

Senate Study Bill 1063

Bill Text

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1 1 DIVISION A
1 2 SUBCHAPTER I
1 3 GENERAL
1 4 Section 1. NEW SECTION. 6C.1 TITLE.
1 5 This chapter shall be known and may be cited as "Land
1 6 Development Management Act".
1 7 Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE
1 8 PURPOSE OF THIS CHAPTER.
1 9 1. The policy of the state is to ensure the sound and
1 10 orderly development and use of land including agricultural,
1 11 commercial, industrial, residential, recreational, and
1 12 historic uses.
1 13 2. The purposes of this chapter include all of the
1 14 following:
1 15 a. Preserving the use of prime agricultural land for
1 16 agricultural production, and preserving natural, cultural, and
1 17 historical areas.
1 18 b. Providing for the orderly development of cities
1 19 including by providing for incorporation, discontinuation,
1 20 annexation, severance, and consolidation.
1 21 3. This chapter is intended to do all of the following:
1 22 a. Strike a balance between the need to carry out the
1 23 legitimate public purposes described in this section and the
1 24 need to preserve private property rights.
1 25 b. Encourage economic development in this state by
1 26 providing for development in areas where development has been
1 27 planned by local governments acting in concert pursuant to
1 28 this chapter and under state oversight.
1 29 c. Control urban sprawl, and thereby provide for the
1 30 protection and preservation of the private and public interest
1 31 in the land, water, and related resources of this state for
1 32 the public health, safety, and general welfare, and for the
1 33 benefit of present and future generations.
1 34 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.
1 35 1. "Adjoining" means having a common boundary for not less
2 1 than fifty feet. Territory may be adjoining although
2 2 separated by a roadway or waterway.
2 3 2. "Annexation" means the addition of territory to a city.
2 4 3. "Area" means an area of land.
2 5 4. "Basic improvement" means the development of land for
2 6 any of the following:
2 7 a. A utility, including telephone or other communication
2 8 lines, city utility as defined in section 362.2, public
2 9 utility as defined in section 476.1, or pipeline providing
2 10 gas, water, wastewater, or sewer service.
2 11 b. A thoroughfare, such as a road or street as defined in
2 12 section 306.3.
2 13 5. "Boundary adjustment" means annexation, severance, or
2 14 consolidation.
2 15 6. "Bounded territory" means territory proposed to be
2 16 incorporated, annexed, or severed, whether or not contiguous
2 17 to all other areas proposed to be incorporated, annexed, or
2 18 severed. "Bounded territory" having a common boundary with
2 19 the right-of-way of a secondary road extends to the centerline
2 20 of the road.
2 21 7. "Building" means any fixed structure affording

2 22 facilities or shelter for persons, animals, or property.
2 23 8. "City development" means an incorporation,
2 24 discontinuance, or boundary adjustment.
2 25 9. "Consolidation" means the combining of two or more
2 26 cities into one city.
2 27 10. "Department" means the department of economic
2 28 development.
2 29 11. "Development" means the construction or structural
2 30 alteration, conversion, or enlargement of a structure or use
2 31 of land, including the construction of basic improvements,
2 32 public improvements, buildings, structures, or impermeable
2 33 structures.
2 34 12. "Discontinuance" means termination of a city.
2 35 13. "Extra-urban development" means development of land
3 1 for a use, which creates urban densities and uses within a
3 2 territory which is not designated for that type of use
3 3 according to a strategic development plan required to be
3 4 adopted by a local government as provided in this chapter.
3 5 However, "extra-urban development" does not include
3 6 development which is part of any of the following:
3 7 a. A farm operation, including any related structure which
3 8 is constructed or installed, or any use or practice which is
3 9 implemented involving a farm operation, including a residence
3 10 constructed for occupation by a person engaged in a farm
3 11 operation.
3 12 b. The construction, installation, improvement, or
3 13 maintenance of basic improvements.
3 14 c. The preservation of natural and historic or cultural
3 15 areas, the development of recreational areas, or the
3 16 protection of natural and historic resources and fragile
3 17 ecosystems of this state including forests, wetlands, rivers,
3 18 streams, lakes and their shorelines, aquifers, prairies, and
3 19 recreational areas.
3 20 d. Development occurring on land which has been platted
3 21 prior to the effective date of this Act.
3 22 14. "Farm operation" means a condition or activity which
3 23 occurs on a farm in connection with the production of farm
3 24 products and includes but is not limited to the raising,
3 25 harvesting, drying, or storage of crops; the harvesting of
3 26 trees; care or feeding of livestock; the handling or
3 27 transportation of crops or livestock; the treatment or
3 28 disposal of wastes resulting from livestock; the marketing of
3 29 products at roadside stands or farm markets; the operation of
3 30 farm machinery and irrigation pumps; ground and aerial seeding
3 31 and spraying; the application of chemical fertilizers,
3 32 conditioners, insecticides, pesticides, and herbicides; and
3 33 the employment and use of farm labor.
3 34 15. "Farmland" means land that is used to carry on a farm
3 35 operation or is classified as land that may be used to carry
4 1 on a farm operation.
4 2 16. "Fund" means the land use planning fund for
4 3 development management and farmland and natural area
4 4 protection as created in section 6C.21.
4 5 17. "Incorporation" means establishment of a new city.
4 6 18. "Independent strategic development plan" or
4 7 "independent plan" means a strategic development plan
4 8 governing a city's incorporated land or a county's
4 9 unincorporated land which is subject to approval by a local
4 10 government pursuant to section 6C.53.
4 11 19. "Island" means territory that is completely surrounded
4 12 by the corporate boundaries of one or more cities or the
4 13 boundary of the state, a river, or similar natural barrier
4 14 which prevents access to public benefits and services
4 15 originating outside the boundaries of a city.
4 16 20. "Inventory" means a permanent land use and natural
4 17 resources inventory system as provided in section 6C.32.
4 18 21. "Joint strategic development plan" or "joint plan"

4 19 means a strategic development plan governing unincorporated
4 20 territory, including an urbanized area and which is subject to
4 21 approval by multiple local governments as provided in section
4 22 6C.55.

4 23 22. "Land use commission" or "commission" means land use
4 24 planning commission for development management and farmland
4 25 and natural area protection as created pursuant to section
4 26 6C.16.

4 27 23. "Land use council" or "council" means the land use
4 28 strategic development council as created pursuant to section
4 29 6C.12.

4 30 24. "Land use planning board" or "board" means the land
4 31 use planning board for development management and farmland and
4 32 natural area protection as created pursuant to section 6C.14.

4 33 25. "Local government" means a county or city government.

4 34 26. "Local legislation" means any ordinance, resolution,
4 35 amendment, regulation, or rule adopted by a local government,
5 1 which has the force and effect of law.

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

5 7 a. The construction or expansion of a street or highway.
5 8 b. The construction of a dam or reservoir.
5 9 c. The construction of a correctional institution as
5 10 provided in chapter 904.
5 11 d. The excavation of more than six thousand tons of soil.

5 12 28. "Member agency" means a state agency which is
5 13 represented on the council as provided in section 6C.12.

5 14 29. "Parcel" means a specific tract of land including an
5 15 area located within a territory.

5 16 30. "Planned territory" means territory which is governed
5 17 or proposed to be governed by a strategic development plan.

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

5 25 32. "Public benefits and services" means benefits and
5 26 services provided by a local government to persons residing
5 27 within its local government, regardless of whether the
5 28 benefits and services are provided directly or by another
5 29 person under contract with the local government, including
5 30 providing for the health and safety, education, or
5 31 transportation of the public. A public benefit and service
5 32 includes but is not limited to fire protection and
5 33 suppression, law enforcement, the collection and disposal of
5 34 refuse, the delivery of public water and sewer facilities, and
5 35 ambulance or emergency care.

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

6 9 34. "Public improvement" means basic improvements and
6 10 facilities including but not limited to parks and recreational
6 11 areas and public buildings which are constructed by or for the
6 12 use of a public agency other than state agencies.

6 13 35. "Public utility" means a public utility subject to
6 14 regulation pursuant to chapter 476.

6 15 36. "Regional development authority" means a council of

6 16 governments established pursuant to chapter 28H or a joint
6 17 planning commission established pursuant to chapter 28I.
6 18 37. "Registered voter" means a person who is registered to
6 19 vote pursuant to chapter 48A.
6 20 38. "Severance" means the deletion of territory from a
6 21 city.
6 22 39. "State agency" means the same as "agency" defined in
6 23 section 17A.2.
6 24 40. "State strategic development plan" or "state plan"
6 25 means a plan for development of major public projects which is
6 26 approved by member state agencies as provided in section
6 27 6C.42.
6 28 41. "Strategic development plan" means an independent
6 29 strategic development plan or a joint strategic development
6 30 plan as provided in subchapter III which is adopted by a local
6 31 government as a means to organize the manner and location of
6 32 future development within a territory under the jurisdiction
6 33 of the local government.
6 34 42. "Territory" means any land area which is under the
6 35 jurisdiction of a local government as provided in this chapter
7 1 and which is subject to a strategic development plan or city
7 2 development.
7 3 43. "Urban sprawl" means the development of land that
7 4 occurs on the fringes of cities, if the development is for a
7 5 use which is not contiguous to existing or approved
7 6 development, creates urban densities and uses within future
7 7 urbanizing and agriculturally productive land, natural or
7 8 historic areas, and is designed without regard to its
7 9 surroundings.
7 10 44. "Urbanized area" means unincorporated territory
7 11 adjacent to the limits of a city, regardless of whether the
7 12 territory is governed by a county zoning ordinance as provided
7 13 in chapter 335. The unincorporated area shall include any
7 14 area over which the city exercises jurisdiction under section
7 15 414.23. For cities other than cities located more than thirty
7 16 miles from the state's borders, the territory shall be within
7 17 two miles of the limits of a city. For cities located thirty
7 18 miles or less from the state's borders, the territory shall be
7 19 within three miles of the limits of the city. The distance
7 20 from a city to a state's borders is measured from the center
7 21 of the city.
7 22 Sec. 4. NEW SECTION. 6C.4 COOPERATION REQUIRED.
7 23 This chapter relies upon cooperation between public
7 24 agencies, including cooperation between local governments, and
7 25 cooperation between state agencies and other state agencies
7 26 and local governments in order to provide for strategic
7 27 development planning. All state and local governments shall
7 28 cooperate in achieving the purposes and carrying out the
7 29 provisions of this chapter.
7 30 Sec. 5. NEW SECTION. 6C.5 STATE FINANCIAL ASSISTANCE
7 31 CONFORMANCE WITH PLANS REQUIRED.
7 32 1. Each public agency awarding financial assistance to
7 33 persons for use in developing land shall consider whether the
7 34 development is consistent with the purposes of this chapter as
7 35 provided in section 6C.2, the requirements of this chapter,
8 1 and any relevant strategic development plan. Financial
8 2 assistance includes but is not limited to moneys awarded from
8 3 the community economic betterment account established pursuant
8 4 to section 15.320 or the revitalize Iowa's sound economy fund
8 5 established pursuant to section 315.2, or from tax increment
8 6 financing created pursuant to section 403.19 or tax exemptions
8 7 within revitalization areas as provided in chapter 404.
8 8 2. A public agency shall give priority to projects that
8 9 conform with the state strategic development plan and the
8 10 strategic development plan governing land where the
8 11 development is proposed to occur.
8 12 a. Except as otherwise provided in paragraph "b", if a

8 13 public agency awards financial assistance for development
8 14 based on a point system, no criteria shall be worth more than
8 15 criteria requiring that projects conform with the plans
8 16 enumerated in this subsection.
8 17 b. A public agency is not required to rank conformance
8 18 with plans enumerated in this subsection plans as the highest
8 19 criteria if the development project receives assistance under
8 20 the quality jobs enterprise zone program created pursuant to
8 21 section 15A.9; the new jobs and income program created
8 22 pursuant to chapter 15, part 13; or the Iowa agricultural
8 23 industry finance Act as provided in chapter 15E, division XIX.

8 24 SUBCHAPTER II

8 25 PART 1

8 26 STATE ADMINISTRATION

8 27 Sec. 6. NEW SECTION. 6C.11 CREATION OF STATE
8 28 ADMINISTRATIVE ENTITIES PROCEDURES.

8 29 1. The following entities are created under this
8 30 subchapter for purposes of administering this chapter:

8 31 a. The state land use strategic development council.

8 32 b. The land use planning board for development management
8 33 and farmland and natural area protection.

8 34 c. The land use planning commission for development
8 35 management and farmland and natural area protection.

9 1 2. The department of economic development shall provide
9 2 office space and staff assistance, and shall budget funds to
9 3 cover expenses of the entities. The office of attorney
9 4 general shall provide legal counsel to the entities.

9 5 3. Except as provided in this subchapter, each entity
9 6 shall meet on a regular basis and at the call of the
9 7 chairperson or upon the written request to the chairperson of
9 8 two or more members.

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

9 19 5. A vacancy shall be filled in the same manner as an
9 20 original appointment. A person appointed to fill a vacancy
9 21 shall serve only for the unexpired portion of the term.
9 22 Except as provided in this subchapter, a member is eligible
9 23 for reappointment.

9 24 6. Members of an entity, other than a state officer or
9 25 employee, are entitled to receive a per diem as specified in
9 26 section 7E.6 for each day spent in performance of duties as
9 27 members, and shall be reimbursed for all actual and necessary
9 28 expenses incurred in the performance of duties as members.

9 29 Sec. 7. NEW SECTION. 6C.12 STATE LAND USE STRATEGIC
9 30 DEVELOPMENT COUNCIL.

9 31 1. The state land use strategic development council is
9 32 created as the state's principal agency overseeing planning by
9 33 major state agencies involved in large-scale development
9 34 projects. The purpose of the council is to ensure that
9 35 development by state agencies is coordinated, including
10 1 through the adoption of a state strategic development plan as
10 2 provided in section 6C.42.

10 3 2. The council shall be composed of all of the following
10 4 persons:

10 5 a. The governor or the governor's designee who shall serve
10 6 as the chairperson of the council.

10 7 b. The director of the department of economic development
10 8 or a designee.

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

10 10 a designee.
10 11 d. The director of the department of transportation or a
10 12 designee.
10 13 e. The director of the department of corrections or a
10 14 designee.
10 15 f. The director of the department of general services or a
10 16 designee.
10 17 g. The secretary of agriculture or a designee.
10 18 h. The state historic preservation officer appointed by
10 19 the director of the department of cultural affairs.
10 20 i. A designee appointed by the state board of regents as
10 21 provided for in chapter 262. The member shall be appointed
10 22 from the university of Iowa, Iowa state university, and the
10 23 university of northern Iowa on a rotating basis. Each
10 24 appointee shall serve one term prior to replacement. A member
10 25 appointed under this proposal shall be an expert in issues
10 26 relating to land use planning.
10 27 j. Four members of the general assembly, who shall serve
10 28 as nonvoting, ex officio members. The members shall include
10 29 two members of the senate appointed by the president of the
10 30 senate, after consultation with the majority leader and the
10 31 minority leader of the senate, and two members of the house of
10 32 representatives appointed by the speaker of the house, after
10 33 consultation with the majority leader and the minority leader
10 34 of the house. The legislative members shall be appointed upon
10 35 the convening and for the period of each general assembly.
11 1 Not more than one member from each house shall be of the same
11 2 political party.

11 3 Sec. 8. NEW SECTION. 6C.13 COUNCIL POWERS AND DUTIES.

11 4 1. The purpose of the council is to ensure that
11 5 development by state agencies is coordinated, including
11 6 through the adoption of a state strategic development plan as
11 7 provided in section 6C.42.

11 8 2. The board shall adopt rules pursuant to chapter 17A
11 9 which are necessary to administer its duties under this
11 10 chapter.

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

11 14 1. The land use planning board for development management
11 15 and farmland and natural area protection is created as the
11 16 state's principal agency overseeing planning by local
11 17 governments.

11 18 2. The governor shall appoint seven members to the board,
11 19 including all of the following:

11 20 a. One member appointed from a city with a population of
11 21 more than forty-five thousand.

11 22 b. One member appointed from a city with a population of
11 23 more than twenty thousand but not more than forty-five
11 24 thousand.

11 25 c. One member appointed from a city with a population of
11 26 twenty thousand or less.

11 27 d. One member appointed from a county with a population of
11 28 more than fifty thousand.

11 29 e. One member appointed from a county with a population of
11 30 more than twenty-five thousand but not more than fifty
11 31 thousand.

11 32 f. One member appointed from a county with a population of
11 33 twenty-five thousand or less.

11 34 g. One member appointed to represent the general public.

11 35 3. An appointment to the board created under this
12 1 subchapter shall be based upon the training, experience, and
12 2 capacity of the appointee, and not upon political
12 3 considerations, other than as provided in section 69.16.

12 4 4. The members shall be subject to confirmation by the
12 5 senate as provided in section 2.32. The appointments must be
12 6 for six-year staggered terms beginning and ending as provided

12 7 in section 69.19, or for an unexpired term if a vacancy
12 8 occurs. No member shall serve more than two complete six-year
12 9 terms.

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

12 14 6. The board shall elect a chairperson each year.

12 15 Sec. 10. NEW SECTION. 6C.15 POWERS AND DUTIES OF THE
12 16 BOARD.

12 17 1. The board shall approve or disapprove strategic
12 18 development plans and annexation petitions, including plans of
12 19 annexation, as provided in this chapter.

12 20 2. The board shall administer the land use planning fund
12 21 for development management and farmland and natural area
12 22 protection as created in section 6C.21. The board shall pay
12 23 claims by eligible local governments for reimbursement of
12 24 expenses relating to preparing strategic development plans as
12 25 provided in section 6C.22.

12 26 3. The board shall adopt rules pursuant to chapter 17A
12 27 which are necessary to administer its duties under this
12 28 chapter. The rules shall include establishing filing fees for
12 29 petitions and applications submitted to the board. The board
12 30 may establish a schedule of fees required to file these
12 31 documents with the board, based on criteria established by the
12 32 board, which may include the size of the local government
12 33 filing the document.

12 34 4. The board may adopt forms to be completed and submitted
12 35 by local governments as required for the efficient
13 1 administration of this chapter. The board shall adopt a
13 2 simple form for strategic development plans to be completed by
13 3 small cities.

13 4 Sec. 11. NEW SECTION. 6C.16 LAND USE PLANNING COMMISSION
13 5 FOR DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA
13 6 PROTECTION.

13 7 1. The land use planning commission for development
13 8 management and farmland and natural area protection is created
13 9 as the state's advisory and oversight body responsible for
13 10 monitoring the administration of this chapter, and considering
13 11 policies and approaches required to accomplish the purposes of
13 12 this chapter as provided in section 6C.2.

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

13 18 a. Four members of the general assembly, as follows:

13 19 (1) Not more than one member from each chamber shall be
13 20 from the same political party. The two senators shall be
13 21 appointed by the majority leader of the senate after
13 22 consultation with the president of the senate and the minority
13 23 leader of the senate. The two representatives shall be
13 24 appointed by the speaker of the house of representatives after
13 25 consultation with the majority and minority leaders of the
13 26 house of representatives.

13 27 (2) Of the members from each chamber, one member shall
13 28 represent a district which is primarily urban, while the other
13 29 member shall represent a district which is primarily rural.

13 30 b. One member appointed by the governor.

13 31 c. The executive director of the Iowa farm bureau
13 32 federation or a designee of the executive director.

13 33 d. The executive director of the Iowa farmers' union or a
13 34 designee of the executive director.

13 35 e. The executive director of the Iowa league of cities or
14 1 a designee of the executive director.

14 2 f. The executive director of the Iowa state association of
14 3 counties or a designee of the executive director.

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

15 2 3. An appointee or a designee appointed under this section
15 3 serves at the pleasure of the appointing authority.

15 4 4. The commission shall be chaired by two members of the
15 5 general assembly, one appointed by the majority leader of the
15 6 senate and one appointed by the speaker of the house of
15 7 representatives. The commission shall meet on call of the co-
15 8 chairpersons each year during the first week of October. The
15 9 commission may meet at other times on call of the co-
15 10 chairpersons, if the co-chairpersons determine that
15 11 extraordinary circumstances require a meeting.

15 12 Sec. 12. NEW SECTION. 6C.17 COMMISSION POWERS AND
15 13 DUTIES.

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

15 20 2. The commission shall study issues of special concern
15 21 affecting land use planning, urban growth management, and the
15 22 protection of farmland and natural areas.

15 23 3. The commission shall submit a report to the governor
15 24 and the general assembly by January 10 of each year. The
15 25 report shall include findings and recommendations, including
15 26 any proposed legislation, which shall be submitted as a
15 27 departmental bill.

15 28 Sec. 13. NEW SECTION. 6C.18 REPEAL OF COMMISSION
15 29 DIRECTIONS TO CODE EDITOR.

15 30 Sections 6C.16 and 6C.17 and this section are repealed on
15 31 January 1, 2003. The Iowa Code editor shall eliminate those
15 32 sections from the 2003 Code of Iowa and correct internal
15 33 references as necessary.

15 34 PART 2

15 35 Sec. 14. NEW SECTION. 6C.21 LAND USE PLANNING FUND FOR

16 1 DEVELOPMENT MANAGEMENT AND FARMLAND AND NATURAL AREA
16 2 PROTECTION.

16 3 1. A land use planning fund for development management and
16 4 farmland and natural area protection is created within the
16 5 state treasury under the control of the department.

16 6 2. The fund shall consist of all of the following:

16 7 a. Moneys appropriated by the general assembly.

16 8 b. Moneys available to and obtained or accepted by the
16 9 department from the federal government or private sources for
16 10 placement in the fund.

16 11 c. Fees paid to the department of revenue and finance
16 12 which have been collected by county auditors for deposit into
16 13 the fund pursuant to section 331.507.

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

16 17 4. The treasurer of state shall act as custodian of the
16 18 fund. The treasurer of state is authorized to invest the
16 19 moneys deposited in the fund. The income from such investment
16 20 shall be credited to and deposited in the fund.

16 21 Notwithstanding section 8.33, moneys in the fund are not
16 22 subject to reversion to the general fund of the state. The
16 23 fund shall be administered by the board which shall make
16 24 expenditures from the fund consistent with the purposes set
16 25 out in section 6C.22. The moneys in the fund shall be
16 26 disbursed upon warrants drawn by the director of revenue and
16 27 finance pursuant to the order of the board. The fiscal year
16 28 of the fund begins July 1. The finances of the fund shall be
16 29 calculated on an accrual basis in accordance with generally
16 30 accepted accounting principles. The auditor of state shall
16 31 regularly perform audits of the fund.

16 32 Sec. 15. NEW SECTION. 6C.22 REIMBURSEMENT OF LOCAL
16 33 GOVERNMENTS FOR PREPARATION OF PLANS.

16 34 1. The board shall approve a claim against the fund to
16 35 reimburse local governments for costs associated with
17 1 preparing strategic development plans.

17 2 2. a. Except as provided in paragraph "b", the board
17 3 shall pay a claim if all of the following apply:

17 4 (1) The claim is made in a manner and according to
17 5 procedures required in this section and established by the
17 6 board.

17 7 (2) The claim is complete and accurate, and contains no
17 8 significant false or misleading statements.

17 9 (3) There are sufficient moneys in the fund in order to
17 10 satisfy the claim.

17 11 (4) The person filing the claim is a local government.

17 12 (5) The amount of the claim is for reasonable costs
17 13 associated with preparing the strategic development plan.

17 14 (6) If the claim is for costs related to preparing a joint
17 15 strategic development plan, the claim is submitted by all
17 16 local governments which are parties to the joint plan.

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

17 21 3. The claim must include supporting evidence that the
17 22 claim is for reasonable costs related to preparation of the
17 23 strategic development plan, which may include invoices, as
17 24 required by the board.

17 25 4. The amount of the claim shall be based on the local
17 26 government's ability to pay according to a schedule of rates
17 27 reimbursing a percentage of the total costs expended by the
17 28 local government in preparing the strategic development plan.
17 29 However, a local government shall not be required to incur
17 30 more than one hundred thousand dollars in unreimbursed
17 31 expenses for preparing a strategic development plan.

17 32 5. If at any time the board determines that there are

17 33 insufficient moneys in the fund to make payment of all claims,
17 34 the department shall pay claims according to the date that the
17 35 claims are received by the department. To the extent that a
18 1 claim cannot be fully satisfied, the department shall order
18 2 that the unpaid portion of the payment be deferred until the
18 3 claim can be satisfied.

18 4 SUBCHAPTER III

18 5 LAND USE INVENTORIES

18 6 Sec. 16. NEW SECTION. 6C.31 IOWA STATE UNIVERSITY
18 7 REPOSITORY STUDY AND REPORT.

18 8 To the extent that moneys and data are available, Iowa
18 9 state university shall do all of the following:

18 10 1. Serve as the repository of permanent land use and
18 11 natural resources inventories completed pursuant to section
18 12 6C.32. The university shall provide for computer access of
18 13 these inventories by the department for use by entities
18 14 described in subchapter II.

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

18 20 a. At least every two years, the university shall prepare
18 21 a report that includes all of the following:

18 22 (1) A description of counties that have a farmland
18 23 protection program or strategies in place, including the use
18 24 of zoning, or a farmland preservation ordinance adopted
18 25 pursuant to chapter 335 or programs such as conservation
18 26 easements.

18 27 (2) A description of land use changes in each county,
18 28 which may include an analysis of data collected by the
18 29 department of revenue and finance. The report to every extent
18 30 practical shall identify changes in the use or classification
18 31 of use for parcels of land, including from an agricultural
18 32 class to a nonagricultural class.

18 33 (3) An assessment of the productive quality of soil of
18 34 farmland converted to another use. The assessment of the soil
18 35 may be by using crop yields, corn suitability ratings, or
19 1 classifications by the United States department of
19 2 agriculture.

19 3 (4) An evaluation of urban growth patterns throughout the
19 4 state, including areas of urban sprawl and extra-urban
19 5 development.

19 6 b. The report shall be delivered to the governor, the
19 7 general assembly, and the department of economic development
19 8 not later than September 1 of each year.

19 9 3. Iowa state university shall assist the board in
19 10 adopting rules necessary to implement a permanent land use and
19 11 natural resources inventory system as required pursuant to
19 12 section 6C.32. The university shall provide technical
19 13 assistance to counties in completing the system according to a
19 14 schedule established by the university in cooperation with the
19 15 board.

19 16 Sec. 17. NEW SECTION. 6C.32 PERMANENT LAND USE AND
19 17 NATURAL RESOURCES INVENTORY SYSTEM.

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

19 23 a. A county board of supervisors may establish a county
19 24 land preservation and use commission in order to carry out
19 25 this section, as provided by the county board of supervisors.

19 26 b. The data shall be systematically collected by the
19 27 county, subject to all of the following:

19 28 (1) Whenever possible, the data shall be enhanced by
19 29 aerial imagery.

19 30 (2) The data shall be converted to or entered in a digital
19 31 format capable of access by computer systems.

19 32 (3) The data shall be structured in a uniform manner that
19 33 allows comparisons between counties.

19 34 (4) To every extent practical, the system shall include
19 35 any data collected for county land use inventories pursuant to
20 1 1982 Iowa Acts, chapter 1245.

20 2 c. The system shall provide for the regular update of
20 3 data, but not less than every five years.

20 4 2. The system shall be instituted by a county according to
20 5 rules adopted by the board. The rules shall provide for
20 6 implementation according to a schedule adopted by the board in
20 7 cooperation with Iowa state university. All counties shall
20 8 have a system implemented by June 30, 2003. However, a county
20 9 shall not be required to implement a system until the state
20 10 appropriates moneys to the county for implementation.

20 11 SUBCHAPTER IV

20 12 STRATEGIC DEVELOPMENT PLANNING

20 13 PART 1

20 14 STATE AGENCY PLANNING

20 15 Sec. 18. NEW SECTION. 6C.41 CONSULTATION DURING MAJOR
20 16 DEVELOPMENT PROJECTS.

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

20 23 2. A state agency shall not begin construction of a major
20 24 public project prior to consulting with the council.

20 25 3. In reviewing a major public project, the council shall
20 26 to every extent practical ensure that the missions, policies,
20 27 and goals of affected member agencies are not negatively
20 28 impacted. The major public project shall be consistent with
20 29 the state strategic development plan as required by section
20 30 6C.42.

20 31 Sec. 19. NEW SECTION. 6C.42 STATE STRATEGIC DEVELOPMENT
20 32 PLAN.

20 33 1. The council shall establish, maintain, and revise a
20 34 state strategic development plan.

20 35 2. The state plan shall include development standards and
21 1 practices that ensure that development conducted by state
21 2 agencies carries out the purposes of this chapter as provided
21 3 in section 6C.2, the requirements of this chapter, and
21 4 relevant joint strategic development plans. The state plan
21 5 shall require that development comply with requirements that
21 6 to every degree practical preserve the most productive
21 7 farmland; protect soil from wind and water erosion; protect
21 8 and enhance natural and recreational areas and wildlife;
21 9 encourage higher density and efficient urban development
21 10 patterns; foster alternative transportation systems; encourage
21 11 mixed use development; and preserve, protect, and maintain
21 12 significant historic or cultural resources.

21 13 3. Each state agency shall adopt policies governing
21 14 development, including planning and construction of projects,
21 15 which implement development standards and practices as
21 16 required in the state strategic development plan.

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

21 26 5. Any concern about or objection to the planning or

21 27 construction of a major public project expressed by a member
21 28 agency or the council shall be noted in the minutes of the
21 29 council. Nothing in this section authorizes the council to
21 30 disapprove a plan for development or alter construction of the
21 31 major public project.

21 32 6. The council shall approve an initial state strategic
21 33 development plan by July 1, 2001.

21 34 Sec. 20. NEW SECTION. 6C.43 OVERSIGHT.

21 35 1. The council shall report to the commission during its
22 1 October meeting as provided in section 6C.16. The report
22 2 shall include a summary of any major public projects
22 3 considered by the council, including any comments or
22 4 objections noted by the council or member agencies.

22 5 2. The council shall annually report to the commission as
22 6 required by the commission. The council shall regularly
22 7 report to the committee of the general assembly which is
22 8 primarily responsible for legislative oversight of state
22 9 agencies, as required, by the committee. The council shall do
22 10 all of the following:

22 11 a. Present information to the committee as requested by
22 12 the committee.

22 13 b. Notify the committee of the planning stages of a major
22 14 public project initiated by a member agency, including any
22 15 comments or objections of the council or a member agency.

22 16 c. Submit a copy of its state strategic development plan
22 17 and any amendments to or revisions of the plan with the
22 18 committee.

22 19

PART 2

22 20

LOCAL GOVERNMENT PLANNING

22 21 Sec. 21. NEW SECTION. 6C.51 DESCRIPTION.

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

22 26 2. A strategic development plan is either an independent
22 27 strategic development plan or a joint strategic development
22 28 plan as provided in this subchapter. The plan may be part of
22 29 a single plan or part of a combined plan.

22 30 3. A strategic development plan may be part of a
22 31 comprehensive plan adopted pursuant to section 335.5 or
22 32 section 414.3, if a comprehensive plan complies with
22 33 requirements for a strategic development plan required under
22 34 this part. A local government shall not be required to adopt
22 35 an ordinance in conformance with this plan. However, a local
23 1 government shall comply with a comprehensive plan adopted
23 2 pursuant to section 335.5 or section 414.3 to the extent
23 3 required in those sections.

23 4 Sec. 22. NEW SECTION. 6C.52 PURPOSE.

23 5 A strategic development plan shall carry out the purposes
23 6 of this chapter as provided in section 6C.2 and the
23 7 requirements of this chapter, including by doing all of the
23 8 following:

23 9 1. Identifying and protecting nonreplaceable farmland,
23 10 natural areas, environmentally sensitive land, historical or
23 11 cultural areas, and critical areas of local or statewide
23 12 concern.

23 13 2. Preventing the occurrence of urban sprawl, including
23 14 the economic, environmental, and social costs that accompany
23 15 it, and by encouraging infill and redevelopment of existing
23 16 urban sites.

23 17 3. Allowing local governments to plan for development in a
23 18 comprehensive, orderly, and cooperative manner.

23 19 4. Ensuring that adequate basic improvements and public
23 20 benefits and services are provided concurrently with
23 21 development.

23 22 Sec. 23. NEW SECTION. 6C.53 INDEPENDENT STRATEGIC

23 23 DEVELOPMENT PLANS PARTICIPATION BY LOCAL GOVERNMENTS.

23 24 Each local government shall adopt an independent strategic
23 25 development plan that governs all land located within the
23 26 jurisdiction of the local government, if the jurisdiction is
23 27 not shared with any other local government. Two or more
23 28 adjoining counties or adjoining cities may be parties to a
23 29 common independent plan.

23 30 Sec. 24. NEW SECTION. 6C.54 INDEPENDENT STRATEGIC
23 31 DEVELOPMENT PLANS CONTENTS.

23 32 An independent strategic development plan shall include all
23 33 elements required to be included by the board in order to
23 34 accomplish the purposes of this chapter as provided in section
23 35 6C.2, the purposes of this subchapter as provided in section
24 1 6C.52, and the administration of this chapter's provisions,
24 2 which shall at least include all of the following:

24 3 1. An identification of all areas served by adequate basic
24 4 improvements and receiving an adequate level of public
24 5 benefits and services. The plan shall address any areas where
24 6 basic improvements and public benefits and services should be
24 7 expanded in order to encourage development according to the
24 8 independent plan.

24 9 2. An identification of parcels where development is
24 10 occurring, including development that is inconsistent with the
24 11 purposes of this chapter as provided in section 6C.2 and the
24 12 purposes of this subchapter as provided in section 6C.52.

24 13 3. An identification of each area planned for development,
24 14 including the type of development for which the area is best
24 15 suited.

24 16 4. A description of public improvements planned to be
24 17 developed in the area, including plans to construct adequate
24 18 basic improvements or deliver an adequate level of public
24 19 benefits and services, including to undeveloped areas,
24 20 affected areas subject to land recycling as provided under
24 21 chapter 455H, and vacant sites.

24 22 Sec. 25. NEW SECTION. 6C.55 JOINT STRATEGIC DEVELOPMENT
24 23 PLANS PARTICIPATION BY LOCAL GOVERNMENTS.

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

24 31 a. A city shall be excused from adopting a joint plan as
24 32 provided in this section, if the city council adopts a
24 33 resolution declaring that it elects not to adopt a joint
24 34 strategic development plan. The city shall submit the
24 35 resolution to the board in lieu of the joint plan as required
25 1 in this section. The city shall not exercise jurisdiction
25 2 within its urbanized area including as provided in section
25 3 414.23.

25 4 b. A county is not qualified to be a party to a joint plan
25 5 if the county does not adopt countywide zoning as provided in
25 6 chapter 335. The city may adopt a zoning ordinance pursuant
25 7 to chapter 414 to govern the city's urbanized area in an
25 8 unqualified county.

25 9 2. To the extent that unincorporated territory is located
25 10 within two or more qualified counties or adjoins two or more
25 11 cities, each of the qualified counties and cities shall adopt
25 12 the joint strategic development plan.

25 13 3. A city and a qualified county may execute a joint
25 14 strategic development plan that includes any unincorporated
25 15 territory that is within the jurisdiction of the county if all
25 16 of the following apply:

25 17 a. The territory is contiguous.

25 18 b. The territory is not within the urbanized area of
25 19 another city, unless the city is a party to the joint plan.

25 20 4. Two or more adjoining qualified counties may be parties

25 21 to a joint strategic development plan, if any city that shares
25 22 jurisdiction over an urbanized area in common with the
25 23 counties is also a party.

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

25 26 1. A joint strategic development plan shall include all
25 27 elements required to be included by the board in order to
25 28 accomplish the purposes of this chapter as provided in section
25 29 6C.2, the purposes of this subchapter as provided in section
25 30 6C.52, and the administration of this chapter's provisions.

25 31 2. The joint strategic development plan shall at least
25 32 include all of the following:

25 33 a. An identification of each parcel planned for
25 34 development, including the type of development for which the
25 35 parcel is best suited. The joint plan shall include all of
26 1 the following:

26 2 (1) An identification of parcels planned for immediate
26 3 development around each city, an adjacent area planned for
26 4 future development, and parcels not planned for development.

26 5 In identifying the parcels, the joint plan must describe the
26 6 level and type of development appropriate within the
26 7 boundaries of each parcel in order to accommodate urban
26 8 expansion in a manner that carries out the purposes of this
26 9 chapter.

26 10 (2) An identification of farmland, natural areas,
26 11 historical or cultural areas, and environmentally sensitive
26 12 land that should not be developed or developed with heightened
26 13 scrutiny.

26 14 (3) An evaluation of the agricultural productivity of the
26 15 territory's farmland, including its corn suitability rating.

26 16 (4) A map of the area's territory, including a description
26 17 of topography.

26 18 (5) A description of population densities.

26 19 b. A description of public improvements and public
26 20 benefits and services available in and planned for the
26 21 territory, including all of the following:

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

26 28 (2) Public benefits and services provided to or planned
26 29 for the territory by any existing special service districts.

26 30 (3) Arrangements for the maintenance, improvement, and
26 31 traffic control of any roads shared by the parties.

26 32 c. The location of all public improvements to be located
26 33 in the area subject to the joint plan.

26 34 d. An identification of parcels where development is
26 35 occurring, including extra-urban development and development
27 1 that is inconsistent with the purposes of this chapter as
27 2 provided in section 6C.2 and the purposes of this subchapter
27 3 as provided in section 6C.52.

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

27 6 1. Planning commissions, councils of governments, or
27 7 similar organizations or associations representing the
27 8 interests of local governments may assist local governments in
27 9 preparing individual strategic development plans. However, a
27 10 joint strategic development plan must be prepared by one of
27 11 the following:

27 12 a. The council of governments for the area.

27 13 b. A coordinating committee established by resolution
27 14 adopted by all participating local governments. The
27 15 coordinating committee shall be composed of members as
27 16 established by the joint resolution.

27 17 2. A local government shall submit strategic development

27 18 plans to the board for approval and filing under this section,
27 19 in a manner and according to procedures required by the board.
27 20 A local government shall submit an updated strategic
27 21 development plan for approval by the board each seven years.
27 22 A local government shall submit its initial strategic
27 23 development plan to the board as follows:
27 24 a. Except as otherwise provided in paragraph "b", the
27 25 following shall apply:
27 26 (1) The plans shall be submitted by June 30, 2002, for
27 27 both of the following:
27 28 (a) Counties having a population of one hundred fifty
27 29 thousand or more.
27 30 (b) Cities having a population of seventy-five thousand or
27 31 more.
27 32 (2) The plans shall be submitted by June 30, 2003, for
27 33 both of the following:
27 34 (a) Counties having a population of fifty thousand or more
27 35 but less one hundred fifty thousand.
28 1 (b) Cities having a population of twenty-five thousand or
28 2 more but less than seventy-five thousand.
28 3 (3) The plans shall be submitted by June 30, 2004, for
28 4 both of the following:
28 5 (a) Counties having a population of less than fifty
28 6 thousand.
28 7 (b) Cities having a population of less than twenty-five
28 8 thousand.
28 9 b. If a city is required to file an independent strategic
28 10 development plan governing land within a county, the county
28 11 shall submit an independent strategic development plan and any
28 12 required joint strategic development plan by the date required
28 13 for the city to file its plans.
28 14 3. The board may conduct a public hearing regarding a
28 15 strategic development plan submitted for approval.
28 16 4. A city may object to an independent strategic
28 17 development plan submitted by a county, based on the failure
28 18 of the plan to carry out the purposes of this chapter pursuant
28 19 to section 6C.2, the purpose of a strategic development plan
28 20 as required pursuant to section 6C.52, or the requirements of
28 21 this subchapter. The board shall consider the objection and
28 22 may deny approval of the independent strategic development
28 23 plan based on the objection.
28 24 5. a. If a joint strategic development plan has not been
28 25 adopted as required in this section, either local government
28 26 may file an application with the board to resolve the dispute.
28 27 The board shall do any of the following:
28 28 (1) Order the parties to negotiate the terms of a joint
28 29 plan.
28 30 (2) Conduct a hearing as a contested case proceeding under
28 31 chapter 17A and may order the parties to adopt terms and
28 32 conditions of a joint plan, as required by the board.
28 33 b. A local government may file the application after one
28 34 year from the date that a joint strategic development plan is
28 35 required to be submitted to the board as provided in section
29 1 6C.57. However, if local governments submit part of a joint
29 2 plan as provided in this section, a local government may file
29 3 the application after six months from the date that the part
29 4 of the joint plan was submitted.
29 5 c. Each affected local government is a party to the
29 6 hearing.
29 7 d. The board's decision shall be regarded as a final
29 8 agency action of the department as provided under chapter 17A.
29 9 6. The board shall not approve a strategic development
29 10 plan unless all of the following occur:
29 11 a. Each participating local government approves the plan
29 12 by resolution. All parties to a plan must adopt the plan by
29 13 resolution.
29 14 b. The board shall approve the plan only if it determines

29 15 that the plan meets the purposes of this chapter as provided
29 16 in section 6C.2, the purposes of this subchapter as provided
29 17 in section 6C.52, and the requirements of the plan as provided
29 18 in this subchapter.

29 19 7. The board may approve and file parts of a joint
29 20 strategic development plan adopted by all local governments
29 21 who have jurisdiction over the common territory governed by
29 22 the plan.

29 23 Sec. 28. NEW SECTION. 6C.58 RESTRICTIONS ON PLANNING AND
29 24 DEVELOPMENT.

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

29 32 2. A public agency shall not develop land in a manner that
29 33 is inconsistent with a strategic development plan. A public
29 34 agency other than a state agency shall not construct a public
29 35 building within territory subject to a joint strategic
30 1 development plan, unless the public building is constructed in
30 2 a manner and location provided for in the joint plan. If any
30 3 territory is ungoverned by a joint plan approved by the board,
30 4 the public agency shall not construct a public building within
30 5 the territory until that part of the joint plan governing the
30 6 territory is approved by the board.

30 7 3. A local government shall not approve development that
30 8 is inconsistent with a strategic development plan, including
30 9 the issuance of permits or the platting of land as provided in
30 10 chapter 354.

30 11 4. If a city is excused from submitting a joint strategic
30 12 development plan pursuant to section 6C.55, any unincorporated
30 13 area adjoining the city shall be governed by a strategic
30 14 development plan submitted by other local governments as if
30 15 the city does not exist.

30 16 Sec. 29. NEW SECTION. 6C.59 LOCAL LEGISLATION.

30 17 A local government may adopt local legislation regulating
30 18 development within its territory in order to carry out the
30 19 purposes of this chapter that is consistent with the local
30 20 government's strategic development plan. A local government
30 21 shall cooperate with any other local government, which is a
30 22 party to a joint strategic development plan in adopting local
30 23 legislation regulating development within a common territory
30 24 subject to the joint plan. The local legislation may provide
30 25 for all of the following:

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

30 34 2. Providing for the establishment of urban growth
30 35 boundaries; urban service areas; phased development areas;
31 1 differential property tax rates otherwise consistent with
31 2 state law; conservation easements; the acquisition of
31 3 development rights, including the purchase of development
31 4 rights or the transfer of development rights; and development
31 5 standards.

31 6 SUBCHAPTER V
31 7 CITY DEVELOPMENT
31 8 PART 1
31 9 GENERAL

31 10 Sec. 30. NEW SECTION. 6C.71 PURPOSE.

31 11 The purpose of this subchapter is to establish a process

31 12 for the approval of a petition for city development which
31 13 furthers the purposes of this chapter as provided in section
31 14 6C.2, is consistent with a strategic development plan
31 15 governing the territory as provided in subchapter IV, and
31 16 which considers the desire of the residents of the territory
31 17 subject to a boundary change and the interests of the
31 18 residents of all territories affected by a city development.

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

31 20 1. The board may initiate proceedings for city
31 21 development, based on the results of studies.

31 22 2. The board may request a city to submit a plan for city
31 23 development or may formulate its own plan for city
31 24 development.

31 25 3. A plan for city development submitted at the board's
31 26 initiation must include the same information as an involuntary
31 27 petition provided in section 6C.81. The plan for city
31 28 development shall be filed and acted upon in the same manner
31 29 as a petition.

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

31 33 Sec. 32. NEW SECTION. 6C.73 AGREEMENTS VOID.

31 34 1. A local government shall not execute an agreement with
31 35 another local government under chapter 28E that provides for
32 1 annexation, including but not limited to furnishing public
32 2 benefits or services, extending basic improvements, or
32 3 constructing public facilities. Any such agreement that is in
32 4 effect on the effective date of this Act is void.

32 5 2. Any agreement executed by cities pursuant to section
32 6 368.4, as that section existed prior to the effective date of
32 7 this Act, is void.

32 8

PART 2

32 9

PETITIONS

32 10 Sec. 33. NEW SECTION. 6C.81 INVOLUNTARY CITY DEVELOPMENT
32 11 PETITIONS.

32 12 1. The board may accept a petition for city development
32 13 submitted by a city council, a county board of supervisors, a
32 14 regional planning authority, or five percent of the qualified
32 15 electors of a city or territory subject to the petition.

32 16 2. a. A petitioner shall provide notice by certified mail
32 17 to all of the following:

32 18 (1) The city council of each city subject to the city
32 19 development.

32 20 (2) The board of supervisors for each county, which
32 21 contains a portion of a city subject to the city development.

32 22 (3) The city council of a city if an incorporation
32 23 includes territory within the city's urbanized area.

32 24 (4) Any regional planning authority for the area.

32 25 b. The notice shall provide information regarding the
32 26 petition as required by the board and shall include a copy of
32 27 the petition.

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

32 33 4. a. A petition must provide how the city development
32 34 will further the city's joint strategic development plan. The
32 35 petition shall include all of the following:

33 1 (1) A general statement of the city development.

33 2 (2) A map of the territory, city, or cities involved.

33 3 (3) The location of public improvements planned to be
33 4 constructed in the proposed bounded territory.

33 5 (4) An assessed valuation of platted and unplatted land in
33 6 the bounded territory.

33 7 (5) The names of owners of property located in the bounded
33 8 territory.

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

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

34 3 1. Before a petition for involuntary annexation is
34 4 submitted to the board, the petitioner must hold a public
34 5 hearing on the petition. The petitioner shall provide notice
34 6 of the hearing which shall include the time and place of the
34 7 public hearing.

34 8 a. At least ten days before a petition for annexation is
34 9 submitted to the board, the petitioner must deliver a notice
34 10 by certified mail to all of the following:

- 34 11 (1) Any party to a joint strategic development plan
34 12 governing the bounded territory.
34 13 (2) The city council of each city whose urbanized area
34 14 contains a portion of the bounded territory.
34 15 (3) The board of supervisors of each county which contains
34 16 a portion of the bounded territory.
34 17 (4) The regional planning authority for the bounded
34 18 territory.
34 19 (5) Each affected public utility.
34 20 (6) Each owner of property located in the bounded
34 21 territory. The petition shall identify all property owners
34 22 listed in the petition.
34 23 (7) Each owner of adjacent property located within the
34 24 bounded territory.

34 25 b. At least five days before the date of the public
34 26 hearing, the petitioner shall publish the notice of the
34 27 hearing in an official county newspaper in each county which
34 28 contains a part of the territory.

34 29 2. The mayor of the city proposing to annex the bounded
34 30 territory, or that person's designee, shall serve as
34 31 chairperson of the public hearing. The city clerk of the city
34 32 or the city clerk's designee shall record the proceedings of
34 33 the public hearing. Any person attending the public hearing
34 34 may provide oral or written comments regarding the petition.
34 35 The minutes of the public hearing and all documents submitted
35 1 at the public meeting shall be forwarded to the board by the
35 2 chairperson of the hearing in a manner and according to
35 3 procedures required by the board.

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

35 6 1. A petition for voluntary annexation of territory by a
35 7 city must be approved by resolution of the council which
35 8 receives the petition. The city council shall approve or deny
35 9 the petition following a public hearing as provided in this
35 10 section. If approved by the council, the petition must be
35 11 delivered to the board for approval.

35 12 2. All of the owners of land in a territory adjoining a
35 13 city must petition the council of the adjoining city
35 14 requesting the voluntary annexation. Territory comprising
35 15 railway right-of-way or territory comprising not more than
35 16 twenty percent of the land area may be included in the
35 17 petition without the consent of an owner to avoid creating an
35 18 island or to create more uniform boundaries.

35 19 3. The petition must contain any information required by
35 20 the board, including a legal description and a map of the
35 21 territory showing its location in relationship to the city.

35 22 4. The city shall provide notice of the petition as
35 23 follows:

35 24 a. At least ten days prior to any action by the city
35 25 council regarding the petition, the city shall provide notice
35 26 as follows:

35 27 (1) The city shall mail a notice of the petition by
35 28 certified mail to all of the following:

35 29 (a) Any party to a joint strategic development plan
35 30 governing the bounded territory.

35 31 (b) The board of supervisors of each county which contains
35 32 a portion of the territory proposed to be annexed.

35 33 (c) Each affected public utility.

35 34 (d) The regional planning authority of the territory.

35 35 (e) Each owner of property located within the bounded
36 1 territory who is not a party to the petition.

36 2 (f) Each owner of property which adjoins the bounded
36 3 territory.

36 4 (2) The city shall publish notice of the petition and
36 5 hearing in an official county newspaper in each county which
36 6 contains a portion of the territory.

36 7 b. The notice shall include the time and place of the
36 8 public hearing and a legal description of the territory
36 9 petitioned to be annexed.

36 10 5. a. A petition for voluntary annexation of territory
36 11 without the consent of all the property owners in the
36 12 territory must be approved by four-fifths of the council
36 13 members.

36 14 b. A resolution approving an annexation may provide for
36 15 the transition for the imposition of taxes.

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

36 18 1. If territory owned by the state is to be annexed under
36 19 this subchapter, the attorney general must be provided with a
36 20 copy of the petition, and notified of each hearing or meeting
36 21 provided under this part.

36 22 2. If territory within the road right-of-way owned by a
36 23 county is annexed as provided in this subchapter, the county
36 24 attorney must be provided with a copy of the petition, and
36 25 notified of each hearing or meeting provided in this part.

36 26 Sec. 37. NEW SECTION. 6C.85 SPECIAL SEVERANCE
36 27 PROCEEDINGS.

36 28 The board, a city, or the owners of land in bounded
36 29 territory may provide for the severance of the bounded
36 30 territory as provided in this section.

36 31 1. The board may order a severance upon its own initiative
36 32 or upon petition by a city as provided in section 6C.95.

36 33 2. Any territory may be severed upon the unanimous consent
36 34 of all owners of the territory, approval by resolution of the
36 35 city council of the city in which the territory is located,
37 1 and approval by the board.

37 2 3. If the bounded territory is severed, the city council

37 3 shall provide by resolution for the equitable distribution of
37 4 assets and equitable distribution and assumption of
37 5 liabilities of the territory as between the city and the
37 6 severed territory.

37 7 Sec. 38. NEW SECTION. 6C.86 APPROVAL OF CITY DEVELOPMENT
37 8 PETITIONS REQUIRED.

37 9 City development shall not occur unless a petition is
37 10 submitted and approved by the board as provided in this
37 11 subchapter. The petition may be for incorporation,
37 12 discontinuance, or boundary adjustment.

37 13 Sec. 39. NEW SECTION. 6C.87 SUBMISSION OF CITY
37 14 DEVELOPMENT PETITIONS.

37 15 1. A person eligible to file a petition for city
37 16 development with the board shall comply with the requirements
37 17 of this subchapter, according to procedures and in a manner
37 18 required by the board. A petition must include all elements
37 19 required to be included by the board pursuant to rules adopted
37 20 by the board, which carries out the purposes of this chapter
37 21 as provided in section 6C.2, the purposes of this subchapter
37 22 as provided in section 6C.71, and the requirements of this
37 23 subchapter.

37 24 2. A petition for annexation must contain a plan of
37 25 annexation which provides for how the annexation complies with
37 26 the requirements of a strategic development plan governing the
37 27 bounded territory. The plan shall provide all of the
37 28 following:

37 29 a. A description of public benefits and services planned
37 30 to be extended to the bounded territory and a schedule of when
37 31 the public benefits and services will be extended to residents
37 32 of the bounded territory.

37 33 b. The location of public buildings planned to be
37 34 constructed within the bounded territory.

37 35 c. The rationale for the annexation and for inclusion of
38 1 the bounded territory.

38 2 Sec. 40. NEW SECTION. 6C.88 PUBLIC HEARING AND
38 3 CONSIDERATION OF EVIDENCE.

38 4 1. The board shall conduct a public meeting regarding a
38 5 petition as soon as practicable for a city development
38 6 petition.

38 7 a. The board shall provide notice as follows:

38 8 (1) The notice shall be delivered to all of the following:

38 9 (a) Each party participating in a joint strategic
38 10 development plan.

38 11 (b) The city council of each city for which a
38 12 discontinuance or boundary adjustment is proposed.

38 13 (c) The county board of supervisors for each county, which
38 14 contains a portion of a city to be discontinued or territory
38 15 to be incorporated, annexed, or severed.

38 16 (d) Any regional planning authority for the territory
38 17 involved.

38 18 (e) All the owners of property located within a bounded
38 19 territory subject to annexation.

38 20 (f) All the owners of property adjoining property with the
38 21 bounded territory subject to annexation.

38 22 (2) The board shall publish notice of the petition and
38 23 hearing in two issues of a newspaper having general
38 24 circulation in each city and each territory involved in the
38 25 proposal.

38 26 b. The notice shall include a brief description of the
38 27 petition and a statement of where the petition is available
38 28 for public inspection.

38 29 c. Any person may submit written briefs, and in the
38 30 board's discretion, may present oral comments.

38 31 d. The board may subpoena witnesses and documents relevant
38 32 to the proposed city development.

38 33 2. In considering a petition for a boundary adjustment,
38 34 the board shall receive and weigh evidence of all of the

38 35 following:

39 1 a. The potential effect of the proposed city development
39 2 on adjacent areas, and on other local governments directly
39 3 affected, including but not limited to the potential impact of
39 4 the proposed boundary adjustment on future revenues of
39 5 affected local governments.

39 6 b. Whether the petition is based on a voluntary boundary
39 7 adjustment.

39 8 c. The desire of persons residing in the bounded territory
39 9 favoring the boundary adjustment.

39 10 d. Any recommendations regarding the petition submitted by
39 11 the regional planning authority for the bounded territory.

39 12 3. If the petition is for an annexation, the board shall
39 13 receive and weigh evidence of all of the following:

39 14 a. Existing and projected commercial and industrial
39 15 development within the bounded territory.

39 16 b. Existing and projected population in the bounded
39 17 territory.

39 18 c. The potential effects of extending public benefits and
39 19 services and constructing proposed public improvements as
39 20 required in the plan of annexation, including but not limited
39 21 to the cost and adequacy of providing existing public benefits
39 22 and services and constructing public improvements within the
39 23 bounded territory.

39 24 d. The extent of available and suitable developable land
39 25 within the corporate limits of the city.

39 26 Sec. 41. NEW SECTION. 6C.89 DISMISSAL OF PETITIONS.

39 27 The board may dismiss a petition if it finds that it
39 28 proposes substantially the same city development that has been
39 29 disapproved by the board, a city, or by election within the
39 30 two years prior to the date the petition is submitted to the
39 31 board, or that any bounded territory proposed to be annexed
39 32 has been voluntarily annexed under section 6C.83. The board
39 33 shall file for record a statement of each dismissal and the
39 34 reason for it, and shall promptly notify the parties to the
39 35 proceeding of its decision.

40 1 Sec. 42. NEW SECTION. 6C.90 APPROVAL OR DISAPPROVAL OF
40 2 PETITIONS.

40 3 1. The board shall base its decision to approve or
40 4 disapprove a petition for a city development on all evidence
40 5 determined relevant by the board. The decision shall be based
40 6 on the extent to which a petition and evidence supporting the
40 7 petition satisfies the purposes of this chapter as provided in
40 8 section 6C.2, the purposes of this subchapter as provided in
40 9 section 6C.71, the requirements of this subchapter, and any
40 10 joint strategic development plan governing the territory
40 11 proposed to be adjusted.

40 12 2. The board shall approve or disapprove a petition as
40 13 amended, within ninety days of the final meeting, and shall
40 14 file its decision for record and promptly notify the parties
40 15 to the proceeding of its decision.

40 16 3. The board shall consider any objection by a county to
40 17 the plan of annexation provided in chapter 6C, regardless of
40 18 whether it is qualified to be a party in a joint strategic
40 19 development plan pursuant to section 6C.55, if the bounded
40 20 territory is located in the county. The board may disapprove
40 21 the petition based only on the objection. If land in an
40 22 adjoining county could reasonably be annexed as part of future
40 23 city development, the board shall consider comments regarding
40 24 the plan of annexation presented by the adjoining county.

40 25 4. The board may amend a petition, including by placing
40 26 conditions upon its approval. If a petition is substantially
40 27 amended, the board shall continue any meeting to a later date
40 28 and provide notice describing the amendments in the same
40 29 manner as required pursuant to this part.

40 30 5. The board may establish an expedited process to approve
40 31 any of the following:

40 32 a. A petition for the voluntary annexation of territory as
40 33 provided in section 6C.83 or the voluntary severance of
40 34 territory as provided in section 6C.85.

40 35 b. A petition submitted by a city to sever annexed
41 1 territory because the city cannot provide public benefits or
41 2 services to the territory.

41 3 c. A board action to sever territory as provided in
41 4 chapter 6C.

41 5 6. The board shall deny a petition based on any of the
41 6 following:

41 7 a. An inadequate quantity or quality of evidence submitted
41 8 by the petitioner.

41 9 b. The application is premature.

41 10 c. For a petition for incorporation, any of the following
41 11 apply:

41 12 (1) The city proposed to be incorporated will be unable to
41 13 provide customary public benefits and services.

41 14 (2) Any part of the territory is within an urbanized area.
41 15 The board shall deny the petition, unless a petition for
41 16 annexation of substantially the same territory to such city
41 17 has been dismissed, disapproved, or voted upon unfavorably
41 18 within the last five years.

41 19 d. For a discontinuance or severance, any of the following
41 20 apply:

41 21 (1) The city proposed to be discontinued or the territory
41 22 to be severed will be surrounded by one or more cities and a
41 23 petition for annexation of the same bounded territory has not
41 24 been approved by the board.

41 25 (2) The county or another city will be unable to provide
41 26 necessary public benefits and services to the residents of the
41 27 territory.

41 28 e. For a boundary adjustment, the city development would
41 29 create an island.

41 30 f. For an annexation, any of the following apply:

41 31 (1) The bounded territory does not adjoin the city
41 32 applying for the annexation.

41 33 (2) The bounded territory does not follow property lines.

41 34 (3) It is unreasonable or impracticable for the city
41 35 applying for annexation to extend public benefits and services
42 1 to the bounded territory within three years.

42 2 (4) The motive for annexation is solely to increase
42 3 revenues to the city applying for annexation.

42 4 g. For a consolidation of cities which are not contiguous.

42 5 7. If a petition for voluntary annexation is not approved
42 6 pursuant to this section, the board may convert the petition
42 7 to a petition for involuntary annexation pursuant to section
42 8 6C.81. The conversion shall not prejudice the status of the
42 9 applicant.

42 10 8. Upon approval by the board, the city clerk shall file a
42 11 copy of related documents with the county board of
42 12 supervisors, secretary of state, and state department of
42 13 transportation. The documents shall include the board's
42 14 order, any city resolution, and a map and a legal description
42 15 of the territory. The city clerk shall also record a copy of
42 16 the map and resolution with the county recorder.

42 17 9. If a petition is approved, the board shall provide for
42 18 an election as provided in section 6C.91.

42 19 Sec. 43. NEW SECTION. 6C.91 ELECTION.

42 20 1. If the board approves a petition as provided in section
42 21 6C.90 for city development, the board shall provide for an
42 22 election. However, an election is not required if one of the
42 23 following applies:

42 24 a. The city development is a voluntary annexation under
42 25 section 6C.83, the bounded territory is within an urbanized
42 26 area of the city, and the territory is not within an urbanized
42 27 area of another city.

42 28 b. The city development is a severance under section

42 29 6C.85.

42 30 2. The date for the election shall not be less than thirty
42 31 days nor more than ninety days after the board orders the
42 32 election as provided in section 6C.90. The county
42 33 commissioner of elections shall conduct the election.

42 34 a. A city development which is an incorporation,
42 35 discontinuance, annexation, or severance, shall be authorized
43 1 if a majority of the total number of persons voting approves
43 2 the city development. In the case of incorporation or
43 3 discontinuance, the registered voters of the territory or city
43 4 respectively are eligible to vote in the election. In the
43 5 case of annexation or severance, the registered voters of the
43 6 territory and of the city are eligible to vote in the
43 7 election.

43 8 b. A city development which is a consolidation shall be
43 9 authorized if a favorable majority vote in each city approves
43 10 a consolidation. The registered voters of each city are
43 11 eligible to vote in the election.

43 12 3. The county commissioner of elections shall publish
43 13 notice of the election as provided in section 49.53 and shall
43 14 conduct the election in the same manner as other special city
43 15 elections.

43 16 4. The city shall provide to the commissioner of elections
43 17 a map of the area subject to the petition for city
43 18 development. The commissioner of elections shall approve the
43 19 map for posting. The map shall be displayed prominently in at
43 20 least four places within the voting precinct, and inside each
43 21 voting booth, or on the left-hand side inside the curtain of
43 22 each voting machine.

43 23 5. The costs of an incorporation election shall be borne
43 24 by the initiating petitioners if the election fails. However,
43 25 if the proposition is approved the cost shall become a charge
43 26 of the new city.

43 27 Sec. 44. NEW SECTION. 6C.92 PROCEDURE AFTER APPROVAL.

43 28 1. After the county commissioner of elections has
43 29 certified the results to the board of an election conducted
43 30 pursuant to section 6C.91, the board shall do all of the
43 31 following:

43 32 a. Provide for the publication of a notice of the result
43 33 as provided in section 362.3.

43 34 b. File with the secretary of state and the clerk of each
43 35 city incorporated or involved in a boundary adjustment, and
44 1 record with the recorder of each county which contains a
44 2 portion of any city or territory involved, all of the
44 3 following:

44 4 (1) Copies of the proceedings including the original
44 5 petition and any amendments.

44 6 (2) The order of the board approving the petition.

44 7 (3) Evidence that notice has been delivered or published
44 8 as provided in this subchapter.

44 9 (4) Certification of the election result conducted
44 10 pursuant to section 6C.91.

44 11 (5) Any other material that the board determines to be of
44 12 primary importance to the proceedings.

44 13 c. File with the state department of transportation a copy
44 14 of the map and legal land description of each completed
44 15 incorporation or boundary adjustment.

44 16 2. Upon proper filing and expiration of time for appeal,
44 17 the incorporation, discontinuance, or boundary adjustment is
44 18 complete. However, if an appeal to any of the proceedings is
44 19 pending, completion does not occur until the appeal is
44 20 decided, unless a subsequent date is provided in the petition
44 21 as approved by the board.

44 22 Sec. 45. NEW SECTION. 6C.93 APPEAL.

44 23 1. A city, or a resident or property owner in the
44 24 territory or city affected by a city development petition may
44 25 appeal a decision of the board rendered under section 6C.90 or

44 26 an election conducted under section 6C.91.

44 27 2. An appeal must be filed within thirty days of the
44 28 filing of a decision or the publication of notice of the
44 29 result of an election.

44 30 3. Except as provided in this subsection the judicial
44 31 review provisions of this section and chapter 17A shall be the
44 32 exclusive means by which a person or party who is aggrieved or
44 33 adversely affected may seek judicial review of a board's
44 34 decision or an election result. The court may reverse and
44 35 remand a decision of the board or election result with
45 1 appropriate directions.

45 2 4. Notwithstanding section 17A.19, subsection 2, the
45 3 appeal shall be made to the district court of a county which
45 4 contains a portion of any city or territory involved in the
45 5 petition. Notwithstanding section 17A.19, subsection 5, an
45 6 appeal of an approval of a petition does not stay an election.
45 7 Notwithstanding section 17A.19, subsection 8, the court upon
45 8 review of the appeal shall not reverse or remand a board's
45 9 decision or election result unless any one of the following
45 10 applies:

45 11 a. For an election result, the election was conducted in
45 12 an illegal manner.

45 13 b. For a decision by the board, any of the following
45 14 apply:

45 15 (1) The board did not have jurisdiction to consider the
45 16 petition.

45 17 (2) The board conducted its proceedings in an irregular
45 18 manner.

45 19 (3) The decision of the board is any of the following:

45 20 (a) Conducted according to irregular procedures.

45 21 (b) Unsupported by substantial evidence in the record.

45 22 (c) Unreasonable, arbitrary, or capricious.

45 23 (d) Characterized by an abuse of discretion or a clearly
45 24 unwarranted exercise of discretion.

45 25 Sec. 46. NEW SECTION. 6C.94 SUPERVISION OF PROCEDURES.

45 26 1. When a city development is complete, the board shall
45 27 supervise procedures necessary to carry out the petition as
45 28 approved by the board.

45 29 2. In implementing the petition approved by the board, all
45 30 of the following shall apply:

45 31 a. For an incorporation, the county commissioner of
45 32 elections shall conduct an election for mayor and council of
45 33 the city, who shall serve until their successors take office
45 34 following the next regular city election.

45 35 b. For a discontinuance, the board shall publish two
46 1 notices as provided in section 368.15 that it will do all of
46 2 the following:

46 3 (1) Receive and adjudicate claims against the discontinued
46 4 city for a period of six months from the date of last notice.

46 5 (2) Levy necessary taxes against the property within the
46 6 discontinued city to pay claims allowed. All records of a
46 7 discontinued city shall be deposited with the county auditor
46 8 of the county designated by the board. Any remaining balances
46 9 shall be deposited in the county treasury where the former
46 10 city was located.

46 11 c. For a boundary adjustment, the proper city officials
46 12 shall carry out procedures necessary to implement the
46 13 petition.

46 14 Sec. 47. NEW SECTION. 6C.95 COMPLIANCE WITH REQUIREMENTS
46 15 FOR A BOUNDARY ADJUSTMENT RECONSIDERATION.

46 16 1. A city shall comply with any conditions provided in a
46 17 petition for a boundary adjustment or conditions imposed on
46 18 the city by the board in approving the petition.

46 19 2. A city shall provide public benefits and services to a
46 20 bounded territory annexed under a plan of annexation approved
46 21 by the board as part of a petition for boundary adjustment, as
46 22 provided in section 6C.90. If a city fails to provide public

46 23 benefits and services within its bounded territory within
46 24 three years, the city may apply for an extension to provide
46 25 the public benefits and services for a period not to exceed
46 26 two additional years. The board may grant the extension, if
46 27 the board determines that the city has acted in good faith to
46 28 provide the public benefits and services and that unforeseen
46 29 events contributed to the delay. The board may grant an
46 30 extension for one more additional year if the board determines
46 31 that exigent circumstances warrant the extension. However, in
46 32 no case may the board approve an extension for more than six
46 33 years following the board's approval of the plan of
46 34 annexation.

46 35 3. The board shall reconsider approving a petition upon
47 1 its own initiative for a boundary adjustment if the board
47 2 finds that the petition may be disapproved under this
47 3 subsection.

47 4 a. If the petition was for an annexation, the board may
47 5 reconsider the petition upon receipt of an appeal brought by
47 6 an owner of land located in the bounded territory annexed
47 7 pursuant to a plan of annexation approved as part of the
47 8 petition. The appeal shall be submitted in a manner and
47 9 according to procedures required by the board. The board
47 10 shall disapprove a reconsidered petition, if the board
47 11 determines that one of the following applies:

47 12 b. The city fails to provide public benefits and services
47 13 to the annexed bounded territory within the period required by
47 14 this section.

47 15 c. The city misrepresented a material fact in its petition
47 16 for annexation that caused the board to approve the petition.

47 17 4. If the board determines that the petition should not
47 18 have been approved, the board may do any of the following:

47 19 a. Provide an order of tax relief to do either of the
47 20 following:

47 21 (1) Require that all or some property within the annexed
47 22 territory be taxed according to a reduced rate. The reduced
47 23 rate shall not be less than the rate applicable if the
47 24 territory had not been annexed. The property shall be taxed
47 25 at the reduced rate until at least public benefits and
47 26 services are extended to property within the annexed property.

47 27 (2) Require that the city provide a rebate to residents
47 28 equaling the difference between the property taxes paid to the
47 29 city by owners of property within the annexed territory and
47 30 the amount in taxes owed under the reduced rate.

47 31 b. Order the severance of all or any part of bounded
47 32 territory annexed pursuant to a plan of annexation submitted
47 33 with a petition for boundary alteration as provided in section
47 34 6C.85, if any of the following apply:

47 35 c. The board finds all of the following apply:

48 1 (1) The city failed to comply with purposes of this
48 2 chapter as provided in section 6C.2, the requirements of this
48 3 subchapter, a joint strategic development plan as provided in
48 4 subchapter IV, or conditions provided in the petition or order
48 5 approving the petition.

48 6 (2) The failure was due to the city's bad faith,
48 7 recklessness, or disregard for the facts as stated in the
48 8 petition, including the plan of annexation.

48 9 d. The city petitions the board to order a severance,
48 10 based on the city's failure to provide adequate public
48 11 benefits or services to land owners in the bounded territory.

48 12 PART III

48 13 SPECIAL PROVISIONS

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

48 15 1. A city is automatically discontinued if, for a period
48 16 of six years or more, the city fails to do any of the
48 17 following:

48 18 a. Hold a city election.

48 19 b. Levy taxes.

48 20 2. If the board determines that a city is discontinued
48 21 under this section, the board shall take control of the
48 22 property of the discontinued city and carry out all necessary
48 23 functions and procedures as if the city were discontinued
48 24 under a petition as provided in section 6C.94.

48 25 Sec. 49. NEW SECTION. 6C.102 DISCONTINUED CITIES
48 26 CEMETERY FUNDS.

48 27 If a city is discontinued under this subchapter, and the
48 28 board determines that perpetual care funds exist, the board
48 29 shall provide for the transfer of the funds to any of the
48 30 following:

48 31 1. A trustee named by a district court.

48 32 2. The county board of supervisors in the county where the
48 33 discontinued city was located.

48 34 3. A governmental entity deemed suitable by the board.

48 35 Sec. 50. NEW SECTION. 6C.103 UTILITIES TAXES UPON
49 1 ANNEXATION.

49 2 1. a. A city that annexes territory shall provide written
49 3 notification to all public utilities operating in the annexed
49 4 territory. The notice shall include all of the following:

49 5 (1) A legal description and map of the annexed territory.

49 6 (2) Each street address within the annexed territory,
49 7 where possible.

49 8 (3) A statement containing the effective date of the
49 9 annexation and a copy of the order, resolution, or ordinance
49 10 proclaiming the annexation to all public utilities operating
49 11 in the annexed area.

49 12 2. If notification of the annexation is provided to a
49 13 public utility as provided in this section less than sixty
49 14 days prior to the effective date of the annexation, the public
49 15 utility shall have sixty days from the date of notification to
49 16 adjust its tax and accounting records to reflect the
49 17 annexation for any tax purpose.

49 18 3. Additional or increased fees or taxes, other than ad
49 19 valorem taxes, imposed on a public utility as a result of an
49 20 annexation to a city shall become effective sixty days after
49 21 the effective date of the annexation.

49 22 Sec. 51. NEW SECTION. 6C.104 SECONDARY ROAD ANNEXATION.

49 23 1. The board of supervisors of each county affected by an
49 24 annexation shall notify the board of the existence of that
49 25 portion of any secondary road which extends to the centerline,
49 26 has not become part of the city by annexation, and has a
49 27 common boundary with a city.

49 28 2. The notification shall include a legal description and
49 29 a map identifying the location of the secondary road.

49 30 3. The board shall provide notice and an opportunity to be
49 31 heard to each city in or next to which the secondary road is
49 32 located.

49 33 4. The board shall certify that the notification is
49 34 correct and declare the road, or portion of the road extending
49 35 to the centerline, annexed to the city as of the date of
50 1 certification.

50 2 5. The title and interest of a county in any secondary
50 3 road which is annexed by a city is transferred to the city
50 4 upon the effective date of the annexation.

50 5 DIVISION B
50 6 MISCELLANEOUS PROVISIONS

50 7 Sec. 52. NEW SECTION. 6B.46A RESTRICTIONS UPON USE OF
50 8 UTILITY EASEMENTS.

50 9 1. This section governs the acquisition of an interest in
50 10 real estate by the state or local government through a
50 11 proceeding brought under this chapter for purposes of
50 12 extending a utility.

50 13 2. The scope of the interest shall be limited to the
50 14 express creation of an appurtenant easement to the extent
50 15 necessary in order to extend the utility over the property of
50 16 the owner.

50 17 3. The dominant estate shall not undergo a change in use.
50 18 The person holding the dominant estate may maintain the
50 19 utility system, but shall not expand the size or capacity of
50 20 the utility.

50 21 4. The owner of the land subject to the proceeding
50 22 creating the easement shall hold a servient estate, and may
50 23 use the property in any manner that does not unreasonably
50 24 interfere with the easement.

50 25 5. The easement shall expire when the utility is no longer
50 26 used for the purpose intended.

50 27 Sec. 53. Section [15.108](#), subsection 3, paragraph a,
50 28 subparagraph (2), Code 1999, is amended to read as follows:

50 29 (2) Provide office space and staff assistance to the

~~city~~

50 30

~~development~~

~~land use planning board for development management~~

50 31 and natural area protection as provided in section

~~368.9~~

50 32 6C.11.

50 33 Sec. 54. Section [331.304](#), subsection 7, Code 1999, is
50 34 amended to read as follows:

50 35 7. The board may file

~~a~~

~~an involuntary~~ petition with the

51 1

~~city development~~

~~land use planning board for development~~

51 2 management and natural area protection as provided in section

51 3

~~368.11~~

~~6C.85~~.

51 4 Sec. 55. Section [331.321](#), subsection 1, paragraph u, Code
51 5 1999, is amended by striking the paragraph.

51 6 Sec. 56. Section [331.427](#), subsection 1, unnumbered
51 7 paragraph 1, Code 1999, is amended to read as follows:

51 8 Except as otherwise provided by state law, county revenues
51 9 from taxes and other sources for general county services shall
51 10 be credited to the general fund of the county, including
51 11 revenues received under sections [6C.94](#), 101A.3, 101A.7,
51 12 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
51 13 section 331.554, subsection 6, sections 341A.20, 364.3,
51 14

~~368.21~~,

51 15 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,
51 16 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6,
51 17 602.8108, 904.908, and 906.17, and chapter 405A, and the
51 18 following:

51 19 Sec. 57. Section [331.507](#), subsection 2, unnumbered
51 20 paragraph 1, Code 1999, is amended to read as follows:

51 21 The auditor is

~~entitled to~~

~~shall~~ collect the following

51 22 fees:

51 23 Sec. 58. Section [331.507](#), subsection 2, paragraph a, Code
51 24 1999, is amended to read as follows:

51 25 a. For a transfer of property made in the transfer

51 25 records,

~~five~~

- ~~nine~~ dollars for each separate parcel of real
51 26 estate described in a deed, or transfer of title certified by
51 27 the clerk of the district court. However, the fee shall not
51 28 exceed

~~fifty~~

- ~~fifty-four~~ dollars for a transfer of property
51 29 which is described in one instrument of transfer.
51 30 Sec. 59. Section [331.507](#), subsection 3, Code 1999, is
51 31 amended to read as follows:
51 32 3. Fees collected

~~or received~~

- by the auditor under this
51 33 section shall be accounted for and paid as follows:
51 34 a. The first five dollars collected under this section for
51 35 each separate parcel of real estate, up to fifty dollars for
52 1 transfers of property described in one instrument shall be
52 2 paid into the county treasury as provided in section 331.902.
52 3 b. The remaining moneys collected under this section shall
52 4 be paid to the department of revenue and finance on a monthly
52 5 basis for deposit in the land use planning fund for
52 6 development management and farmland and natural area
52 7 protection as created in section 6C.21.
52 8 Sec. 60. Section [362.1](#), Code 1999, is amended to read as
52 9 follows:
52 10 362.1 CITATION.
52 11 This chapter and chapters 364,

~~368,~~

- 372, 376, 380, 384, 388
52 12 and 392 may be cited as the "City Code of Iowa".
52 13 Sec. 61. Section [362.9](#), Code 1999, is amended to read as
52 14 follows:
52 15 362.9 APPLICATION OF CITY CODE.
52 16 The provisions of this chapter and chapters 364,

~~368,~~

- 372,
52 17 376, 380, 384, 388 and 392 are applicable to all cities.
52 18 Sec. 62. Section [384.38](#), subsection 2, Code 1999, is
52 19 amended to read as follows:
52 20 2. Upon petition as provided in section 384.41, subsection
52 21 1, a city may assess to private property affected by public
52 22 improvements within three miles of the city's boundaries the
52 23 cost of construction and repair of public improvements within
52 24 that area. The right-of-way of a railway company shall not be
52 25 assessed unless the company joins as a petitioner for said
52 26 improvements. In the petition the property owners shall waive
52 27 the limitation provided in section 384.62 that an assessment
52 28 may not exceed twenty-five percent of the value of the lot.
52 29 The petition shall contain a statement that the owners agree
52 30 to pay the city an amount equal to five percent of the cost of
52 31 the improvements, to cover administrative expenses incurred by
52 32 the city. This amount may be added to the cost of the
52 33 improvements. Before the council may adopt the resolution of
52 34 necessity, the preliminary resolution, preliminary plans and
52 35 specifications, plat, schedule, and estimate of cost must be
53 1 submitted to, and receive written approval from, the board of
53 2 supervisors of any county which contains part of the property,
53 3 and the

~~city development board~~

- land use planning board for

53 4 development management and natural area protection established
53 5 in section

~~368.9~~

~~6C.11.~~

53 6 Sec. 63. Section 414.23, unnumbered paragraph 1, Code
53 7 1999, is amended to read as follows:
53 8

~~The powers granted by~~

~~To the extent that an unincorporated~~

53 9 area is not governed by a zoning ordinance adopted by a county
53 10 pursuant to chapter 335, a city may adopt a city zoning
53 11 ordinance under this chapter

~~may be extended by ordinance by~~

~~53 12~~

~~any city to~~

~~that governs~~ the unincorporated area

~~up to~~

53 13 adjacent to the city as provided in this section.

53 14 1. For cities located more than thirty miles from the
53 15 state's borders, the unincorporated area must be located
53 16 within two miles beyond the limits of

~~such~~

~~the city~~

~~, except~~

~~53 17~~

~~for those areas within a county where a county zoning~~

~~53 18~~

~~ordinance exists~~

~~. For cities located thirty miles or less~~

53 19 from the state's borders, the unincorporated area must be
53 20 located within three miles beyond the limits of the city. The
53 21 distance from a city to a state's borders is measured from the
53 22 center of the city.

53 23 2. The zoning ordinance

~~shall~~

~~adopted by the city must~~

53 24 describe in general terms the unincorporated area to be
53 25 included.

53 26 3. The unincorporated area shall be governed by a joint
53 27 strategic development plan as provided in chapter 6C.

53 28 4. The exemption from regulation granted by section 335.2
53 29 to property used for agricultural purposes shall apply to

~~such~~

~~53 30~~

~~unincorporated~~

~~the unincorporated area.~~

53 31 5. If the limits of

~~any such~~

~~a city are at any place less~~

53 32 than four miles distant from the limits of

~~any other~~

~~another~~

53 33 city which has extended or

~~thereafter~~

~~extends its zoning~~

53 34 jurisdiction under this section,

~~then at such time~~

~~the~~

~~powers~~

53 35

~~herein granted~~

~~unincorporated area~~ shall extend to a line

54 1 equidistant between the limits of

~~said~~

~~the~~ cities.

54 2 Sec. 64. Section [455B.306A](#), subsection 1, Code 1999, is

54 3 amended to read as follows:

54 4 1. A city which annexes an area pursuant to chapter

~~368~~

54 5 [6C](#), or plans to operate or expand solid waste collection
54 6 services into an area where the collection of solid waste is
54 7 presently being provided by a private entity, shall notify the
54 8 private entity by certified mail at least sixty days before
54 9 its annexation or expansion of its intent to provide solid
54 10 waste collection services in the area.

54 11 Sec. 65. Section [524.1202](#), subsection 1, Code 1999, is
54 12 amended to read as follows:

54 13 1. Except as otherwise provided in subsection 2 of this
54 14 section, no state bank shall establish a bank office outside
54 15 the corporate limits of a municipal corporation or in a
54 16 municipal corporation in which there is already an established
54 17 state or national bank or office, however the subsequent
54 18 chartering and establishment of any state or national bank,
54 19 through the opening of its principal place of business within
54 20 the municipal corporation where the bank office is located,
54 21 shall not affect the right of the bank office to continue in
54 22 operation in that municipal corporation. The existence and
54 23 continuing operation of a bank office shall not be affected by
54 24 the subsequent discontinuance of a

~~municipal corporation~~

~~city~~

54 25 pursuant to

~~the provisions of sections 368.11 to 368.22~~

54 26 [chapter 6C](#). A bank office existing and operating on July 1,
54 27 1976, which is not located within the confines of a municipal
54 28 corporation, shall be allowed to continue its existence and
54 29 operation without regard to this subsection.

54 30 Sec. 66. IMPLEMENTATION OF ACT. The fees and funds
54 31 generated as a result of the enactment of this Act are
54 32 intended to cover the costs of any state mandate included in
54 33 this Act and this specification of state funding shall be
54 34 deemed to meet all the state funding-related requirements of
54 35 section 25B.2, subsection 3, and no additional state funding
55 1 shall be necessary for the full implementation of this Act by,

55 2 and enforcement of this Act against, all affected political
55 3 subdivisions.

55 4 Sec. 67. TRANSFER OF SECTION. The Code editor is directed
55 5 to transfer section [368.2](#), Code 1999, to chapter 380 and
55 6 correct internal references as necessary.

55 7 Sec. 68.

55 8 1. Sections 352.3 through 352.5, Code 1999, are repealed.

55 9 2. Sections 368.1 and 368.3 through 368.24, Code 1999, are
55 10 repealed.

55 11 Sec. 69. EFFECTIVE DATE. This Act takes effect July 1,
55 12 1999. However, the land use planning board for development
55 13 management and farmland and natural area protection, the land
55 14 use commission for development management and farmland and
55 15 natural area protection, and the state land use strategic
55 16 development council as created in this Act shall be appointed
55 17 as soon as practical upon the enactment of this Act. The
55 18 entities shall carry out all functions necessary to prepare
55 19 for the administration of this Act on July 1, 1999, and
55 20 provide for the transition of administration of provisions
55 21 from under chapter 368 to chapter 6C, including the adoption
55 22 of rules.

55 23 EXPLANATION

55 24 GENERAL

55 25 This bill creates a new Code chapter 6C, referred to as the
55 26 "Land Development Management Act". According to the bill, the
55 27 purpose of the new Code chapter is to preserve the use of
55 28 prime agricultural land for agricultural production; preserve
55 29 natural, cultural, and historical areas; and provide for the
55 30 orderly development of cities. The bill establishes a number
55 31 of new provisions and rewrites provisions contained in Code
55 32 chapter 368, which governs the city development board.

55 33 ADMINISTRATION

55 34 The bill creates a number of entities responsible for
55 35 administration of the Code chapter.

56 1 The bill creates a state land use strategic development
56 2 council. The bill provides that this is the state's principal
56 3 agency overseeing planning of major state sponsored projects.
56 4 The council is a consultative body that reviews policies
56 5 regarding major development initiatives undertaken by state
56 6 agencies. The council must establish, maintain, and revise a
56 7 state strategic development plan that provides for development
56 8 by member state agencies. The council has members
56 9 representing major agencies involved or interested in
56 10 development, including the state department of transportation,
56 11 the department of natural resources, the department of
56 12 agriculture and land stewardship, and the department of
56 13 general services.

56 14 The bill creates the land use planning board for
56 15 development management and farmland and natural area
56 16 protection. This is the successor board to the city
56 17 development board created under Code chapter 368. The
56 18 composition of its membership is similar. The board is the
56 19 principal agency overseeing planning by local governments.

56 20 The bill creates the land use planning commission for
56 21 development management and farmland and natural area
56 22 protection. This entity is comprised of the same membership
56 23 as was represented on the legislative commission. The
56 24 commission is charged to monitor the administration of the
56 25 chapter and the extent to which the purposes of the chapter
56 26 are being satisfied. The commission sunsets on July 1, 2003.

56 27 The bill increases the fees from \$5 to \$9 required to be
56 28 collected by county auditors for the transfer of real estate
56 29 documents such as deeds. The additional fees are paid to the
56 30 department of revenue and finance for deposit into a special
56 31 fund administered by the board. Moneys in the fund must be
56 32 used to reimburse counties for the costs of preparing
56 33 strategic development plans.

56 34

LAND USE INVENTORIES

56 35 The bill provides that Iowa state university shall serve as
57 1 the repository of permanent land use and natural resources
57 2 inventories completed as required by the bill. The bill
57 3 requires the university to study the extent to which land in
57 4 Iowa is being converted from agricultural use to residential,
57 5 commercial, industrial, or public use. The university must
57 6 report to the general assembly every two years. The
57 7 university must also provide technical assistance to counties
57 8 in completing the system. The system administered by the
57 9 counties must assess and categorize land uses, the productive
57 10 quality of farmland soil, and the changes in use or
57 11 classifications for use of the land.

57 12

LOCAL LAND USE PLANNING

57 13 The bill requires that each local government adopt a
57 14 strategic development plan that must be approved and filed
57 15 with the board. According to the bill, the plan integrates
57 16 the planning functions of the local governments. The bill
57 17 provides that local governments must establish a strategic
57 18 development plan in order to carry out the purposes of this
57 19 bill, and integrate the planning functions of local
57 20 government, including the planning of infrastructure and
57 21 public facilities and the provision of public benefits and
57 22 services. Local governments must adopt independent plans
57 23 governing their jurisdictions. They must also cooperate to
57 24 adopt joint plans governing areas of common interest. A local
57 25 government must file a strategic development plan with the
57 26 board according to a phased-in schedule that requires local
57 27 governments representing larger counties and cities to file a
57 28 plan prior to local governments representing smaller counties
57 29 and cities filing a strategic development plan.

57 30 The board must approve a joint plan if it determines that
57 31 the plan meets the purposes of this bill. The board may file
57 32 parts of a plan adopted by local governments, which are
57 33 approved by the local governments. The bill prevents the
57 34 construction of public facilities outside the jurisdiction of
57 35 a local government, unless the facilities are developed in
58 1 accordance with a plan. A city may object to a plan submitted
58 2 by a county, based on planned extra-urban development. The
58 3 board may deny approval of the plan based on the objection.

58 4

CITY DEVELOPMENT

58 5 Generally, the provisions in Code chapter 368 continue to
58 6 govern city development, including boundary adjustments, such
58 7 as annexation, severance, and consolidation, and
58 8 incorporations and discontinuance. The bill rewrites these
58 9 provisions as part of new Code chapter 6C, amending the
58 10 language to enhance readability. The bill also includes new
58 11 provisions, especially concerning annexation procedures.
58 12 Under the bill, all annexations must be approved by the board.
58 13 An annexation must comply with the purposes and requirements
58 14 of the bill, including any joint plan that has been adopted.
58 15 Under certain circumstances, a county may submit an objection
58 16 with the board, if the territory proposed to be annexed is not
58 17 governed by a joint strategic development plan. The board may
58 18 reconsider approving a petition for annexation upon its own
58 19 initiative or upon receipt of a petition brought by a property
58 20 owner of annexed territory, if the city fails to extend public
58 21 benefits and services to the annexed territory within the
58 22 period required by this bill.

58 23

EMINENT DOMAIN (UTILITIES)

58 24 The bill provides for the acquisition of an interest in
58 25 real estate by the state or local government through a
58 26 condemnation proceeding brought under Code chapter 6B for
58 27 purposes of extending infrastructure which is a utility
58 28 system. The bill provides that the scope of the interest must
58 29 be limited to the express creation of an appurtenant easement
58 30 to the extent necessary in order to extend the utility system

58 31 over the property of the owner.

58 32 STATE MANDATE

58 33 This bill may include a state mandate as defined in Code

58 34 section 25B.3. The bill provides that fees and funds

58 35 generated in this bill are intended to cover the costs of any

59 1 state mandate included in the bill. The inclusion of this

59 2 specification of state funding is intended to reinstate the

59 3 requirement of political subdivisions to comply with any state

59 4 mandates included in this bill.

59 5 LSB 1849SC 78

59 6 da/gg/8.2