

Senate Study Bill 3178

Bill Text

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1 1 DIVISION I
1 2 STATE LAND MANAGEMENT AND PLANNING POLICY
1 3 Section 1. NEW SECTION. 6C.1 TITLE.
1 4 This chapter shall be known and may be cited as the "Land
1 5 Development Management Act".
1 6 Sec. 2. NEW SECTION. 6C.2 POLICY OF THIS STATE
1 7 PURPOSE OF THIS CHAPTER.
1 8 1. The policy of the state is to ensure the sound and
1 9 orderly development and use of land including agricultural,
1 10 commercial, industrial, residential, recreational, and
1 11 historic uses.
1 12 2. The purposes of this chapter include all of the
1 13 following:
1 14 a. Preserving the use of prime agricultural land for
1 15 agricultural production, and preserving natural, cultural, and
1 16 historical areas.
1 17 b. Striking a balance between the need to carry out the
1 18 legitimate public purposes described in this section and the
1 19 need to preserve private property rights.
1 20 c. Encouraging economic development in this state by
1 21 providing for development in areas where development has been
1 22 planned by local governments.
1 23 d. Controlling urban sprawl, and thereby providing for the
1 24 protection and preservation of the private and public interest
1 25 in the land, water, and related resources of this state for
1 26 the public health, safety, and general welfare, and for the
1 27 benefit of present and future generations.
1 28 3. All public agencies shall cooperate in achieving the
1 29 purposes and carrying out the provisions of this chapter.
1 30 Sec. 3. NEW SECTION. 6C.3 DEFINITIONS.
1 31 1. "Board" means the land management planning board
1 32 established in section 6C.5.
1 33 2. "Council" means the state strategic development council
1 34 as created pursuant to section 6C.9.
1 35 3. "Department" means the department of economic
2 1 development.
2 2 4. "Development" means the construction or structural
2 3 alteration, conversion, or enlargement of a structure or use
2 4 of land, including the construction of basic improvements,
2 5 public improvements, buildings, structures, or impermeable
2 6 structures.
2 7 5. "Farmland" means farmland as that term is defined in
2 8 section 352.2.
2 9 6. "Fund" means the land management planning fund as
2 10 created in section 6C.7.
2 11 7. "Inventory" means a permanent land use and natural
2 12 resources inventory system as provided in section 352.5.
2 13 8. "Local government" means a county or city government.
2 14 9. "Local legislation" means any ordinance, resolution,
2 15 motion, amendment, or regulation adopted by a local
2 16 government, which has the force and effect of law.
2 17 10. "Major public project" means any of the following:
2 18 a. The construction of a new or the relocation of an
2 19 existing highway.
2 20 b. The construction or expansion of an improvement,
2 21 including a structure or basic improvement, other than a

2 22 highway, which involves the development of more than fifty
2 23 acres of land or six thousand tons of topsoil.
2 24 c. The construction of any of the following:
2 25 (1) A dam or reservoir.
2 26 (2) A correctional institution as provided in chapter 904.
2 27 11. "Member agency" means a state agency which is
2 28 represented on the council as provided in section 6C.9.
2 29 12. "Public agency" means a state agency, local
2 30 government, or other political subdivision, including but not
2 31 limited to a principal department as provided in section 7E.5,
2 32 a school corporation organized under chapter 273 or 274, a
2 33 community college as provided in chapter 260C, a regional
2 34 library as provided in chapter 256, or a township as provided
2 35 in chapter 359.

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

3 9 14. "Regional development authority" means a council of
3 10 governments established pursuant to chapter 28H or a joint
3 11 planning commission established pursuant to chapter 28I.

3 12 15. "State agency" means the same as "agency" defined in
3 13 section 17A.2.

3 14 16. "Strategic development area" means an area governed by
3 15 a strategic development plan as provided in chapter 366.

3 16 17. "Strategic development plan" means a plan adopted by a
3 17 county and cities participating as provided in chapter 366 as
3 18 a means to organize the manner and location of future
3 19 development within a territory of a county.

3 20 18. "Urban sprawl" means the development of land that
3 21 occurs on the fringes of cities, if the development is for a
3 22 use which is not contiguous to existing or approved
3 23 development, creates urban densities and uses within future
3 24 urbanizing and agriculturally productive land, natural or
3 25 historic areas, and is designed without regard to its
3 26 surroundings.

3 27 Sec. 4. NEW SECTION. 6C.4 FINANCIAL ASSISTANCE AWARDED
3 28 BY PUBLIC AGENCIES.

3 29 1. Effective July 1, 2002, in order for a public agency to
3 30 award financial assistance to persons for use in developing
3 31 land, the development shall be consistent with the relevant
3 32 strategic development plan prepared pursuant to chapter 366.

3 33 2. Financial assistance includes but is not limited to
3 34 moneys awarded from the following:

3 35 a. The community economic betterment account established
4 1 in section 15.320.

4 2 b. The revitalize Iowa's sound economy fund created in
4 3 section 315.2.

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

4 6 d. Tax increment financing created pursuant to section
4 7 403.19.

4 8 e. Tax exemptions within revitalization areas as provided
4 9 in chapter 404.

4 10 Sec. 5. NEW SECTION. 6C.5 LAND MANAGEMENT PLANNING
4 11 BOARD.

4 12 1. A land management planning board is created as the
4 13 state's principal agency overseeing planning by local
4 14 governments. The board shall oversee administration of this
4 15 chapter, and chapters 366 and 368, monitor the effectiveness
4 16 of public agencies in achieving the purposes of this chapter
4 17 as provided in section 6C.2, and study methods to better
4 18 achieve those purposes.

4 19 2. The board shall be composed of the following members:
4 20 a. One member appointed from a city with a population of
4 21 forty-five thousand or less.
4 22 b. One member appointed from a city with a population of
4 23 more than forty-five thousand but less than one hundred
4 24 thousand.
4 25 c. One member appointed from a city with a population of
4 26 one hundred thousand or more.
4 27 d. One member appointed from a county with a population of
4 28 fifty thousand or less.
4 29 e. One member appointed from a county with a population of
4 30 more than fifty thousand but less than one hundred thousand.
4 31 f. One member appointed from a county with a population of
4 32 one hundred thousand or more.
4 33 g. One member appointed by the secretary of agriculture.
4 34 h. One member appointed by the director of the department
4 35 of natural resources.
5 1 i. One member appointed by the director of the department
5 2 of economic development.
5 3 j. Two members representing the general public.
5 4 3. With the exception of members appointed under
5 5 paragraphs "g", "h", and "i", the members shall be appointed
5 6 by the governor subject to confirmation by the senate as
5 7 provided in section 2.32. The appointments must be for six-
5 8 year staggered terms beginning and ending as provided in
5 9 section 69.19, or for an unexpired term if a vacancy occurs.
5 10 No member shall serve more than two complete six-year terms.
5 11 4. A member may be removed from office by the governor for
5 12 misfeasance, malfeasance, willful neglect of duty, or other
5 13 just cause, after notice and hearing, unless the notice and
5 14 hearing is expressly waived in writing.
5 15 5. The board shall elect a chairperson each year.
5 16 6. Members of the board, other than a state officer or
5 17 employee, are entitled to receive a per diem as specified in
5 18 section 7E.6 for each day spent in performance of duties as
5 19 members, and shall be reimbursed for all actual and necessary
5 20 expenses incurred in the performance of duties as members.
5 21 7. The department of economic development shall provide
5 22 office space and staff assistance, and shall budget funds to
5 23 cover expenses of the board. The office of attorney general
5 24 shall provide legal counsel to the board.
5 25 Sec. 6. NEW SECTION. 6C.6 POWERS AND DUTIES OF THE
5 26 BOARD.
5 27 1. The board shall do all of the following:
5 28 a. Approve or disapprove strategic development plans
5 29 submitted for dispute resolution pursuant to chapter 366.
5 30 b. Approve or disapprove petitions for city development as
5 31 provided in chapter 368.
5 32 c. Establish policies for administration of the land
5 33 management planning fund for development management and
5 34 farmland and natural area protection as created in section
5 35 6C.7. The board shall pay claims by eligible local
6 1 governments for reimbursement of expenses relating to
6 2 preparing strategic development plans as provided in section
6 3 6C.8.
6 4 d. Adopt rules pursuant to chapter 17A which are necessary
6 5 to administer its duties under this chapter and chapters 366
6 6 and 368. The rules shall include establishing filing fees for
6 7 petitions and applications submitted to the board. The board
6 8 may establish a schedule of fees required to file these
6 9 documents with the board, based on criteria established by the
6 10 board, which may include the size of the local government
6 11 filing the document.
6 12 2. The board may adopt forms to be completed and submitted
6 13 by local governments as required for the efficient
6 14 administration of this chapter and chapters 366 and 368. The
6 15 board shall adopt a simple form for strategic development

6 16 plans to be completed by small local governments.

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

6 18 1. A land management planning fund is created within the
6 19 state treasury under the control of the department of economic
6 20 development.

6 21 2. The fund shall consist of all of the following:

6 22 a. Moneys appropriated by the general assembly.

6 23 b. Moneys available to and obtained or accepted by the
6 24 department from the federal government or private sources for
6 25 placement in the fund.

6 26 c. Fees paid to the department of revenue and finance that
6 27 have been collected by county auditors for deposit into the
6 28 fund pursuant to section 331.507.

6 29 3. Moneys in the fund shall be used exclusively for the
6 30 following purposes:

6 31 a. First, to pay for the costs of administration of this
6 32 chapter by the department.

6 33 b. Second, to reimburse local strategic development
6 34 committees for preparing strategic development plans as
6 35 provided in section 6C.8.

7 1 c. Finally, to the extent that moneys are remaining, the
7 2 moneys may be used to reimburse Iowa state university of
7 3 science and technology and counties for costs associated with
7 4 preparing permanent land use and natural resource inventories
7 5 as provided in sections 352.4 and 352.5.

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

7 22 Sec. 8. NEW SECTION. 6C.8 REIMBURSEMENT OF LOCAL
7 23 GOVERNMENTS FOR PREPARATION OF PLANS.

7 24 1. a. Claims against the fund to reimburse local
7 25 strategic development committees for costs associated with
7 26 preparing strategic development plans under chapter 366 shall
7 27 be filed with the board.

7 28 b. The board may approve a claim against the fund to
7 29 reimburse Iowa state university of science and technology or
7 30 counties for costs associated with preparing land use and
7 31 natural resource inventories under sections 352.4 and 352.5.

7 32 2. a. Except as provided in paragraph "b", a claim is
7 33 eligible to be paid if all of the following apply:

7 34 (1) The claim is made in a manner and according to
7 35 procedures required in this section and established by the
8 1 board.

8 2 (2) The claim is complete and accurate.

8 3 (3) There are sufficient moneys in the fund in order to
8 4 satisfy the claim.

8 5 b. The board is not required to consider a claim for
8 6 reimbursement of costs incurred in preparing a strategic
8 7 development plan until the plan is filed with the board.

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

8 9 (1) For a local strategic development committee
8 10 representing a county having a population of less than fifteen
8 11 thousand, the local strategic development committee shall
8 12 receive five thousand dollars.

8 13 (2) For a local strategic development committee
8 14 representing a county having a population of fifteen thousand
8 15 but less than thirty thousand, the local strategic development
8 16 committee shall receive seven thousand five hundred dollars.

8 17 (3) For a committee representing a county having a
8 18 population of thirty thousand or more, the committee shall
8 19 receive ten thousand dollars.

8 20 b. A local strategic development committee shall reimburse
8 21 participating local governments for contributing to the
8 22 preparation of strategic development plans as provided by the
8 23 local strategic development committee.

8 24 4. If at any time the board determines that insufficient
8 25 moneys are available in the fund to make payment of all claims
8 26 for preparing strategic development plans, the department
8 27 shall pay claims according to the date that the claims are
8 28 received by the department. To the extent that a claim cannot
8 29 be fully satisfied, the department shall order that the unpaid
8 30 portion of the payment be deferred until the claim can be
8 31 satisfied.

8 32 Sec. 9. NEW SECTION. 6C.9 STATE STRATEGIC DEVELOPMENT
8 33 COUNCIL.

8 34 1. A state strategic development council is created as the
8 35 state's principal agency overseeing planning by state agencies
9 1 involved in major public projects. The purpose of the council
9 2 is to ensure that development by state agencies is
9 3 coordinated, including through the adoption of a state
9 4 strategic development plan as provided in section 6C.12.

9 5 2. The council shall be composed of all of the following
9 6 persons:

9 7 a. The governor or the governor's designee who shall serve
9 8 as the chairperson of the council.

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

9 11 c. The director of the department of natural resources or
9 12 a designee.

9 13 d. The director of transportation or a designee.

9 14 e. The director of the department of corrections or a
9 15 designee.

9 16 f. The director of the department of general services or a
9 17 designee.

9 18 g. The secretary of agriculture or a designee.

9 19 h. The state historic preservation officer appointed by
9 20 the director of the department of cultural affairs.

9 21 i. A designee appointed by the state board of regents as
9 22 provided for in chapter 262. The member shall be appointed
9 23 from the university of Iowa, Iowa state university of science
9 24 and technology, and the university of northern Iowa on a
9 25 rotating basis. Each appointee shall serve one term prior to
9 26 replacement. A member appointed under this paragraph shall be
9 27 an expert in issues relating to land use planning.

9 28 j. Four members of the general assembly, who shall serve
9 29 as nonvoting, ex officio members. The members shall include
9 30 two members of the senate appointed by the president of the
9 31 senate, after consultation with the majority leader and the
9 32 minority leader of the senate, and two members of the house of
9 33 representatives appointed by the speaker of the house, after
9 34 consultation with the majority leader and the minority leader
9 35 of the house. The legislative members shall be appointed upon
10 1 the convening and for the period of each general assembly.

10 2 Not more than one member from each house shall be of the same
10 3 political party.

10 4 3. The department of economic development shall provide
10 5 office space and staff assistance, and shall budget funds to
10 6 cover expenses of the council. The office of attorney general
10 7 shall provide legal counsel to the council.

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

10 10 written request to the chairperson of two or more members.
10 11 5. A majority of voting members appointed to the council
10 12 constitute a quorum and the affirmative vote of a majority of
10 13 the voting members appointed is necessary for any substantive
10 14 action to be taken by the council, except that a lesser number
10 15 may adjourn a meeting. The majority shall not include any
10 16 member who has a conflict of interest and a statement by a
10 17 member that the member has a conflict of interest is
10 18 conclusive for this purpose. A vacancy in the membership does
10 19 not impair the right of a quorum to exercise all rights and
10 20 perform all duties of the council.

10 21 6. A vacancy on the council shall be filled in the same
10 22 manner as an original appointment. A person appointed to fill
10 23 a vacancy shall serve only for the unexpired portion of the
10 24 term. Except as provided in this subchapter, a member is
10 25 eligible for reappointment.

10 26 7. Members of the council, other than a state officer or
10 27 employee, are entitled to receive a per diem as specified in
10 28 section 7E.6 for each day spent in performance of duties as
10 29 members, and shall be reimbursed for all actual and necessary
10 30 expenses incurred in the performance of duties as members.

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

10 33 1. The purpose of the council is to ensure that
10 34 development by state agencies is coordinated, including
10 35 through the adoption of a state strategic development plan as
11 1 provided in section 6C.12.

11 2 2. The council shall adopt rules pursuant to chapter 17A
11 3 which are necessary to administer its duties under this
11 4 chapter.

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

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

11 12 2. A state agency shall not begin construction of a major
11 13 public project prior to consulting with the council as
11 14 provided in section 6C.12, subsection 2.

11 15 3. In reviewing a major public project, the council shall
11 16 to every extent practical ensure that the missions, policies,
11 17 and goals of affected member agencies are not negatively
11 18 impacted. The major public project shall be planned and
11 19 constructed consistent with the state strategic development
11 20 plan as required by section 6C.12.

11 21 Sec. 12. NEW SECTION. 6C.12 STATE STRATEGIC DEVELOPMENT
11 22 PLAN.

11 23 1. a. The council shall establish, maintain, and revise a
11 24 state strategic development plan which shall be implemented by
11 25 state agencies as provided in this section. State agencies
11 26 shall consult with the council regarding major public
11 27 projects. The council may adopt rules which exempt major
11 28 public projects from the requirements of this section, to the
11 29 extent that the council determines that compliance with the
11 30 state strategic development plan or consultation with the
11 31 council is inconsistent with or unnecessary to carry out the
11 32 purposes of this chapter as provided in section 6C.2.

11 33 b. The state plan shall include development standards and
11 34 practices that ensure that development conducted by state
11 35 agencies carries out the purposes of this chapter as provided
12 1 in section 6C.2, the requirements of this chapter, and
12 2 relevant strategic development plans. Each state agency shall
12 3 adopt policies governing development, including planning and
12 4 construction of projects, which implement development
12 5 standards and practices as required in the state strategic
12 6 development plan.

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

12 19 b. Any concern about or objection to the planning or
12 20 construction of a major public project expressed by a member
12 21 agency or the council shall be noted in the minutes of the
12 22 council. This section does not authorize the council to
12 23 disapprove a plan for development or alter construction of the
12 24 major public project.

12 25 3. The council shall approve an initial state strategic
12 26 development plan by July 1, 2001.

12 27 Sec. 13. NEW SECTION. 6C.13 OVERSIGHT.

12 28 1. The council shall report to the land management
12 29 planning board as required by the board.

12 30 2. The council shall report to the committee of the
12 31 general assembly which is primarily responsible for
12 32 legislative oversight of state agencies, as required, by the
12 33 committee. The council shall do all of the following:

12 34 a. Present information to the committee as requested by
12 35 the committee.

13 1 b. Notify the committee of the planning stages of a major
13 2 public project initiated by a member agency, including any
13 3 comments or objections of the council or a member agency.

13 4 c. Submit a copy of its state strategic development plan
13 5 and any amendments to or revisions of the plan with the
13 6 committee.

13 7 DIVISION II
13 8 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

13 9 Sec. 14. Section 352.2, Code 1999, is amended by adding
13 10 the following new subsection:

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

13 18 a. A farm operation, including any related structure which
13 19 is constructed or installed, or any use or practice which is
13 20 implemented involving a farm operation, including a residence
13 21 constructed for occupation by a person engaged in a farm
13 22 operation.

13 23 b. The construction, installation, improvement, or
13 24 maintenance of basic improvements.

13 25 c. The preservation of natural and historic or cultural
13 26 areas, the development of recreational areas, or the
13 27 protection of natural and historic resources and fragile
13 28 ecosystems of this state including forests, wetlands, rivers,
13 29 streams, lakes and their shorelines, aquifers, prairies, and
13 30 recreational areas.

13 31 d. Development occurring on land which has been platted
13 32 prior to the effective date of this Act.

13 33 Sec. 15. Section 352.4, Code 1999, is amended by striking
13 34 the section and inserting in lieu thereof the following:

13 35 352.4 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
14 1 REPOSITORY STUDY AND REPORT.

14 2 To the extent that moneys are appropriated and data is
14 3 available, Iowa state university of science and technology

14 4 shall do all of the following:

14 5 1. Serve as the repository of permanent land use and
14 6 natural resources inventories completed pursuant to section
14 7 352.5. The university shall provide for computer access of
14 8 these inventories by the department of economic development
14 9 for use by the state strategic development council or land
14 10 management planning board created in chapter 6C.

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

14 15 a. At least every two years, the university shall prepare
14 16 a report that includes all of the following:

14 17 (1) A description of counties that have a farmland
14 18 protection program or strategies in place, including the use
14 19 of zoning, or a farmland preservation ordinance adopted
14 20 pursuant to chapter 335 or programs such as conservation
14 21 easements.

14 22 (2) A description of land use changes in each county,
14 23 which may include an analysis of data collected by the
14 24 department of revenue and finance. The report to every extent
14 25 practical shall identify changes in the use or classification
14 26 of use for parcels of land, including from an agricultural
14 27 class to a nonagricultural class.

14 28 (3) An assessment of the productive quality of soil of
14 29 farmland converted to another use. The assessment of the soil
14 30 may be by using crop yields, corn suitability ratings, or
14 31 classifications by the United States department of
14 32 agriculture.

14 33 (4) An evaluation of urban growth patterns throughout the
14 34 state, including areas of extra-urban development.

14 35 b. The report shall be delivered to the governor, the
15 1 general assembly, and the department of economic development
15 2 not later than September 1 of each reporting year.

15 3 3. Iowa state university of science and technology shall
15 4 provide technical advice to the land management planning board
15 5 in adopting rules necessary for counties to implement a
15 6 permanent land use and natural resources inventory system as
15 7 required pursuant to section 352.5. The rules shall provide
15 8 for implementation according to a schedule adopted by the land
15 9 management planning board in cooperation with Iowa state
15 10 university of science and technology. The university shall
15 11 provide technical assistance to counties in completing the
15 12 system according to a schedule established by the university
15 13 in cooperation with the land management planning board.

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

15 16 352.5 PERMANENT LAND USE AND NATURAL RESOURCES INVENTORY
15 17 SYSTEM.

15 18 1. Counties shall establish a permanent land use and
15 19 natural resources inventory system. The system shall assess
15 20 and categorize land uses, the productive quality of farmland
15 21 soil, and the changes in use or classifications for use of the
15 22 land.

15 23 a. The data shall be systematically collected by the
15 24 county, subject to all of the following:

15 25 (1) Whenever possible, the data shall be enhanced by
15 26 aerial imagery.

15 27 (2) The data shall be converted to or entered in a digital
15 28 format capable of access by computer systems.

15 29 (3) The data shall be structured in a uniform manner that
15 30 allows comparisons between counties.

15 31 (4) To every extent practical, the system shall include
15 32 any data collected for county land use inventories pursuant to
15 33 1982 Iowa Acts, chapter 1245.

15 34 b. The system shall provide for the regular update of
15 35 data, but not less than every five years.

16 1 c. The county land preservation and use commission shall
16 2 administer this section, as provided by the county board of
16 3 supervisors.

16 4 2. All counties shall have a system implemented by June
16 5 30, 2003. However, a county shall not be required to appoint
16 6 a commission or implement a system until the state
16 7 appropriates moneys to the county for implementation.

16 8 Sec. 17. NEW SECTION. 366.1 SHORT DESCRIPTION.

16 9 A strategic development plan shall integrate the planning
16 10 functions of the local government, including the planning of
16 11 basic improvements and the provision of public benefits and
16 12 services.

16 13 Sec. 18. NEW SECTION. 366.2 DEFINITIONS.

16 14 1. "Basic improvement" means the development of land for
16 15 any of the following:

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

16 20 b. A thoroughfare, such as a road or street as defined in
16 21 section 306.3.

16 22 2. "Board" means the land management planning board
16 23 established in section 6C.5.

16 24 3. "Farmland" means farmland as that term is defined in
16 25 section 352.2.

16 26 4. "Local legislation" means any ordinance, resolution,
16 27 motion, amendment, or regulation adopted by a local
16 28 government, which has the force and effect of law.

16 29 5. "Planned territory" means territory that is governed or
16 30 proposed to be governed by a strategic development plan.

16 31 6. "Public benefits and services" means benefits and
16 32 services provided by a local government to persons residing
16 33 within the jurisdiction of the local government, regardless of
16 34 whether the benefits and services are provided directly or by
16 35 another person under contract with the local government,
17 1 including providing for the health and safety, education, or
17 2 transportation of the public. A public benefit and service
17 3 includes but is not limited to fire protection and
17 4 suppression, law enforcement, the collection and disposal of
17 5 refuse, the delivery of public water and sewer facilities, and
17 6 ambulance or emergency care.

17 7 7. "Regional development authority" means a council of
17 8 governments established pursuant to chapter 28H or a joint
17 9 planning commission established pursuant to chapter 28I.

17 10 Sec. 19. NEW SECTION. 366.3 PURPOSES.

17 11 1. A strategic development plan shall carry out the
17 12 purposes of this chapter and the requirements of this chapter.

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

17 20 a. Providing a unified physical design for the development
17 21 of the local community.

17 22 b. Encouraging a pattern of compact and contiguous high-
17 23 density development to be guided into appropriate areas.

17 24 c. Establishing an acceptable and consistent level of
17 25 public benefits and services and ensuring timely provision of
17 26 those public benefits and services.

17 27 d. Promoting the adequate provision of employment
17 28 opportunities and the economic health of the local
17 29 governments.

17 30 e. Conserving features of significant statewide or
17 31 regional architectural, cultural, historical, or
17 32 archaeological interest.

- 17 33 f. Protecting life and property from the effects of
17 34 natural hazards and natural disasters, such as flooding,
17 35 winds, and wildfires.
- 18 1 g. Taking into consideration such other matters that may
18 2 be logically related to or form an integral part of a plan for
18 3 the coordinated, efficient, and orderly development of the
18 4 local communities.
- 18 5 h. Providing for a variety of housing choices and assuring
18 6 affordable housing for future population growth.
- 18 7 i. Identifying and protecting farmland, natural areas,
18 8 environmentally sensitive land, historical or cultural areas,
18 9 and critical areas of local or statewide concern.
- 18 10 j. Preventing the occurrence of urban sprawl, including
18 11 the economic, environmental, and social costs that accompany
18 12 urban sprawl, and by encouraging infill development and
18 13 redevelopment of existing urban sites.
- 18 14 k. Allowing local governments to plan for development in a
18 15 comprehensive, orderly, and cooperative manner.
- 18 16 l. Ensuring that adequate basic improvements and public
18 17 benefits and services are provided concurrently with
18 18 development.

18 19 Sec. 20. NEW SECTION. 366.4 LOCAL STRATEGIC DEVELOPMENT
18 20 COMMITTEE.

- 18 21 1. On or before October 1, 2000, a local strategic
18 22 development committee is created within each county which
18 23 shall be composed of the following members:
- 18 24 a. A member of the county board of supervisors appointed
18 25 by the county board of supervisors.
- 18 26 b. The mayor of each participating city as provided in
18 27 this section or the mayor's designee as confirmed by the city
18 28 council.
- 18 29 c. One member appointed by the board of directors of the
18 30 county's soil conservation district or districts, who shall
18 31 represent agricultural interests.
- 18 32 d. Two members appointed by the county board of
18 33 supervisors and one member appointed by the mayor of each of
18 34 the two largest participating cities, to assure broad
18 35 representation of agricultural, environmental, construction,
19 1 educational, and homeowner interests.
- 19 2 e. The mayor of each city which adjoins the county, if the
19 3 city council adopts a resolution declaring that it elects to
19 4 be a participant to the creation of the strategic development
19 5 plan. The mayor shall serve as a nonvoting, ex officio member
19 6 of the committee.
- 19 7 2. a. A city may be excused from voting membership on the
19 8 strategic development committee if the city council adopts a
19 9 resolution declaring that it elects not to participate in
19 10 creating the plan. The city's resolution shall become part of
19 11 the strategic development plan. If a city adopts such a
19 12 resolution, the city shall not exercise jurisdiction within
19 13 its extraterritorial area including as provided in section
19 14 414.23.
- 19 15 b. A city shall not be eligible for voting membership on
19 16 the committee if the city is completely surrounded by one or
19 17 more cities, or by one or more cities and the boundaries of
19 18 another state. The corporate limits of the surrounded city
19 19 shall constitute the boundaries of the city's strategic
19 20 development area and such city shall not be eligible to ratify
19 21 or reject the recommended strategic development plan as
19 22 provided in section 366.6.

19 23 Sec. 21. NEW SECTION. 366.5 STRATEGIC DEVELOPMENT PLAN.

- 19 24 1. A strategic development plan shall govern a strategic
19 25 development area designated within a county as provided in
19 26 this section in order to organize the manner and location of
19 27 future development in a way that carries out the purposes of
19 28 this chapter as provided in section 6C.2 and the purposes of a
19 29 strategic development plan as provided in section 366.3. A

19 30 strategic development plan shall govern a strategic
19 31 preservation area if created in the plan in order to preserve
19 32 prime agricultural land for agricultural production, or
19 33 natural, cultural, or historical areas.

19 34 a. The participants to creation of the strategic
19 35 development plan shall be all of the following:

20 1 (1) The county.

20 2 (2) All cities as provided in section 366.4 which are
20 3 located in the county.

20 4 b. A city that adjoins the county may serve as a
20 5 nonvoting, ex officio member of the committee.

20 6 2. A strategic development plan may rely upon a
20 7 comprehensive plan adopted pursuant to section 335.5 or
20 8 section 414.3, to the extent that the comprehensive plan
20 9 complies with this chapter.

20 10 3. A strategic development plan approved pursuant to this
20 11 chapter shall be the basis for the comprehensive plan of each
20 12 county required pursuant to section 335.5, if the county has
20 13 adopted a zoning ordinance, and for the comprehensive plan of
20 14 each city in the county required pursuant to section 414.3.
20 15 The county and each city shall amend its comprehensive plan as
20 16 necessary to conform to the strategic development plan.

20 17 4. A county and cities are encouraged to continue to plan
20 18 for development and land use jointly and to use the strategic
20 19 development plan as a basis for subsequent joint planning.

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

20 29 a. A strategic development plan may establish one or more
20 30 strategic development areas.

20 31 (1) In establishing a strategic development area, the plan
20 32 shall do all of the following:

20 33 (a) Identify territory that is reasonably compact yet
20 34 sufficiently large to accommodate residential and
20 35 nonresidential growth projected to occur during the next
21 1 twenty years.

21 2 (b) Identify territory that is contiguous to the existing
21 3 boundaries of a city.

21 4 (c) Identify territory that a reasonable and prudent
21 5 person would project as the likely site of high-density
21 6 commercial, industrial, or residential growth over the next
21 7 twenty years based on historical experience, economic trends,
21 8 population growth patterns, topographical characteristics, and
21 9 any professional planning, engineering, and economic studies
21 10 that are available. The city shall report population growth
21 11 projections for the city based upon state and federal census
21 12 data.

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

21 22 b. A strategic development plan may establish one or more
21 23 strategic preservation areas. In establishing a strategic
21 24 preservation area, the plan shall identify territory to be
21 25 preserved for the next twenty years for agricultural purposes,
21 26 forests, recreational areas, wildlife management areas,

21 27 cultural areas, historical areas, or other areas planned for
21 28 preservation.

21 29 Sec. 22. NEW SECTION. 366.6 LOCAL GOVERNMENT ADOPTION OF
21 30 STRATEGIC DEVELOPMENT PLAN.

21 31 1. The local strategic development committee shall
21 32 recommend a strategic development plan that conforms with
21 33 section 366.3.

21 34 2. When designating that part of a strategic development
21 35 area contiguous to a city, the committee shall identify, and
22 1 give consideration to, the amount of territory within the
22 2 current incorporated boundaries of the city that is vacant or
22 3 undeveloped land.

22 4 3. The committee shall conduct a review of existing
22 5 comprehensive plans governing a proposed strategic development
22 6 area or proposed strategic preservation area. The committee
22 7 shall consider proposed strategic development plans submitted
22 8 by a nonvoting, ex officio member serving on the committee as
22 9 provided in section 366.4.

22 10 4. The committee shall utilize planning resources that are
22 11 available within the county, including city and county
22 12 planning commissions and zoning administrators. The committee
22 13 is also encouraged to utilize the services of a regional
22 14 development authority, Iowa state university of science and
22 15 technology, the university of Iowa, and the university of
22 16 northern Iowa.

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

22 24 6. Not later than January 1, 2002, the committee shall
22 25 submit the recommended strategic development plan to the
22 26 county board of supervisors and the city council of each city
22 27 with a voting member on the committee for ratification.

22 28 a. Not later than one hundred twenty days after receiving
22 29 the recommended strategic development plan, the county board
22 30 of supervisors and the city councils shall adopt a resolution
22 31 to either ratify or reject the recommended strategic
22 32 development plan. A city or county that fails to timely act
22 33 on the resolution shall be deemed to have ratified the
22 34 recommended strategic development plan on the last day of the
22 35 one-hundred-twenty-day period. If the strategic development
23 1 plan is ratified, the committee shall file and record the plan
23 2 as provided in section 366.9.

23 3 b. If the county board of supervisors or the city councils
23 4 reject the recommended strategic development plan submitted by
23 5 the committee, the county or city shall submit its objections
23 6 to the plan, as provided by the committee. After receiving
23 7 objections to the plan, the committee may recommend a revised
23 8 strategic development plan. The committee shall submit any
23 9 revised strategic development plan for ratification to the
23 10 county board of supervisors and the city council of each city
23 11 with a voting member on the committee.

23 12 Not later than one hundred twenty days after receiving a
23 13 revised recommended strategic development plan, the county
23 14 board of supervisors and city councils city shall either
23 15 ratify or reject the revised recommended strategic development
23 16 plan in the same manner as provided in paragraph "a". A city
23 17 or county that fails to timely act on a resolution shall be
23 18 deemed to have ratified the recommended strategic development
23 19 plan on the last day of the one-hundred-twenty-day period.

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

23 24 366.7.

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

23 26 1. If a recommended strategic development plan or a
23 27 revised strategic development plan is rejected pursuant to
23 28 section 366.6, the committee shall submit each of the
23 29 considered plans to the land management planning board for
23 30 resolution of the matter. The board shall conduct a hearing
23 31 according to rules of procedure adopted by the board which may
23 32 be the same as provided for a contested case proceeding under
23 33 chapter 17A. At that hearing, persons may appear to propose
23 34 revisions to the plans or to state objections to the plans.

23 35 The board shall review the strategic development plans
24 1 submitted to the committee and shall resolve the dispute by
24 2 approving one of the strategic development plans submitted
24 3 based on the extent to which the plan furthers the purposes of
24 4 chapter 6C and the purposes of the strategic development plan
24 5 as provided in section 366.3.

24 6 2. The land management planning board shall submit to the
24 7 county auditor the strategic development plan approved by the
24 8 board for consideration by the county supervisors and for
24 9 distribution by the county auditor to the city council of each
24 10 city in the county and each city adjoining the county that has
24 11 appointed a member to serve as a nonvoting, ex officio member
24 12 of the local strategic development committee. Such entities
24 13 shall be provided a reasonable time to consider the proposed
24 14 strategic development plan as required by the board.

24 15 The proposed strategic development plan must be approved by
24 16 resolution by the board of supervisors in the county and the
24 17 city council of each city that has a voting member on the
24 18 committee.

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

24 32 Not later than July 1, 2002, the land management planning
24 33 board shall have approved strategic development plans
24 34 submitted to the board for dispute resolution.

24 35 Sec. 24. NEW SECTION. 366.8 JOINT DEVELOPMENT PLAN
25 1 APPROVED BY THE BOARD.

25 2 After a strategic development plan is ratified or approved,
25 3 the participating local governments and any city adjoining the
25 4 county that appointed a member to serve on the local strategic
25 5 development committee shall prepare a joint development plan
25 6 for managing future development within the area in a manner
25 7 consistent with the purposes of this chapter and the strategic
25 8 development plan ratified or adopted pursuant to this section.
25 9 The joint development plan shall describe development planned
25 10 for the strategic development area, including proposed zoning
25 11 classifications, the location of public buildings, and the
25 12 provision of public benefits and services and public
25 13 improvements. The joint development plan may be executed as
25 14 an agreement under chapter 28E.

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

25 17 No later than five days after a strategic development plan
25 18 has been finally ratified as provided in section 366.6 or
25 19 after it has been approved by the land management planning
25 20 board as provided in section 366.8, the local strategic

25 21 development committee shall record a copy of the plan in the
25 22 office of county recorder. The plan shall become effective
25 23 upon its recording with the county recorder.

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

25 26 Sec. 26. NEW SECTION. 366.10 EFFECTIVENESS.

25 27 After a strategic development plan has been recorded with
25 28 the county recorder, the plan shall remain in effect for not
25 29 less than five years absent a showing of extraordinary
25 30 circumstances necessitating a change in the plan. After
25 31 expiration of the five-year period, the county or a member
25 32 city may propose an amendment to the strategic development
25 33 plan or may propose a review of the plan by filing notice with
25 34 the county board of supervisors for the county, the city
25 35 council of each city in the county, and any other member city.
26 1 Upon receipt of such notice by the county and each member
26 2 city, the county board of supervisors shall promptly reconvene
26 3 the local strategic planning committee. The burden of proving
26 4 the reasonableness of a proposed amendment to the plan shall
26 5 be upon the party proposing the amendment. The procedures for
26 6 amending the strategic development plan shall be the same as
26 7 the procedures set forth in this chapter for establishing the
26 8 original strategic development plan.

26 9 Sec. 27. NEW SECTION. 366.11 APPEAL JUDICIAL REVIEW.

26 10 1. The affected county, an affected participating city, a
26 11 resident of such county, or an owner of real property located
26 12 within such county may appeal a decision of the land
26 13 management planning board relating to the strategic
26 14 development plan presented to the board for its approval. A
26 15 resident of the affected county or an owner of real property
26 16 located within such county may appeal the local governments'
26 17 final ratification of a plan. The judicial review provisions
26 18 of this section and chapter 17A shall be the exclusive means
26 19 by which a person or party who is aggrieved or adversely
26 20 affected by action of the board, county, or a city may seek
26 21 judicial review of that board action.

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

26 28 3. The court's review on appeal of a decision is limited
26 29 to questions relating to jurisdiction, regularity of
26 30 proceedings, and whether the decision appealed from is, by a
26 31 preponderance of the evidence, arbitrary, unreasonable, or
26 32 without substantial supporting evidence. The court may
26 33 reverse and remand a decision of the board with appropriate
26 34 directions to the county and the participating cities in order
26 35 to identify and obtain adoption or approval of a growth plan
27 1 in conformance with the procedures set forth in this part.

27 2 4. The filing of a petition for review does not stay the
27 3 effectiveness of the strategic development plan or recognition
27 4 of strategic development areas and strategic preservation
27 5 areas identified in the plan. However, the court may order a
27 6 stay upon appropriate terms if it is shown to the satisfaction
27 7 of the court that any party or the public at large is likely
27 8 to suffer significant injury if a stay is not granted. If
27 9 more than one petition for review regarding a single board
27 10 decision is filed, all such petitions shall be consolidated
27 11 and tried as a single civil action.

27 12 5. The following portions of section 17A.19 are not
27 13 applicable to this chapter:

27 14 a. The portion of subsection 2 relating to where
27 15 proceedings for judicial review shall be instituted.

27 16 b. Subsection 5.

27 17 c. Subsection 8.

27 18 d. Subsections 10 through 12.
27 19 Sec. 28. NEW SECTION. 366.12 LOCAL LEGISLATION.
27 20 1. A city or county may adopt local legislation regulating
27 21 development within its territory in order to carry out the
27 22 purposes of this chapter that is consistent with the strategic
27 23 development plan governing the territory. A city or county
27 24 shall cooperate with any other city or county, which is a
27 25 party to a strategic development plan in adopting local
27 26 legislation regulating development within a strategic
27 27 development area or a strategic preservation area. The local
27 28 legislation may provide for all of the following:

27 29 a. Defraying development costs incurred by the local
27 30 government to the extent determined appropriate by the local
27 31 government. The local legislation may provide for financing
27 32 the construction of basic improvements and the delivery of
27 33 public benefits and services to its territory, including the
27 34 imposition of any impact fees to defray the costs of providing
27 35 off-site or adjacent basic improvements or public benefits and
28 1 services.

28 2 b. Providing for the establishment of conservation
28 3 easements; the acquisition of development rights, including
28 4 the purchase of development rights or the transfer of
28 5 development rights; and development standards.

28 6 2. A local government is under no obligation to provide
28 7 public benefits and services for development that do not
28 8 conform to the local government's strategic development plan.

28 9 Sec. 29. NEW SECTION. 366.13 REGIONAL DEVELOPMENT
28 10 AUTHORITIES.

28 11 A regional development authority shall not provide
28 12 development assistance, including planning, investigations, or
28 13 studies, that is inconsistent with a strategic development
28 14 plan for the area served by the regional development
28 15 authority.

DIVISION III

CITY DEVELOPMENT

28 18 Sec. 30. Section 368.1, subsection 3, Code 1999, is
28 19 amended to read as follows:

28 20 3. "Board" means the

~~city development~~

~~land management~~

28 21 planning board established in section

~~368.9~~

~~6C.5.~~

28 22 Sec. 31. Section 368.1, subsection 6, Code 1999, is
28 23 amended to read as follows:

28 24 6. "Committee" means the board members, and the local
28 25 representatives appointed as provided in

~~sections~~

~~section~~

28 26 368.14

~~and 368.14A~~

~~-, to hear and make a decision on a petition~~

28 27 or plan for city development.

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

28 30 NEW SUBSECTION. 10A. "Municipal services" means benefits
28 31 and services provided by a local government to persons
28 32 residing within the jurisdiction of the local government,
28 33 regardless of whether the benefits and services are provided
28 34 directly or by another person under contract with the local
28 35 government, including providing for the health and safety,
29 1 education, or transportation of the public. Municipal
29 2 services include, but are not limited to, fire protection and

29 3 suppression, law enforcement, the collection and disposal of
29 4 refuse, the delivery of public water and sewer facilities, and
29 5 ambulance or emergency care.

29 6 NEW SUBSECTION. 11A. "Regional development authority"
29 7 means a council of governments established pursuant to chapter
29 8 28H or a joint planning commission established pursuant to
29 9 chapter 28I.

29 10 Sec. 33. Section 368.6, Code 1999, is amended by striking
29 11 the section and inserting in lieu thereof the following:

29 12 368.6 PURPOSE.

29 13 The purpose of this chapter is to establish a process for
29 14 the approval of a petition for city development which is
29 15 consistent with a strategic development plan governing the
29 16 territory and which considers the desire of the residents of
29 17 the territory subject to a boundary change and the interests
29 18 of the residents of all territories affected by city
29 19 development.

29 20 Sec. 34. Section 368.7, subsection 4, unnumbered paragraph
29 21 2, Code 1999, is amended by striking the paragraph.

29 22 Sec. 35. Section 368.7A, subsection 1, Code 1999, is
29 23 amended to read as follows:

29 24 1. The board of supervisors of each affected county shall
29 25 notify the

~~city development~~

~~land management planning board of~~

29 26 the existence of that portion of any secondary road which
29 27 extends to the center line but has not become part of the city
29 28 by annexation and has a common boundary with a city. The
29 29 notification shall include a legal description and a map
29 30 identifying the location of the secondary road. The

~~city~~

29 31

~~development~~

~~land management planning board shall provide~~

29 32 notice and an opportunity to be heard to each city in or next
29 33 to which the secondary road is located. The

~~city development~~

29 34 ~~land management planning board shall certify that the~~
29 35 notification is correct and declare the road, or portion of
30 1 the road extending to the center line, annexed to the city as
30 2 of the date of certification. This section is not intended to
30 3 interfere with or modify existing chapter 28E agreements on
30 4 jurisdictional transfer of roads, or continuing negotiations
30 5 between jurisdictions.

30 6 Sec. 36. Section 368.11, unnumbered paragraph 1, Code
30 7 1999, is amended to read as follows:

30 8 A petition for incorporation, discontinuance, or boundary
30 9 adjustment may be filed with the board by a city council, a
30 10 county board of supervisors, a regional planning authority, or
30 11 five percent of the

~~qualified electors~~

~~registered voters of a~~

30 12 city or territory involved in the proposal. Notice of the
30 13 filing, including a copy of the petition and notice of the
30 14 date and time of the public meeting required in this section,
30 15 must be

~~served~~

~~upon~~

- sent by certified mail to the council of

30 16 each city for which a discontinuance or boundary adjustment is
30 17 proposed, the board of supervisors for each county which
30 18 contains a portion of a city to be discontinued or territory
30 19 to be incorporated, annexed or severed, the council of a city
30 20 if an incorporation includes territory within the city's
30 21 urbanized area,

~~and~~

- any regional planning authority for the

30 22 area involved, and each owner of land in the territory
30 23 including a person who has purchased the land under a real
30 24 estate contract under chapter 656 if the contract is recorded
30 25 with the county recorder.

30 26 Sec. 37. Section [368.11](#), unnumbered paragraph 2, Code
30 27 1999, is amended to read as follows:

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

~~special~~

- local committee pursuant to section

30 35

~~368.14A~~

- [368.14](#).

31 1 Sec. 38. Section [368.11](#), subsection 8, Code 1999, is
31 2 amended to read as follows:

31 3 8.

~~Description~~

- A description of existing municipal

31 4 services, including but not limited to water supply, sewage
31 5 disposal, and fire and police protection and a description of
31 6 planned public improvements in the territory.

31 7 Sec. 39. Section [368.11](#), Code 1999, is amended by adding
31 8 the following new subsection:

31 9 NEW SUBSECTION. 14. A statement describing how the
31 10 boundary adjustment will conform to or further the city's
31 11 strategic development plan.

31 12 Sec. 40. Section [368.12](#), Code 1999, is amended to read as
31 13 follows:

31 14 368.12 DISMISSAL.

31 15 The board may dismiss a petition only if it finds that the
31 16 petition does not meet the requirements of this chapter, or
31 17 that substantially the same incorporation, discontinuance, or
31 18 boundary adjustment has been disapproved by a committee formed
31 19 to consider the proposal, or by the voters, within the two
31 20 years prior to the date the petition is filed with the board,
31 21 or that the territory to be annexed, or a portion of that
31 22 territory, has been voluntarily annexed under section [368.7](#)
31 23 or that the territory to be annexed is not located in the
31 24 strategic development area of the annexing city. The board
31 25 shall file for record a statement of each dismissal and the
31 26 reason for it, and shall promptly notify the parties to the
31 27 proceeding of its decision.

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

31 32 Sec. 41. Section [368.15](#), Code 1999, is amended to read as
31 33 follows:

31 34 368.15 PUBLIC HEARING.

31 35 1. a. The committee shall conduct a public hearing on a
32 1 proposal as soon as practicable. Notice of the hearing must
32 2 be served upon the council of each city for which a
32 3 discontinuance or boundary adjustment is proposed, the county
32 4 board of supervisors for each county which contains a portion
32 5 of a city to be discontinued or territory to be incorporated,
32 6 annexed, or severed, each party to a strategic development
32 7 plan for the area involved prepared pursuant to chapter 366,
32 8 and any regional planning authority for the area involved.
32 9 Notice shall also be sent to all the owners of property
32 10 located within the territory subject to annexation. The
32 11 notice shall also be delivered to each person who has
32 12 purchased land within the territory under a real estate
32 13 contract under chapter 656, if the contract is recorded with
32 14 the county recorder and to all the owners of property
32 15 adjoining property located within the territory subject to
32 16 annexation.

32 17 b. A notice of the hearing, which includes a brief
32 18 description of the proposal and a statement of where the
32 19 petition or plan is available for public inspection, must be
32 20 published as provided in section 362.3, except that there must
32 21 be two publications in a newspaper having general circulation
32 22 in each city and each territory involved in the proposal. Any
32 23 person may submit written briefs, and in the committee's
32 24 discretion, may be heard on the proposal. The board may
32 25 subpoena witnesses and documents relevant to the proposal.

32 26 2. In considering a petition for a boundary adjustment,
32 27 the committee shall receive and weigh evidence of all of the
32 28 following:

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

32 34 b. Whether the petition is based on a voluntary boundary
32 35 adjustment.

33 1 c. The desire of persons residing in the territory to be
33 2 annexed.

33 3 3. If the petition is for an annexation, the board shall
33 4 receive and weigh evidence of all of the following:

33 5 a. Existing and projected commercial and industrial
33 6 development within the territory to be annexed.

33 7 b. Existing and projected population in the territory to
33 8 be annexed.

33 9 c. A plan of annexation which the city must file with the
33 10 petition. The plan of annexation shall include a joint
33 11 development plan for the strategic development area subject to
33 12 annexation as required in section 366.8. The plan of
33 13 annexation shall include a schedule for providing municipal
33 14 services and constructing proposed public improvements. The
33 15 board shall consider the potential effects of extending
33 16 municipal services and constructing proposed public
33 17 improvements as required in the plan of annexation, including
33 18 but not limited to the cost and adequacy of providing,
33 19 existing municipal services and constructing public
33 20 improvements within the territory to be annexed.

33 21 d. The extent of available and suitable developable land
33 22 within the corporate limits of the city.

33 23 e. The extent to which the bounded territory included in
33 24 the proposed annexation is as compact and contiguous to the
33 25 city as possible.

33 26 f. The extent to which a voluntary boundary adjustment was
33 27 attempted.

33 28 Sec. 42. Section 368.17, Code 1999, is amended by adding
33 29 the following new subsection:

33 30 NEW SUBSECTION. 8. An annexation or severance if such

33 31 annexation or severance would be in violation of the strategic
33 32 development plan for the county in which the territory is
33 33 located.

DIVISION IV
MISCELLANEOUS PROVISIONS

34 1 Sec. 43. Section [15.108](#), subsection 3, paragraph a,
34 2 subparagraph (2), Code 1999, is amended to read as follows:
34 3 (2) Provide office space and staff assistance to the city
34 4 development board as provided in section

~~368.9~~

~~6C.5.~~

34 5 Sec. 44. Section [306.9](#), unnumbered paragraph 1, Code 1999,
34 6 is amended to read as follows:

34 7 It is the policy of the state of Iowa that relocation of
34 8 primary highways through cultivated land shall be avoided to
34 9 the maximum extent possible. When the volume of traffic for
34 10 which the road is designed or other conditions, including
34 11 designation as part of the network of commercial and
34 12 industrial highways, require relocation, diagonal routes shall
34 13 be avoided if feasible and prudent alternatives consistent
34 14 with efficient movement of traffic exist. The department
34 15 shall adopt rules pursuant to chapter 17A that establish an
34 16 analytical framework for determining when a primary highway
34 17 must be relocated through cultivated farmland, including by
34 18 using diagonal routes. The rules shall include a detailed
34 19 list of factors for use by the department in completing its
34 20 analysis in compliance with the state's policy.

34 21 Sec. 45. Section [331.304](#), subsection 7, Code 1999, is
34 22 amended to read as follows:

34 23 7. The board may file a petition with the

~~city development~~

34 24 land management planning board as provided in section 368.11.

34 25 Sec. 46. Section [331.321](#), subsection 1, paragraph u, Code
34 26 1999, is amended to read as follows:

34 27 u. Local representatives to serve with the

~~city~~

34 28

~~development~~

~~land management planning~~ board as provided in

34 29 section 368.14.

34 30 Sec. 47. Section [331.507](#), subsection 2, unnumbered
34 31 paragraph 1, Code 1999, is amended to read as follows:

34 32 The auditor

~~is entitled to~~

~~shall~~ collect the following

34 33 fees:

34 34 Sec. 48. Section [331.507](#), subsection 2, paragraph a,
34 35 unnumbered paragraph 1, Code 1999, is amended to read as
35 1 follows:

35 2 For a transfer of property made in the transfer records,

35 3

~~five~~

~~nine~~ dollars for each separate parcel of real estate

35 4 described in a deed, or transfer of title certified by the

35 5 clerk of the district court. However, the fee shall not

35 6 exceed

~~fifty~~

~~fifty-four~~ dollars for a transfer of property

35 7 which is described in one instrument of transfer.
35 8 Sec. 49. Section 331.507, subsection 3, Code 1999, is
35 9 amended to read as follows:
35 10 3. Fees collected

~~or received~~

- by the auditor under this

35 11 section shall be accounted for and paid as follows:

35 12 a. The first five dollars collected under this section for
35 13 each separate parcel of real estate, up to fifty dollars for
35 14 transfers of property described in one instrument shall be
35 15 paid into the county treasury as provided in section 331.902.

35 16 b. The remaining moneys collected under this section shall
35 17 be paid to the department of revenue and finance on a monthly
35 18 basis for deposit in the land management planning fund as
35 19 created in section 6C.7.

35 20 Sec. 50. Section 384.38, subsection 2, Code 1999, is
35 21 amended to read as follows:

35 22 2. Upon petition as provided in section 384.41, subsection
35 23 1, a city may assess to private property affected by public
35 24 improvements within three miles of the city's boundaries the
35 25 cost of construction and repair of public improvements within
35 26 that area. The right-of-way of a railway company shall not be
35 27 assessed unless the company joins as a petitioner for said
35 28 improvements. In the petition the property owners shall waive
35 29 the limitation provided in section 384.62 that an assessment
35 30 may not exceed twenty-five percent of the value of the lot.
35 31 The petition shall contain a statement that the owners agree
35 32 to pay the city an amount equal to five percent of the cost of
35 33 the improvements, to cover administrative expenses incurred by
35 34 the city. This amount may be added to the cost of the
35 35 improvements. Before the council may adopt the resolution of
36 1 necessity, the preliminary resolution, preliminary plans and
36 2 specifications, plat, schedule, and estimate of cost must be
36 3 submitted to, and receive written approval from, the board of
36 4 supervisors of any county which contains part of the property,
36 5 and the city development board established in section

~~368.9~~

36 6 6C.5.

36 7 Sec. 51. Sections 368.4, 368.9, 368.10, and 368.14A, Code
36 8 1999, are repealed.

36 9 Sec. 52. IMPLEMENTATION OF ACT. The fees and funds
36 10 generated as a result of the enactment of this Act are
36 11 intended to cover the costs of any state mandate included in
36 12 this Act and this specification of state funding shall be
36 13 deemed to meet all the state funding-related requirements of
36 14 section 25B.2, subsection 3, and no additional state funding
36 15 shall be necessary for the full implementation of this Act by,
36 16 and enforcement of this Act against, all affected political
36 17 subdivisions.

36 18 Sec. 53. The person appointed by the director of the
36 19 department of economic development to serve on the land
36 20 management planning board as created in section 6C.5, as
36 21 enacted in this Act, shall be a member of the special
36 22 commission to study and make recommendations concerning urban
36 23 planning, growth management of cities, and protection of
36 24 farmland as provided in House Concurrent Resolution 21, as
36 25 passed by the Seventy-sixth General Assembly.

36 26 Sec. 54. EFFECTIVE DATES.

36 27 1. Except as provided in this section, this Act takes
36 28 effect July 1, 2000.

36 29 2. The land management planning board and the state
36 30 strategic development council as created in this Act shall be
36 31 appointed as soon as practical upon the enactment of this Act.
36 32 The entities shall carry out all functions necessary to

36 33 prepare for the administration of this Act beginning July 1,
36 34 2000. This subsection takes effect upon enactment.

36 35 EXPLANATION

37 1 This bill makes changes to the law relating to state and
37 2 local land management planning and development.

37 3 The bill creates the land management planning board, which
37 4 is the current city development board with expanded membership
37 5 and expanded duties. The land management planning board,
37 6 besides being involved with city development and annexation,
37 7 will provide oversight to the state strategic development
37 8 council and will oversee administration of claims
37 9 reimbursement from the land management planning fund to local
37 10 strategic development committees. The land management
37 11 planning fund is created to provide reimbursement to local
37 12 strategic development committees for costs incurred in
37 13 preparing a local strategic development plan. The bill
37 14 increases the fees paid to county auditors when a transfer of
37 15 property is recorded. A portion of the fee is retained by the
37 16 county and a portion is required to be paid over to the
37 17 department of revenue and finance for deposit in the land
37 18 management planning fund.

37 19 The bill establishes the state strategic development
37 20 council which is to oversee planning by state agencies
37 21 involved in major public projects. The bill provides that the
37 22 council shall prepare a state strategic development plan to be
37 23 implemented by state agencies involved with major public
37 24 projects. Membership on the council is composed of
37 25 representatives of the governor's office, the department of
37 26 economic development, the department of natural resources, the
37 27 state department of transportation, the department of
37 28 corrections, the department of general services, and the
37 29 office of the secretary of agriculture. Also, members on the
37 30 council are to include the state historic preservation
37 31 officer, a representative of the board of regents, and four
37 32 members of the general assembly.

37 33 The bill provides that, as of July 1, 2002, a public agency
37 34 may not award certain types of financial assistance to persons
37 35 for use in developing land if the development is not
38 1 consistent with the strategic development plan for the area.

38 2 The bill requires counties to implement a permanent land
38 3 use and natural resources inventory system. Iowa state
38 4 university is designated the repository for county land use
38 5 and natural resources inventories and shall provide computer
38 6 access to the inventories to the extent that moneys are
38 7 appropriated for these purposes. Iowa state university is
38 8 also required to provide technical assistance to counties in
38 9 implementing a permanent land use and natural resources
38 10 inventory system.

38 11 The bill requires each county and certain cities in the
38 12 county to form a strategic development committee by October 1,
38 13 2000, for the purpose of creating a strategic development
38 14 plan. The purpose of the plan is to direct the coordinated,
38 15 efficient, and orderly development of local governments, based
38 16 on an analysis of present and future land use needs. A
38 17 strategic development plan may identify areas for future
38 18 development and may identify strategic preservation areas
38 19 where development would not be allowed to occur. Prior to
38 20 final approval of a strategic development plan, the committee
38 21 is required to hold a public hearing on the proposed plan.
38 22 Plans are to be submitted by the committee to the
38 23 participating cities and county by January 1, 2002, for
38 24 ratification. If a proposed strategic development plan is not
38 25 ratified by the cities and county with membership on the local
38 26 strategic development committee, the plan and any proposed
38 27 changes are forwarded to the land management planning board
38 28 for dispute resolution.

38 29 Plans ratified by the cities and county or approved after

38 30 dispute resolution by the land management planning board are
38 31 to be recorded with the county recorder and filed with the
38 32 land management planning board. A plan does not take effect
38 33 until it is filed with the county recorder. A plan remains in
38 34 effect for five years. The bill provides that the strategic
38 35 development plan shall be the basis for the comprehensive plan
39 1 of the participating cities and county.

39 2 The bill also amends procedures relating to city
39 3 development and annexation. The bill defines "municipal
39 4 services" and "regional development authority" for purposes of
39 5 city development.

39 6 The bill amends the procedure for involuntary annexations
39 7 to provide that notice of the filing of an annexation petition
39 8 must include the date and time of the public meeting required
39 9 to be held on the petition. The notice must be sent by
39 10 certified mail. The bill provides that the owner of land
39 11 includes a person who has purchased land under a real estate
39 12 contract if the contract is recorded with the county recorder.

39 13 The bill amends the reasons for which the land management
39 14 planning board must dismiss a petition for involuntary
39 15 annexation to include that the area proposed to be annexed is
39 16 not located in a strategic development area. The bill also
39 17 provides that the board shall hear objections to a petition
39 18 from the county in which the territory to be annexed is
39 19 located and from any other county that participated in
39 20 creation of the strategic development plan which governs the
39 21 territory.

39 22 The bill provides that a local committee appointed to
39 23 consider an involuntary annexation petition shall consider as
39 24 evidence the potential effect of the boundary adjustment on
39 25 the provision of municipal services and the effect on other
39 26 local governments including future revenues of affected local
39 27 governments and the desire of persons residing in the
39 28 territory to be annexed.

39 29 The bill provides that a committee may not approve an
39 30 annexation or severance if such action would be in violation
39 31 of the strategic development plan for the county where the
39 32 territory to be annexed is located.

39 33 The bill repeals the section of the Code that required a
39 34 special local committee be appointed to consider competing
39 35 annexation petitions or plans, leaving the local committee to
40 1 consider such petitions or plans.

40 2 The bill is amended to require the state department of
40 3 transportation adopt rules establishing factors which must be
40 4 analyzed when determining when a primary highway must be
40 5 relocated through cultivated farmland.

40 6 The bill takes effect July 1, 2000. The bill directs,
40 7 however, that the portion of the bill requiring appointment of
40 8 members to the land management planning board and the state
40 9 strategic development council take effect upon enactment.

40 10 LSB 6839XC 78

40 11 sc/cf/24