

Senate File 28 - Introduced

SENATE FILE 28

BY JOCHUM

A BILL FOR

1 An Act relating to local and regional planning and establishing
2 a state office of planning and geographic information
3 systems within the department of economic development and
4 making appropriations.

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

1 Section 1. NEW SECTION. 15.221 Office of planning and
2 geographic information systems created — appropriation.

3 1. An office of planning and geographic information systems
4 is created within the department of economic development
5 responsible for developing the state's interest in coordinated
6 and integrated local and regional land use planning, and for
7 administering a statewide geographic information and data
8 system. The duties of the office shall include all of the
9 following:

10 a. Planning coordination for which the office shall do all
11 of the following:

12 (1) Develop and coordinate smart planning educational
13 programming for planning professionals, elected officials, and
14 the public, as approved by the coordinating council created in
15 section 15.222.

16 (2) Establish a publicly accessible electronic repository
17 for local and regional comprehensive plans.

18 (3) Provide an annual smart planning report to the governor
19 and general assembly by November 1.

20 (4) Administer and deliver smart planning technical and
21 financial assistance to regional organizations and local
22 governments.

23 (5) Establish an appeals process to allow for the review of
24 local comprehensive plans for qualification as a smart plan as
25 set out in section 28H.3, subsection 6.

26 (6) Work with other state agencies to incorporate the smart
27 planning principles set out in section 18B.1 into new and
28 existing programs, including the state's enterprise strategic
29 planning process, with consideration for providing incentives
30 for the use of smart planning principles.

31 (7) Provide staff support to the coordinating council for
32 the office of planning and geographic information systems.

33 (8) Provide staff support to the Iowa smart planning task
34 force established by 2010 Iowa Acts, chapter 1184, section
35 25, through December 31, 2012, in collaboration with the Iowa

1 association of regional councils, as organized by the councils
2 of governments established under chapter 28H.

3 *b.* The development of geographic information and data
4 management systems which shall include all of the following:

5 (1) Development and maintenance of a centralized geographic
6 information system enterprise and data distribution network.

7 (2) Provision of technical assistance to local, regional,
8 and state geographic information systems providers and users.

9 (3) Creation of standards for geographic information
10 systems and data for the centralized network.

11 2. Four full-time equivalent positions shall be designated
12 for this office commencing with the fiscal year beginning July
13 1, 2011. There is annually appropriated from the general
14 fund of the state four hundred fifty thousand dollars to the
15 department of economic development for the operation of this
16 office.

17 Sec. 2. NEW SECTION. 15.222 **Coordinating council created.**

18 1. A coordinating council is created for the office of
19 planning and geographic information systems which shall consist
20 of the following twenty-one members:

21 *a.* One representative selected by the Iowa league of cities,
22 from a city having a population of five thousand or less
23 according to the most recent certified federal census.

24 *b.* One representative selected by the Iowa league of cities,
25 from a city having a population of more than five thousand and
26 less than twenty-five thousand according to the most recent
27 certified federal census.

28 *c.* One representative selected by the Iowa league of cities,
29 from a city having a population of twenty-five thousand or more
30 according to the most recent certified federal census.

31 *d.* One representative selected by the Iowa state association
32 of counties from a rural county not considered part of a
33 metropolitan statistical area according to the most recent
34 certified federal census.

35 *e.* One representative selected by the Iowa state association

1 of counties from an urban county considered part of a
2 metropolitan statistical area according to the most recent
3 certified federal census.

4 *f.* One representative selected by the Iowa association of
5 regional councils, as organized by the councils of governments
6 established under chapter 28H.

7 *g.* One representative from the state university of Iowa
8 selected by the university president.

9 *h.* One representative from the Iowa state university of
10 science and technology selected by the university president.

11 *i.* One representative from the university of northern Iowa
12 selected by the university president.

13 *j.* The directors or administrators or their representatives
14 from the following departments or divisions:

15 (1) Department of agriculture and land stewardship.

16 (2) Department of cultural affairs.

17 (3) Department of economic development.

18 (4) Department of management.

19 (5) Department of natural resources.

20 (6) Department of transportation.

21 (7) Homeland security and emergency management division of
22 the department of public defense.

23 *k.* Five representatives appointed by the governor.

24 2. The appointments made by the Iowa league of cities, Iowa
25 state association of counties, Iowa association of regional
26 councils, and governor shall be coordinated so that appointees
27 are appointed to three-year staggered terms and there is broad
28 geographic representation from around the state.

29 3. The council shall meet annually in May for the purpose of
30 electing one of its members as chairperson.

31 **Sec. 3. NEW SECTION. 15.223 Duties of the coordinating**
32 **council.**

33 The coordinating council shall do all of the following:

34 1. Establish priorities for the office of planning and
35 geographic information systems.

1 2. Make investment decisions relating to state funding
2 support for the office and for local smart plan development and
3 implementation.

4 3. Establish criteria for implementation of a statewide
5 geographic information system.

6 4. Establish technical advisory committees as necessary.

7 5. Review and qualify regional smart plans.

8 Sec. 4. NEW SECTION. 15.224 Local planning grant program
9 — appropriation.

10 1. The office of planning and geographic information
11 systems shall establish and administer a local planning grant
12 program to assist cities and counties in the development and
13 updating of local comprehensive plans. The grant program shall
14 require a local match of funding provided by the program.

15 2. Plans funded through this grant program shall
16 incorporate and be based upon the Iowa smart planning
17 principles set out in section 18B.1 and follow local
18 comprehensive planning and development guidelines as specified
19 in section 18B.2.

20 3. No more than one-half of the funds may be used to support
21 development of detailed implementation plans within five years
22 of adoption of a local comprehensive plan that incorporates the
23 smart planning principles and follows state guidance found in
24 sections 18B.1 and 18B.2.

25 4. The office shall encourage the development and updating
26 of multijurisdictional plans.

27 5. Commencing with the fiscal year beginning July 1, 2011,
28 there is annually appropriated from the general fund of the
29 state to the office five hundred thousand dollars for the
30 operation of this grant program.

31 Sec. 5. NEW SECTION. 15.225 Smart planning education
32 program.

33 1. A fund is established under the control of the office
34 of planning and geographic information systems to support the
35 development of a program to make smart planning educational

1 materials, workshops, and other necessary activities available
2 to professional planners, elected officials, and other
3 interested persons. The program shall be developed through
4 collaboration among the office, the Iowa league of cities, the
5 Iowa state association of counties, the Iowa association of
6 regional councils, and the three regents universities.

7 2. Programming shall focus on the benefits of smart planning
8 for cities, counties, and regional planning organizations, and
9 the components of smart planning in terms of plan elements and
10 plan implementation.

11 3. Programming shall reflect the Iowa smart planning
12 principles set out in section 18B.1.

13 4. The office shall develop and gather information and
14 examples which delineate the smart planning process and smart
15 planning principles. The office shall administer, gather, and
16 make accessible all of the following types of materials:

17 a. Model plans, ordinances, zoning codes, energy codes,
18 building codes, and permitting mechanisms.

19 b. Model regulatory mechanisms.

20 c. Examples of best practices and lessons learned from poor
21 planning and development decisions.

22 d. A clearinghouse of grant opportunities and contact
23 information for further assistance.

24 e. A menu of low-cost planning services available to cities,
25 counties, and regional planning organizations through nonprofit
26 and private organizations.

27 Sec. 6. Section 28H.1, Code 2011, is amended by adding the
28 following new unnumbered paragraphs:

29 NEW UNNUMBERED PARAGRAPH. A regional planning and
30 implementation entity shall be established or identified to
31 incorporate Boone, Dallas, Jasper, Marion, Polk, Story, and
32 Warren counties by January 1, 2015.

33 NEW UNNUMBERED PARAGRAPH. There is annually appropriated
34 seven hundred twenty thousand dollars from the state general
35 fund to the department of economic development for the support

1 of regional planning administration, including local plan
2 review and regional plan development, commencing with the
3 fiscal year beginning July 1, 2011. These funds shall be
4 distributed to each region in the amount of forty thousand
5 dollars per region, and forty thousand dollars shall be
6 distributed to the regional planning and implementation entity
7 serving Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
8 counties once such an entity is identified.

9 Sec. 7. Section 28H.3, Code 2011, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 5. Prepare a regional comprehensive plan
12 which shall be updated every five years. The plan shall be
13 subject to the review and approval of the office of planning
14 and geographic information systems created in section 18C.1,
15 and shall do all of the following:

16 a. Integrate the Iowa smart planning principles set out in
17 and follow the local comprehensive planning guidance provided
18 under section 18B.1.

19 b. Integrate the watershed goals and strategies, developed
20 by the department of natural resources set out in section
21 466B.33, for any overlaying river basin or river region.

22 c. Outline a process for cooperation, collaboration,
23 and decision making between member governments for
24 multijurisdictional projects and programs.

25 NEW SUBSECTION. 6. Establish a planning review committee.

26 a. A planning review committee shall consist of seven to
27 fifteen members. All members shall be Iowa residents. Members
28 may be selected to represent, but shall not be limited to, the
29 following groups or entities:

30 (1) City and county planning and zoning officials.

31 (2) City and county elected officials.

32 (3) Watershed planning entities.

33 (4) Real estate professionals.

34 (5) Developers of real property.

35 (6) Economic development organizations.

1 (7) Environmental organizations.

2 b. A planning review committee shall do all of the
3 following:

4 (1) Review local comprehensive plans for consistency with
5 the regional comprehensive plan, and provide member governments
6 with nonbinding guidance on the plans.

7 (2) Upon request by a local government, review local
8 comprehensive plans for qualification as a smart plan, on
9 behalf of the office of planning and geographic information
10 systems created in section 15.221. A local comprehensive plan
11 shall be deemed qualified as a smart plan if the plan meets all
12 of the following criteria:

13 (a) Contains all of the comprehensive planning elements
14 referred to in section 18B.2, subsection 2.

15 (b) Addresses the prevention of, response to, and recovery
16 from catastrophic flooding.

17 (c) Considers all of the smart planning principles set out
18 in section 18B.1.

19 (3) Provides a letter of qualification to cities and
20 counties that are determined to have adopted a smart plan.

21 NEW SUBSECTION. 7. Annually measure and submit all
22 requested smart planning benchmark data to the office of
23 planning and geographic information systems.

24 Sec. 8. Section 466B.3, Code 2011, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 7. *Staffing of councils.* The department of
27 natural resources shall assist in staffing the water resources
28 coordinating council and the watershed planning advisory
29 council established in section 466B.31.

30 Sec. 9. Section 466B.31, subsection 2, paragraph a, Code
31 2011, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (17) One member selected by the Iowa
33 association of regional councils, as organized by the councils
34 of governments established under chapter 28H.

35 Sec. 10. NEW SECTION. 466B.33 **Watershed goals and**

1 **strategies.**

2 The department of natural resources, in collaboration
3 with the department of agriculture and land stewardship, the
4 United States natural resource conservation service, the Iowa
5 flood center, and the United States army corps of engineers,
6 shall create goals and strategies relating to soil and water
7 resources within watersheds useful to local and regional
8 planning efforts.

9 EXPLANATION

10 This bill relates to local and regional planning and
11 establishes an office of planning and geographic information
12 systems. The new office of planning and geographic information
13 systems, within the department of economic development, will be
14 responsible for developing the state's interest in local and
15 regional land use planning, and for administering a statewide
16 geographic information and data system. The bill assigns
17 duties for the office, including planning coordination and
18 geographic information systems and data management.

19 The planning coordination duties of the office include
20 the development and coordination of educational programming,
21 establishment of a repository of comprehensive plans, annual
22 reporting to the governor and general assembly, collaboration
23 with other state agencies to incorporate smart planning
24 principles in new and existing programming, establishment of
25 internal procedures, provision of support staff to the office's
26 coordinating council, and the provision of support staff to
27 the Iowa smart planning task force until the task force is
28 dissolved in December 2012.

29 The bill specifies that the duties of the office relating
30 to geographic information systems and data management include
31 the development and maintenance of a centralized geographic
32 information system enterprise and data distribution network,
33 the provision of technical assistance to local, regional, and
34 state users, and the creation of standards for the centralized
35 network.

1 The bill creates four full-time equivalent positions within
2 the office and allocates \$450,000 annually to the department of
3 economic development for the operation of the office.

4 The bill also creates the office's coordinating council,
5 consisting of 21 members with members selected by the Iowa
6 league of cities to represent one small city, one medium-sized
7 city, and one large city; members selected by the Iowa
8 association of counties to represent one rural and one urban
9 county; a member selected by the Iowa association of regional
10 councils; members selected by the presidents of the three
11 regents universities; members representing the departments of
12 agriculture and land stewardship, cultural affairs, economic
13 development, management, natural resources, and transportation,
14 and the homeland security and emergency management division of
15 the department of public defense, and members appointed by the
16 governor. Members are appointed to serve three-year staggered
17 terms from all geographic regions of the state.

18 The bill requires that the council establish priorities
19 for the office, make investment decisions, establish criteria
20 for the implementation of a statewide geographic information
21 system, establish technical advisory committees, and review and
22 qualify regional smart comprehensive plans.

23 The bill establishes a local planning grant program
24 within the office. The program is meant to assist cities and
25 counties in developing or updating local comprehensive plans.
26 The program requires that funds be used in the creation or
27 updating of a smart plan. Some funds may also be used for the
28 administration of these plans. The bill requires the office
29 to encourage multijurisdictional plans. The bill makes an
30 award appropriation of \$500,000 from the general fund for the
31 operation of this program.

32 The bill creates a smart planning education program,
33 and establishes a fund to develop educational materials
34 for professional planners and local elected officials. The
35 materials must focus on the benefits of smart planning to

1 communities and gather examples for dissemination. The
2 program, under the authority of the office, must be developed
3 in coordination with the Iowa league of cities, the Iowa state
4 association of counties, the Iowa association of regional
5 councils, and the three regents universities.

6 In relation to councils of governments, the bill requires
7 that Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
8 counties be incorporated into a regional planning entity
9 by January 1, 2015. The bill also provides an annual
10 appropriation of \$720,000 to the department of economic
11 development from the general fund for the support of regional
12 planning and administration. The bill requires that these
13 funds be distributed to each existing region, and once
14 identified to the region incorporating Boone, Dallas, Jasper,
15 Marion, Polk, Story, and Warren counties.

16 The bill requires councils of governments to prepare
17 regional comprehensive plans, integrate smart planning
18 principles, integrate watershed goals and strategies, and
19 outline processes for cooperation between member governments.

20 The bill requires that councils of governments establish
21 planning review committees. The bill describes particular
22 groups that may serve on these review committees.
23 Representatives may include city and county planning and zoning
24 officials, city and county elected officials, individuals
25 from watershed planning entities, real estate professionals,
26 developers, individuals from economic development
27 organizations, or individuals from environmental organizations.

28 The bill may include a state mandate as defined in Code
29 section 25B.3.

30 The bill sets out the duties of these planning review
31 committees to include the review of local comprehensive plans
32 for consistency with the regional comprehensive plan, the
33 provision of nonbinding guidance upon completion of such
34 review, the review of local smart plans, and the provision of
35 letters of qualification to cities and counties determined to

1 have adopted a smart plan.

2 The bill further requires that councils of governments
3 provide the office with all requested data related to smart
4 planning benchmarks.

5 The bill requires that the department of natural resources
6 staff both the water resources coordinating council and the
7 watershed planning advisory council.

8 The watershed planning advisory council is expanded by
9 one member to include a representative selected by the Iowa
10 association of regional councils.

11 The bill creates a new Code section for the establishment of
12 watershed goals and strategies, requiring that the department
13 of natural resources in collaboration with the department of
14 agriculture and land stewardship, the United States natural
15 resource conservation service, the Iowa flood center, and
16 the United States army corps of engineers develop goals and
17 strategies for local and regional planning efforts, relating to
18 soil and water resources of watersheds.