Such funds shall be coupled with the remaining unobligated balance of up to one million five hundred thousand dollars from the appropriation made in 2009 Iowa Acts, chapter 184, section 1, subsection 12, paragraph "a", for a total commitment of three million five hundred thousand dollars for the fiscal year beginning July 1, 2010, and ending June 30, 2011, for matching federal funding available through the Passenger Rail Investment and Improvement Act of 2008.

DIVISION VII
SMART PLANNING

Sec. 17. NEW SECTION. 18B.1 Iowa smart planning principles.

State agencies, local governments, and other public entities shall consider and may apply the following principles during deliberation of all appropriate planning, zoning, development, and resource management decisions, except that nothing in this section shall be construed to expand the eminent domain authority of a state agency, local government, or other public entity beyond that which is authorized under chapter 6A or 6B:

1. Collaboration. Governmental, community, and individual stakeholders, including those outside the jurisdiction of the entity, are encouraged to be involved and provide comment during deliberation of planning, zoning, development, and resource management decisions and during implementation of such decisions. The state agency, local government, or other public entity is encouraged to develop and implement a strategy to facilitate such participation.

2. Efficiency, transparency, and consistency. Planning, zoning, development, and resource management should be undertaken to provide efficient, transparent, and consistent outcomes. Individuals, communities, regions, and governmental entities should share in the responsibility to promote the equitable distribution of development benefits and costs.

3. Clean, renewable, and efficient energy. Planning, zoning, development, and resource management should be undertaken to promote clean and renewable energy use and increased energy efficiency.

4. Occupational diversity. Planning, zoning, development, and resource management should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near
existing housing, infrastructure, and transportation.

5. *Revitalization*. Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

6. *Housing diversity*. Planning, zoning, development, and resource management should encourage diversity in the types of available housing, support the rehabilitation of existing housing, and promote the location of housing near public transportation and employment centers.

7. *Community character*. Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should respond to local values regarding the physical character of the community.

8. *Natural resources and agricultural protection*. Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes, and should increase the availability of open spaces and recreational facilities.

9. *Sustainable design*. Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.

10. *Transportation diversity*. Planning, zoning, development, and resource management should promote expanded transportation options for residents of the community. Consideration should be given to transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality.

Sec. 18. **NEW SECTION.** 18B.2 Local comprehensive planning and development guidelines.

1. For the purposes of this chapter, unless the context otherwise requires:
   a. (1) "*Development*" means any of the following:
      (a) Construction, reconstruction, renovation, mining,
extraction, dredging, filling, excavation, or drilling activity or operation.

(b) Man-made changes in the use or appearance of any structure or in the land itself.

(c) The division or subdivision of land.

(d) Any change in the intensity of use or the use of land.

(2) "Development" does not include any of the following:

(a) Activities on or uses of agricultural land, farm houses, or agricultural buildings or structures, unless such buildings or structures are located in the flood plain of a river or stream.

(b) Installation, operation, and maintenance of soil and water conservation practices.

(c) The choice of crops or a change in the choice of crops on agricultural land.

b. "Land development regulations" means zoning, subdivision, site plan, corridor map, floodplain or storm water ordinances, rules, or regulations, or other governmental controls that affect the use of property.

(c) "Municipality" means a city or a county.

2. A municipality shall consider the smart planning principles under section 18B.1 and may include the following information, if applicable, when developing or amending a comprehensive plan under chapter 335 or chapter 414 or when developing or amending other local land development regulations:

a. Information relating to public participation during the creation of the comprehensive plan or land development regulations, including documentation of the public participation process, a compilation of objectives, policies, and goals identified in the public comment received, and identification of the groups or individuals comprising any work groups or committees that were created to assist the planning and zoning commission or other appropriate decision-making body of the municipality.

b. Information relating to the primary characteristics of the municipality and a description of how each of those characteristics impacts future development of the municipality. Such information may include historical information about the municipality, the municipality's geography, natural resources, natural hazards, population, demographics, types of employers and industry, labor force, political and community institutions, housing, transportation, educational resources,
and cultural and recreational resources. The comprehensive plan or land development regulations may also identify characteristics and community aesthetics that are important to future development of the municipality.

c. Objectives, information, and programs that identify current land uses within the municipality and that guide the future development and redevelopment of property, consistent with the municipality's characteristics identified under paragraph "b". The comprehensive plan or land development regulations may include information on the amount, type, intensity, and density of existing land use, trends in the market price of land used for specific purposes, and plans for future land use throughout the municipality. The comprehensive plan or land development regulations may identify and include information on property that has the possibility for redevelopment, a map of existing and potential land use and land use conflicts, information and maps relating to the current and future provision of utilities within the municipality, information and maps that identify the current and future boundaries for areas reserved for soil conservation, water supply conservation, flood control, and surface water drainage and removal. Information provided under this paragraph may also include an analysis of the current and potential impacts on local watersheds and air quality.

d. Objectives, policies, and programs to further the vitality and character of established residential neighborhoods and new residential neighborhoods and plans to ensure an adequate housing supply that meets both the existing and forecasted housing demand. The comprehensive plan or land development regulations may include an inventory and analysis of the local housing stock and may include specific information such as age, condition, type, market value, occupancy, and historical characteristics of all the housing within the municipality. The comprehensive plan or land development regulations may identify specific policies and programs that promote the development of new housing and maintenance or rehabilitation of existing housing and that provide a range of housing choices that meet the needs of the residents of the municipality.

e. Objectives, policies, and programs to guide future development of sanitary sewer service, storm water management, water supply, solid waste disposal, wastewater treatment technologies, recycling facilities, and telecommunications
facilities. The comprehensive plan or land development regulations may include estimates regarding future demand for such utility services.

f. Objectives, policies, and programs to guide the future development of a safe, convenient, efficient, and economical transportation system. Plans for such a transportation system may be coordinated with state and regional transportation plans and take into consideration the need for diverse modes of transportation, accessibility, improved air quality, and interconnectivity of the various modes of transportation.

g. Objectives, policies, and programs to promote the stabilization, retention, or expansion of economic development and employment opportunities. The comprehensive plan or land development regulations may include an analysis of current industries and economic activity and identify economic growth goals for the municipality. The comprehensive plan or land development regulations may also identify locations for future brownfield or grayfield development.

h. Objectives, policies, and programs addressing preservation and protection of agricultural and natural resources.

i. Objectives, policies, and programs to assist future development of educational facilities, cemeteries, health care facilities, child care facilities, law enforcement and fire protection facilities, libraries, and other governmental facilities that are necessary or desirable to meet the projected needs of the municipality.

j. Objectives, policies, and programs to identify characteristics and qualities that make the municipality unique and that are important to the municipality's heritage and quality of life.

k. Objectives, policies, and programs that identify the natural and other hazards that have the greatest likelihood of impacting the municipality or that pose a risk of catastrophic damage as such hazards relate to land use and development decisions, as well as the steps necessary to mitigate risk after considering the local hazard mitigation plan approved by the federal emergency management agency.

l. Objectives, policies, and programs for joint planning and joint decision making with other municipalities or governmental entities, including school districts and drainage districts, for siting and constructing public facilities and sharing public services. The comprehensive plan or land
development regulations may identify existing or potential conflicts between the municipality and other local governments related to future development of the municipality and may include recommendations for resolving such conflicts. The comprehensive plan or land development regulations may also identify opportunities to collaborate and partner with neighboring jurisdictions and other entities in the region for projects of mutual interest.

m. A compilation of programs and specific actions necessary to implement any provision of the comprehensive plan, including changes to any applicable land development regulations, official maps, or subdivision ordinances.

3. A municipality's comprehensive plan developed using the guidelines under this section shall address prevention and mitigation of, response to, and recovery from a catastrophic flood.

Sec. 19. Section 28I.4, Code 2009, is amended to read as follows:

28I.4 Powers and duties.

1. The commission shall have the power and duty to make comprehensive studies and plans for the development of the area it serves which will guide the unified development of the area and which will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare, convenience, safety, and prosperity of its people. The plan or plans collectively shall be known as the regional or metropolitan development plan. The plans for the development of the area may include, but shall not be limited to, recommendations with respect to existing and proposed highways, bridges, airports, streets, parks and recreational areas, schools and public institutions and public utilities, public open spaces, and sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, and forestry; water supply, sanitation, drainage, protection against floods and other disasters; areas for housing developments, slum clearance and urban renewal and redevelopment; location of private and public utilities, including but not limited to sewerage and water supply systems; and such other recommendations concerning current and impending problems as may affect the area served by the commission. Time and priority schedules and cost estimates for the accomplishment of the recommendations may
also be included in the plans. The plans shall be made with consideration of the smart planning principles under section 18B.1. The plans shall be based upon and include appropriate studies of the location and extent of present and anticipated populations; social, physical, and economic resources, problems and trends; and governmental conditions and trends. The commission is also authorized to make surveys, land-use studies, and urban renewal plans, provide technical services and other planning work for the area it serves and for cities, counties, and other political subdivisions in the area. A plan or plans of the commission may be adopted, added to, and changed from time to time by a majority vote of the planning commission. The plan or plans may in whole or in part be adopted by the governing bodies of the cooperating cities and counties as the general plans of such cities and counties. The commission may also assist the governing bodies and other public authorities or agencies within the area it serves in carrying out any regional plan or plans, and assist any planning commission, board or agency of the cities and counties and political subdivisions in the preparation or effectuation of local plans and planning consistent with the program of the commission. The commission may cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area.

2. A planning commission formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional, or metropolitan agency for comprehensive planning for its area for the purpose of carrying out the functions as defined for such an agency by federal, state, and local laws and regulations.

Sec. 20. Section 329.3, Code 2009, is amended to read as follows:

329.3 Zoning regulations — powers granted.

Every municipality having an airport hazard area within its territorial limits may adopt, administer, and enforce in the manner and upon the conditions prescribed by this chapter, zoning regulations for such airport hazard area, which regulations may divide such area into zones and, within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the height to which structures and trees may be erected or permitted to grow. Regulations adopted under this chapter shall be made with consideration of the smart planning principles under
Sec. 21. Section 335.5, Code 2009, is amended to read as follows:

335.5 Objectives.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

2. Such The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 335.8, may be adopted by the board of supervisors. The board of supervisors may amend a proposed comprehensive plan prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 331.305.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.
Sec. 22. Section 335.8, Code 2009, is amended to read as follows:

335.8 Commission appointed.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the county zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications.

2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

3. The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the Iowa department of economic development, or the federal government, for local planning assistance.

Sec. 23. Section 414.3, Code 2009, is amended to read as follows:

414.3 Basis of regulations.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However,
provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981.

2. Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. a. A comprehensive plan recommended for adoption by the zoning commission established under section 414.6, may be adopted by the council. The council may amend the proposed comprehensive plan prior to adoption. The council shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 362.3.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to the county in which the city is located, neighboring counties and cities, the council of governments or regional planning commission where the city is located, and public libraries within the city.

c. Following its adoption, a comprehensive plan may be amended by the council at any time.

Sec. 24. Section 414.6, Code 2009, is amended to read as follows:

414.6 Zoning commission.

1. In order to avail itself of the powers conferred by this chapter, the council shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Where a city plan commission already exists, it may be appointed as the zoning commission. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the
zoning commission may, from time to time, recommend to the
council amendments, supplements, changes, or modifications.

2. The zoning commission may recommend to the council for
adoption a comprehensive plan pursuant to section 414.3, or
amendments thereto.

Sec. 25. IOWA SMART PLANNING TASK FORCE.
1. An Iowa smart planning task force is established
consisting of twenty-nine voting members and four ex officio,
nonvoting members.

2. Members of the task force shall consist of all of the
following:
a. Fourteen state agency director or administrator members
consisting of all of the following:
   (1) The director of the department on aging or the
director’s designee.
   (2) The director of the department of economic development
or the director’s designee.
   (3) The secretary of agriculture and land stewardship or the
secretary’s designee.
   (4) The director of the department of cultural affairs or
the director’s designee.
   (5) The director of the department of public health or the
director’s designee.
   (6) The director of the department of management or the
director’s designee.
   (7) The director of the department of natural resources or
the director’s designee.
   (8) The director of the department of workforce development
or the director’s designee.
   (9) The director of the office of energy independence or the
director’s designee.
   (10) The director of the department of transportation or the
director’s designee.
   (11) The administrator of the homeland security and
emergency management division of the department of public
defense or the administrator’s designee.
   (12) The director of the rebuild Iowa office or the
director’s designee.
   (13) The state building code commissioner or the
commissioner’s designee.
   (14) The chairperson of the utilities board within the
utilities division of the department of commerce or the
chairperson’s designee.
b. Chairperson of the department of community and regional planning at Iowa state university or the chairperson's designee.

c. Director of the urban and regional planning program at the university of Iowa or the director's designee.

d. Director of the institute for decision making at the university of northern Iowa or the director's designee.

e. President of the Iowa chapter of the American planning association or the president's designee.

f. Executive director of the Iowa association of regional councils or the executive director's designee.

g. President of the Iowa chapter of the American institute of architects or the president's designee.

h. Executive director of the Iowa league of cities or the executive director's designee.

i. Executive director of the Iowa state association of counties or the executive director's designee.

j. President of the executive committee of the school administrators of Iowa or the president's designee.

k. A representative appointed by the governor from a city having a population of five thousand or less according to the 2000 certified federal census.

l. A representative appointed by the governor from a city having a population of more than five thousand and less than twenty-five thousand according to the 2000 certified federal census.

m. A representative appointed by the governor from a city having a population of twenty-five thousand or more according to the 2000 certified federal census.

n. A representative appointed by the governor from a county having a population of ten thousand or less according to the 2000 certified federal census.

o. A representative appointed by the governor from a county having a population of more than ten thousand and less than fifty thousand according to the 2000 certified federal census.

p. A representative appointed by the governor from a county having a population of fifty thousand or more according to the 2000 certified federal census.

3. The task force shall include four members of the general assembly serving as ex officio, nonvoting members, with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate after consultation with
the president of the senate, and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

4. The task force may establish committees and subcommittees comprised of members of the task force.

5. Members of the task force designated in subsection 2, paragraphs "k" through "p" shall serve at the pleasure of the governor. For the members of the task force designated in subsection 2, paragraphs "k" through "p", at least one member shall have experience in real estate, at least one member shall have experience in land development, and at least one member shall have experience in residential construction.

6. A vacancy on the task force shall be filled in the same manner as the original appointment.

7. a. A majority of the members of the task force constitutes a quorum. Any action taken by the task force must be adopted by the affirmative vote of a majority of its membership. A task force member's designee may vote on task force matters in the absence of the member.

b. The task force shall elect a chairperson and vice chairperson from the membership of the task force.

c. The task force shall meet at least four times before November 15, 2010. Meetings of the task force may be called by the chairperson or by a majority of the members. However, the first meeting of the task force shall be called by the governor.

d. Members of the task force shall not be compensated for meeting participation or reimbursed for costs associated with meeting attendance. A legislative member is not eligible for per diem and expenses as provided in section 2.10.

8. The director of the department of management, or the director's designee, shall provide staff assistance and administrative support to the task force. The task force may request information or other assistance from the Iowa association of regional councils.

9. The director of the department of management, or the director's designee, shall seek funding to support municipal comprehensive planning in this state.

10. The task force shall comply with the requirements of chapters 21 and 22. The department of management shall be the official repository of task force records.

11. The duties of the task force shall include but are not
limited to the following:

a. Consult land use experts, representatives of cities and counties, agricultural and environmental interests, urban and regional planning experts, reports or information from the local government innovation commission, and all other information deemed relevant by task force members.

b. Solicit information from the general public on matters related to comprehensive planning.

c. Evaluate state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to integrate the Iowa smart planning principles under section 18B.1.

d. Develop statewide goals for comprehensive planning that utilize the Iowa smart planning principles under section 18B.1, and develop recommendations for a process to measure progress toward achieving those goals.

e. Evaluate and develop incentives to conduct local and regional comprehensive planning, including but not limited to state financial and technical assistance.

f. Develop a model for regional comprehensive planning within the state and recommend partnerships between state agencies, local governments, educational institutions, and research facilities.

g. Review municipal comprehensive plans to determine the number of such plans that address the hazards identified in section 18B.2, subsection 2, paragraph "k", and the adequacy of such plans in addressing those hazards.

h. Develop a set of recommendations that is consistent with the Iowa smart planning principles under section 18B.1 and that does all of the following:

   (1) Coordinates, facilitates, and centralizes the exchange of information related to state and local planning, zoning, and development between state agencies and the general assembly.

   (2) Coordinates discussions concerning a proposed geographic information system between the producers and the users of such systems.

   (3) Allows the efficient production and dissemination of population and other demographic statistical forecasts.

   (4) Creates a centralized electronic storage location for all comprehensive plans adopted under chapter 335 or chapter 414.

   (5) Facilitates the cooperation of state and local governments with comprehensive planning, educational, and
research programs.

(6) Provides and administers technical and financial assistance for state and local comprehensive planning.

(7) Provides information to local governments relating to state and federal resources and other resources for comprehensive planning.

12. The task force shall prepare a report that includes goals, recommendations, and other information described in subsection 11, to the governor and the general assembly on or before November 15, 2010.

13. The task force is dissolved on December 31, 2012.

DIVISION VIII

GROW IOWA VALUES FUND

Sec. 26. There is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit in the grow Iowa values fund, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, notwithstanding section 8.57, subsection 6, paragraph "c":

$38,000,000

Sec. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION. In lieu of the $50,000,000 appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2010, and ending June 30, 2011, $38,000,000 for the purposes of making expenditures pursuant to chapter 15G.

Sec. 28. GROW IOWA VALUES FUND ALLOCATIONS. In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, of the $38,000,000 appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 10:

1. For departmental purposes, $21,363,600.
2. For the state board of regents institutions, $3,800,000.
3. For state parks, $760,000.
4. For deposit in the Iowa cultural trust fund, $760,000.
5. For community colleges, $5,320,000.
6. For regional financial assistance, $760,000.