

MAR 5 2004
Place On Calendar

HOUSE FILE 2472
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 488)

(SUCCESSOR TO HF 258)

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

A BILL FOR

1 An Act relating to comprehensive plans used by cities and
2 counties when developing zoning regulations and including an
3 applicability provision.

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

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HF 2472

1 Section 1. NEW SECTION. 335.5A COMPREHENSIVE PLAN.

2 1. A comprehensive plan is a compilation of policy
3 statements, statements of goals, standards, and maps for each
4 of the elements of the plan. A comprehensive plan shall be
5 used to guide the physical, social, and economic development
6 of a county and its environs and to guide the future
7 development of public and private property. A comprehensive
8 plan represents the county's intent for future development of
9 the county and shall contain recommendations for plan
10 execution. A comprehensive plan may include, but is not
11 limited to, the following elements:

12 a. A land use element designating types of land uses in
13 the county. The element shall meet one or more of the
14 following requirements:

15 (1) Contain a listing of the amount, type, intensity, and
16 net density of existing uses of land in the county, such as
17 agricultural, residential, commercial, industrial, and other
18 public and private uses and contain proposed densities for
19 development.

20 (2) Include an analysis of trends in the supply, demand,
21 and price of land in the county; opportunities for
22 redevelopment; and existing and potential land use conflicts.

23 (3) Include designations of boundaries of areas reserved
24 for purposes of soil conservation, water supply conservation,
25 flood control, and surface water drainage and removal,
26 including appropriate policies protecting such areas against
27 encroachment by buildings, other physical structures, and
28 facilities.

29 b. A housing element addressing the provision of an
30 adequate housing supply that meets existing and forecasted
31 housing demand in the county. The element shall meet one or
32 more of the following requirements:

33 (1) Include an assessment of the age, structural, value,
34 and occupancy characteristics of the county's housing stock.

35 (2) Identify specific policies and programs that promote

1 the development of housing for residents of the county and a
2 range of housing choices that meet the needs of persons of all
3 income levels.

4 (3) Identify policies and programs that maintain or
5 rehabilitate the county's existing housing stock.

6 c. A utilities element to guide future development of
7 utilities such as sanitary sewer service, storm water
8 management, water supply, solid waste disposal, on-site
9 wastewater treatment technologies, recycling facilities,
10 telecommunications facilities, power generating plants, and
11 transmission lines. The element shall meet one or more of the
12 following requirements:

13 (1) Include a description of the location, use, and
14 capacity of existing public utilities that serve the county
15 and any city in the county if such utility is located outside
16 the city served.

17 (2) Include an approximate timetable that forecasts the
18 need in the county to expand or rehabilitate existing
19 utilities or to create new utilities.

20 (3) Include as assessment of future needs for government
21 services in the county related to such utilities.

22 d. A community facilities element to guide future
23 development of community facilities in the county such as
24 recreational, educational, and cultural facilities;
25 cemeteries; health care facilities and child care facilities;
26 police, fire, and rescue facilities; and libraries, schools,
27 and other governmental facilities. The element shall meet one
28 or more of the following requirements:

29 (1) Include a description of the location, use, and
30 capacity of existing community facilities that serve the
31 county.

32 (2) Include an approximate timetable that forecasts the
33 need in the county to expand or rehabilitate existing
34 facilities or to create new facilities.

35 (3) Include an assessment of future needs for government

1 services in the county that are related to such facilities.

2 e. A transportation element addressing various modes of
3 transportation, such as streets, roads, highways, and
4 interstate highways, mass transit, railroads, air
5 transportation, trucking, and water transportation.

6 f. An agricultural, natural, historical, and cultural
7 resources element addressing the conservation and effective
8 management of natural resources such as groundwater, forests,
9 productive agricultural areas, environmentally sensitive
10 areas, threatened and endangered species, stream corridors,
11 surface water, floodplains, wetlands, wildlife habitat, open
12 spaces, parks, features of architectural or archaeological
13 interest, and other natural, historical, and cultural
14 resources.

15 2. It is intended that a comprehensive plan, at a minimum,
16 shall encourage a pattern of orderly development in areas of
17 the county identified for commercial, industrial, and
18 residential development; promote employment opportunities and
19 the economic health of the county; address a variety of
20 housing choices within the county, including affordable
21 housing for future population growth; identify and promote
22 conservation of natural resource areas, environmentally
23 sensitive land, and features of significant local, statewide,
24 or regional architectural, cultural, historical, or
25 archaeological interest; encourage preservation of land
26 identified by the county as prime agricultural land for use in
27 agricultural production; strive to balance the need for land
28 management regulations with the protection of private property
29 rights; promote the efficient use of infrastructure and the
30 provision of adequate services concurrently with development;
31 and take into consideration such other matters that are
32 related to the coordinated, efficient, and orderly development
33 of the county.

34 Sec. 2. NEW SECTION. 414.3A COMPREHENSIVE PLAN.

35 1. A comprehensive plan is a compilation of policy

1 statements, statements of goals, standards, and maps for each
2 of the elements of the plan. A comprehensive plan shall be
3 used to guide the physical, social, and economic development
4 of a city and its environs and to guide the future development
5 of public and private property. A comprehensive plan
6 represents the city's intent for future development of the
7 city and shall contain recommendations for plan execution. A
8 comprehensive plan may include, but is not limited to, the
9 following elements:

10 a. A land use element designating types of land uses in
11 the city. The element shall meet one or more of the following
12 requirements:

13 (1) Contain a listing of the amount, type, intensity, and
14 net density of existing uses of land in the city, such as
15 residential, commercial, industrial, and other public and
16 private uses and contain proposed densities for development.

17 (2) Include an analysis of trends in the supply, demand,
18 and price of land in the city; opportunities for
19 redevelopment; and existing and potential land use conflicts.

20 (3) Include designations of boundaries of areas reserved
21 for purposes of soil conservation, water supply conservation,
22 flood control, and surface water drainage and removal,
23 including appropriate policies protecting such areas against
24 encroachment by buildings, other physical structures, and
25 facilities.

26 b. A housing element addressing the provision of an
27 adequate housing supply that meets existing and forecasted
28 housing demand in the city. The element shall meet one or
29 more of the following requirements:

30 (1) Include an assessment of the age, structural, value,
31 and occupancy characteristics of the city's housing stock.

32 (2) Identify specific policies and programs that promote
33 the development of housing for residents of the city and a
34 range of housing choices that meet the needs of persons of all
35 income levels.

1 (3) Identify policies and programs that maintain or
2 rehabilitate the city's existing housing stock.

3 c. A utilities element to guide future development of
4 utilities such as sanitary sewer service, storm water
5 management, water supply, solid waste disposal, on-site
6 wastewater treatment technologies, recycling facilities,
7 telecommunications facilities, power generating plants, and
8 transmission lines. The element shall meet one or more of the
9 following requirements:

10 (1) Include a description of the location, use, and
11 capacity of existing public utilities that serve the city.

12 (2) Include an approximate timetable that forecasts the
13 need in the city to expand or rehabilitate existing utilities
14 or to create new utilities.

15 (3) Include an assessment of future needs for government
16 services in the city related to such utilities.

17 d. A community facilities element to guide future
18 development of community facilities in the city such as
19 recreational, educational, and cultural facilities;
20 cemeteries; health care facilities and child care facilities;
21 police, fire, and rescue facilities; and libraries, schools,
22 and other governmental facilities. The element shall meet one
23 or more of the following requirements:

24 (1) Include a description of the location, use, and
25 capacity of existing community facilities that serve the city.

26 (2) Include an approximate timetable that forecasts the
27 need in the city to expand or rehabilitate existing facilities
28 or to create new facilities.

29 (3) Include an assessment of future needs for government
30 services in the city that are related to such facilities.

31 e. A transportation element addressing various modes of
32 transportation, such as streets, roads, highways, and
33 interstate highways, mass transit, railroads, air
34 transportation, trucking, and water transportation.

35 f. A natural, historical, and cultural resources element

1 addressing open spaces, parks, features of architectural and
2 archaeological interest, and other natural, historical, and
3 cultural resources.

4 2. It is intended that a comprehensive plan, at a minimum,
5 shall encourage a pattern of orderly development in areas of
6 the city identified for commercial, industrial, and
7 residential development; promote employment opportunities and
8 the economic health of the city; address a variety of housing
9 choices within the city, including affordable housing for
10 future population growth; identify and promote conservation of
11 natural resource areas, environmentally sensitive land, and
12 features of significant local, statewide, or regional
13 architectural, cultural, historical, or archaeological
14 interest; strive to balance the need for land management
15 regulations with the protection of private property rights;
16 promote the efficient use of infrastructure and the provision
17 of adequate services concurrently with development; and take
18 into consideration such other matters that are related to the
19 coordinated, efficient, and orderly development of the city.

20 Sec. 3. APPLICABILITY DATE. This Act applies to
21 comprehensive plans first developed, or existing comprehensive
22 plans amended, on or after July 1, 2004.

23 EXPLANATION

24 Current law requires that city or county zoning regulations
25 shall be made in accordance with a comprehensive plan. This
26 bill defines comprehensive plan and specifies elements that
27 may be included in a comprehensive plan. Those elements may
28 include, but are not limited to, the following:

- 29 1. A land use element.
- 30 2. A housing element.
- 31 3. A utilities element.
- 32 4. A community facilities element.
- 33 5. A transportation element.
- 34 6. An agricultural (counties only), natural, historical,
35 and cultural resources element.

1 The bill also provides intent language relating to the
2 purposes of a comprehensive plan.

3 The bill applies to comprehensive plans first developed, or
4 existing plans amended, on or after July 1, 2004.

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HOUSE FILE 2472**H-8307**

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, line 13, by striking the words "shall
3 meet" and inserting the following: "may contain or
4 include".
- 5 2. Page 1, line 14, by striking the word
6 "requirements".
- 7 3. Page 1, by striking lines 21 and 22, and
8 inserting the following: "and price of land in the
9 county.
- 10 (3) Include a listing of opportunities for
11 redevelopment.
- 12 (4) Include a listing of existing and potential
13 land use conflicts.
- 14 (5) Include a future land use map."
- 15 4. Page 1, line 23, by striking the figure "(3)"
16 and inserting the following: "(6)".
- 17 5. Page 1, line 31, by striking the words "shall
18 meet" and inserting the following: "may include or
19 identify".
- 20 6. Page 1, line 32, by striking the word
21 "requirements".
- 22 7. Page 1, by striking lines 33 and 34, and
23 inserting the following:
- 24 "(1) Include an assessment of the county's housing
25 stock, which assessment may include age, structural,
26 value, and occupancy characteristics."
- 27 8. Page 2, line 11, by striking the words "shall
28 meet" and inserting the following: "may include".
- 29 9. Page 2, line 12, by striking the word
30 "requirements".
- 31 10. Page 2, line 27, by striking the words "shall
32 meet" and inserting the following: "may include".
- 33 11. Page 2, line 28, by striking the word
34 "requirements".
- 35 12. Page 3, lines 15 and 16, by striking the
36 words "plan, at a minimum, shall" and inserting the
37 following: "plan may".
- 38 13. Page 3, by striking lines 27 through 29 and
39 inserting the following: "agricultural production;
40 promote the efficient use of infrastructure and the".
- 41 14. Page 4, line 11, by striking the words "shall
42 meet" and inserting the following: "may contain or
43 include".
- 44 15. Page 4, line 12, by striking the word
45 "requirements".
- 46 16. Page 4, by striking lines 18 and 19, and
47 inserting the following: "and price of land in the
48 county.
- 49 (3) Include a listing of opportunities for
50 redevelopment.

H-8307

H-8307

Page 2

- 1 (4) Include a listing of existing and potential
2 land use conflicts.
- 3 (5) Include a future land use map."
- 4 17. Page 4, line 20, by striking the figure "(3)"
5 and inserting the following: "(6)".
- 6 18. Page 4, line 28, by striking the words "shall
7 meet" and inserting the following: "may include or
8 identify".
- 9 19. Page 4, line 29, by striking the word
10 "requirements".
- 11 20. Page 4, by striking lines 30 and 31, and
12 inserting the following:
- 13 "(1) Include an assessment of the city's housing
14 stock, which assessment may include age, structural,
15 value, and occupancy characteristics."
- 16 21. Page 5, line 8, by striking the words "shall
17 meet" and inserting the following: "may include".
- 18 22. Page 5, line 9, by striking the word
19 "requirements".
- 20 23. Page 5, line 22, by striking the words "shall
21 meet" and inserting the following: "may include".
- 22 24. Page 5, line 23, by striking the word
23 "requirements".
- 24 25. Page 6, lines 4 and 5, by striking the words
25 "plan, at a minimum, shall" and inserting the
26 following: "plan may".
- 27 26. Page 6, by striking lines 14 and 15, and
28 inserting the following: "interest;".
- 29 27. By renumbering and correcting internal
30 references as necessary.

By FALLON of Polk**H-8307 FILED MARCH 23, 2004**