The board shall deny the

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1 petition, unless a petition for annexation of  
2 substantially the same territory to such city has been  
3 dismissed, disapproved, or voted upon unfavorably  
4 within the last five years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 1. If the board approves a petition as provided in  
47 section 6C.90 for city development, the board shall  
48 provide for an election. However, an election is not  
49 required if one of the following applies:

50 a. The city development is a voluntary annexation

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1 under section 6C.83, the bounded territory is within  
2 an extraterritorial area of the city, and the  
3 territory is not within an extraterritorial area of  
4 another city.

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

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

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

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

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

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

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

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

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

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

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1 b. File with the secretary of state and the clerk  
2 of each city incorporated or involved in a boundary  
3 adjustment, and record with the recorder of each  
4 county which contains a portion of any city or  
5 territory involved, all of the following:  
6 (1) Copies of the proceedings including the  
7 original petition and any amendments.  
8 (2) The order of the board approving the petition.  
9 (3) Evidence that notice has been delivered or  
10 published as provided in this subchapter.  
11 (4) Certification of the election result conducted  
12 pursuant to section 6C.91.  
13 (5) Any other material that the board determines  
14 to be of primary importance to the proceedings.  
15 c. File with the state department of  
16 transportation a copy of the map and legal land  
17 description of each completed incorporation or  
18 boundary adjustment.  
19 2. Upon proper filing and expiration of time for  
20 appeal, the incorporation, discontinuance, or boundary  
21 adjustment is complete. However, if an appeal to any  
22 of the proceedings is pending, completion does not  
23 occur until the appeal is decided, unless a subsequent  
24 date is provided in the petition as approved by the  
25 board.

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

27 1. A city, or a resident or property owner in the  
28 territory or city affected by a city development  
29 petition may appeal a decision of the board rendered  
30 under section 6C.90 or an election conducted under  
31 section 6C.91.  
32 2. An appeal must be filed within thirty days of  
33 the filing of a decision or the publication of notice  
34 of the result of an election.  
35 3. Except as provided in this subsection the  
36 judicial review provisions of this section and chapter  
37 17A shall be the exclusive means by which a person or  
38 party who is aggrieved or adversely affected may seek  
39 judicial review of a board's decision or an election  
40 result. The court may reverse and remand a decision  
41 of the board or election result with appropriate  
42 directions.  
43 4. Notwithstanding section 17A.19, subsection 2,  
44 the appeal shall be made to the district court of a  
45 county which contains a portion of any city or  
46 territory involved in the petition. Notwithstanding  
47 section 17A.19, subsection 5, an appeal of an approval  
48 of a petition does not stay an election.  
49 Notwithstanding section 17A.19, subsection 8, the  
50 court upon review of the appeal shall not reverse or

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1 remand a board's decision or election result unless  
2 any of the following apply:

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

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

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

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

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

13 (a) Conducted according to irregular procedures.

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

16 (c) Unreasonable, arbitrary, or capricious.

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

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

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

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

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

31 b. For a discontinuance, the board shall publish  
32 two notices as provided in section 368.15 that it will  
33 do all of the following:

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

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

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

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

50 1. A city shall comply with any conditions

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1 provided in a petition for a boundary adjustment or  
2 conditions imposed on the city by the board in  
3 approving the petition.

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

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

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

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

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

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

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

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

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1 The property shall be taxed at the reduced rate until  
2 at least public benefits and services are extended to  
3 property within the annexed property.

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

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

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

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

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

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

28 DIVISION B

29 MISCELLANEOUS PROVISIONS

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

33 (2) Provide office space and staff assistance to  
34 the city-development land management planning board as  
35 provided in section ~~368-9~~ 6C.11.

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

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

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1 shall include a detailed list of factors for use by  
2 the department in completing its analysis in  
3 compliance with the state's policy.

4 Sec. 48. Section 331.304, subsection 7, Code 1999,  
5 is amended to read as follows:

6 7. The board may file ~~a~~ an involuntary petition  
7 with the city-development land use management planning  
8 board as provided in section ~~368-11~~ 6C.85.

9 Sec. 49. Section 331.321, subsection 1, paragraph  
10 u, Code 1999, is amended by striking the paragraph.

11 Sec. 50. Section 331.427, subsection 1, unnumbered  
12 paragraph 1, Code 1999, is amended to read as follows:

13 Except as otherwise provided by state law, county  
14 revenues from taxes and other sources for general  
15 county services shall be credited to the general fund  
16 of the county, including revenues received under  
17 sections 6C.94, 101A.3, 101A.7, 123.36, 123.143,  
18 142B.6, 176A.8, 321.105, 321.152, 321G.7, section  
19 331.554, subsection 6, sections 341A.20, 364.3,  
20 ~~368-217~~ 422A.2, 428A.8, 430A.3, 433.15, 434.19,  
21 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1,  
22 567.10, 583.6, 602.8108, 904.908, and 906.17, and  
23 chapter 405A, and the following:

24 Sec. 51. Section 331.507, subsection 2, unnumbered  
25 paragraph 1, Code 1999, is amended to read as follows:

26 The auditor ~~is-entitled-to~~ shall collect the  
27 following fees:

28 Sec. 52. Section 331.507, subsection 2, paragraph  
29 a, Code 1999, is amended to read as follows:

30 a. For a transfer of property made in the transfer  
31 records, ~~five~~ nine dollars for each separate parcel of  
32 real estate described in a deed, or transfer of title  
33 certified by the clerk of the district court.

34 However, the fee shall not exceed ~~fifty~~ fifty-four  
35 dollars for a transfer of property which is described  
36 in one instrument of transfer.

37 Sec. 53. Section 331.507, subsection 3, Code 1999,  
38 is amended to read as follows:

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

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

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

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1 Sec. 54. Section 362.1, Code 1999, is amended to  
2 read as follows:

3 362.1 CITATION.

4 This chapter and chapters 364, 368, 372, 376, 380,  
5 384, 388 and 392 may be cited as the "City Code of  
6 Iowa".

7 Sec. 55. Section 362.9, Code 1999, is amended to  
8 read as follows:

9 362.9 APPLICATION OF CITY CODE.

10 The provisions of this chapter and chapters 6C,  
11 364, 368, 372, 376, 380, 384, 388 and 392 are  
12 applicable to all cities.

13 Sec. 56. Section 384.38, subsection 2, Code 1999,  
14 is amended to read as follows:

15 2. Upon petition as provided in section 384.41,  
16 subsection 1, a city may assess to private property  
17 affected by public improvements within three miles of  
18 the city's boundaries the cost of construction and  
19 repair of public improvements within that area. The  
20 right-of-way of a railway company shall not be  
21 assessed unless the company joins as a petitioner for  
22 said improvements. In the petition the property  
23 owners shall waive the limitation provided in section  
24 384.62 that an assessment may not exceed twenty-five  
25 percent of the value of the lot. The petition shall  
26 contain a statement that the owners agree to pay the  
27 city an amount equal to five percent of the cost of  
28 the improvements, to cover administrative expenses  
29 incurred by the city. This amount may be added to the  
30 cost of the improvements. Before the council may  
31 adopt the resolution of necessity, the preliminary  
32 resolution, preliminary plans and specifications,  
33 plat, schedule, and estimate of cost must be submitted  
34 to, and receive written approval from, the board of  
35 supervisors of any county which contains part of the  
36 property, and the city-development-board land  
37 management planning board established in section 368-9  
38 6C.11.

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

41 1. A city which annexes an area pursuant to  
42 chapter 368 6C, or plans to operate or expand solid  
43 waste collection services into an area where the  
44 collection of solid waste is presently being provided  
45 by a private entity, shall notify the private entity  
46 by certified mail at least sixty days before its  
47 annexation or expansion of its intent to provide solid  
48 waste collection services in the area.

49 Sec. 58. Section 524.1202, subsection 1, Code  
50 1999, is amended to read as follows:

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1 1. Except as otherwise provided in subsection 2 of  
2 this section, no state bank shall establish a bank  
3 office outside the corporate limits of a municipal  
4 corporation or in a municipal corporation in which  
5 there is already an established state or national bank  
6 or office, however the subsequent chartering and  
7 establishment of any state or national bank, through  
8 the opening of its principal place of business within  
9 the municipal corporation where the bank office is  
10 located, shall not affect the right of the bank office  
11 to continue in operation in that municipal  
12 corporation. The existence and continuing operation of  
13 a bank office shall not be affected by the subsequent  
14 discontinuance of a ~~municipal corporation city~~  
15 pursuant to ~~the provisions of sections 368.11 to~~  
16 ~~368.22~~ chapter 6C. A bank office existing and  
17 operating on July 1, 1976, which is not located within  
18 the confines of a municipal corporation, shall be  
19 allowed to continue its existence and operation  
20 without regard to this subsection.

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

31 Sec. 60. TRANSFER OF SECTION.

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

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

43 Sec. 61.

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

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

48 Sec. 62. The person appointed by the director of  
49 the department of economic development to serve on the  
50 land use planning board for development management and

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1 farmland and natural area protection as created in  
2 section 6C.14, as enacted in this Act, shall be a  
3 member of the special commission to study and make  
4 recommendations concerning urban planning, growth  
5 management of cities, and protection of farmland as  
6 provided in House Concurrent Resolution 21, as passed  
7 by the Seventy-sixth General Assembly.

8 Sec. 63. EFFECTIVE AND APPLICABILITY DATES.

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

11 2. The land management planning board and the  
12 state strategic development council as created in this  
13 Act shall be appointed as soon as practical upon the  
14 enactment of this Act. The entities shall carry out  
15 all functions necessary to prepare for the  
16 administration of this Act on July 1, 1999, and  
17 provide for the transition of administration of  
18 provisions from under chapter 368 to chapter 6C,  
19 including the adoption of rules.

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

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

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

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

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

By COMMITTEE ON LOCAL GOVERNMENT  
JEFF ANGELO, Chairperson

S-3158 FILED MARCH 25, 1999

**SENATE FILE 293  
FISCAL NOTE**

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A fiscal note for **SF 293** 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.

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Senate File 293 creates the Land Development Management Act. The purpose is to preserve prime agriculture land for production; preserve natural, cultural, and historical areas; and to promote orderly planning and development of cities and counties.

**BACKGROUND**

Senate File 293 reflects recommendations by the Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland. The Commission was authorized by the Legislative Council in 1997 upon passage of House Concurrent Resolution 21, (Commission to Study Urban Sprawl). The charge of the Commission was to study issues relating to land use and planning. The findings of the Commission were incorporated into a final report issued to the General Assembly in January 1999.

**ASSUMPTIONS**

1. The Real Estate Transfer Fee maintained by County Recorders will be increased by \$4.00. There were 90,205 real estate transfer transactions in 1997. The increase would generate approximately \$361,000 in revenue.
2. The average expenditure for Iowa State University to complete a county inventory is \$5,000. The cost to complete inventories in the remaining 92 counties would be approximately \$460,000.
3. The City Plan Grant Assistance Program assumes the average plan cost for a small city is \$7,500. The City Plan Grant Assistance Program will offer a 10.0% assistance grant of \$750.
4. The estimated cost to hold an annual three-day meeting for the Land Use Planning Commission For Development Management and Farmland and Natural Area Protection is \$1,000 per year.
5. The estimated cost to hold four State Land Use Strategic Development Council meetings is \$400 per year.
6. The estimated cost to develop a State Strategic Development Plan would be \$32,000. This allocates \$15,000 per year in the first two years and \$2,000 for printing and distribution in the third year.
7. The estimated cost for the Land Use Planning Board is approximately \$11,000 per year for 12 monthly meetings and approximately \$39,000 per year for 48 public hearings. This represents a total cost of \$50,000



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annually.

- 8. The estimated cost for the Department of Economic Development to staff and support this legislation is 4.0 FTE positions costing \$240,000 annually.
- 9. 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 four-year period. No additional expenses are anticipated beyond the four-year time frame unless strategic development plans are not submitted on a timely basis.

**FISCAL IMPACT**

The fiscal impact of Senate File 293 is estimated to cost the General Fund \$276,000 over a four-year period. This legislation raises the Real Estate Transfer Fee (\$4.00) which will generate approximately \$1.4 million in additional revenue that will be deposited in the Land Use Planning Fund. Expenditures are estimated to be approximately \$1.7 million leaving a net amount of \$276,000 to be funded from the General Fund. The following is a breakdown of revenues and expenditures:

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>	<u>FY 2004</u>	<u>Four-Year Total</u>
Revenue:					
Transfer Fees	\$ 361,000	\$ 361,000	\$ 361,000	\$ 361,000	\$1,444,000
Expenditures:					
ISU Inventories	\$ 110,000	\$ 110,000	\$ 120,000	\$ 120,000	\$ 460,000
City Plan Grant	15,000	15,000	15,000	15,000	60,000
Urban Commission	1,000	1,000	1,000	1,000	4,000
Strategic Meeting	1,000	1,000	1,000	1,000	4,000
Strategic Plan	15,000	15,000	2,000	0	32,000
Land Use Board	50,000	50,000	50,000	50,000	200,000
DED FTE/Support	240,000	240,000	240,000	240,000	960,000
Total Expenditures	\$ <u>432,000</u>	\$ <u>432,000</u>	\$ <u>429,000</u>	\$ <u>427,000</u>	\$1,720,000
Funding Shortfall*	\$ <u>71,000</u>	\$ <u>71,000</u>	\$ <u>68,000</u>	\$ <u>66,000</u>	\$ <u>276,000</u>
ISU Inventories	22	22	24	24	92

\* To be appropriated from the General Fund.

**SOURCE**

Department of Economic Development

(LSB 1849SV, DFK)

FILED MARCH 11, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR