



Iowa Smart Planning

**Legislative Guide
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Iowa Smart Planning Legislation

The Iowa Smart Planning Act was signed into law on April 26, 2010. The legislation, found in Iowa State Code Chapter 18B: Land Use – Smart Planning, has three components:

1. Articulates ten Iowa Smart Planning Principles for application in local comprehensive plan development and public investment decision-making,
2. Provides comprehensive planning guidance for cities and counties, and
3. Establishes the Iowa Smart Planning Task Force with various responsibilities.

The Iowa Smart Planning Act does not mandate how communities should grow, rather it requires that communities and state agencies consider Smart Planning Principles when planning for the future and provides guidance concerning important elements local plans should include. This document provides an overview of the three components identified above.

Iowa Smart Planning Principles

The first major section of the Iowa Smart Planning Act outlines ten Iowa Smart Planning Principles. These principles must be considered and may be applied when local governments and state agencies deliberate all appropriate planning, zoning, development, and resource management decisions. Application of these principles is intended to produce greater economic opportunity, enhance environmental integrity, improve public health outcomes, and safeguard Iowa's quality of life. The principles also address the need for fair and equitable decision-making processes. Language was included in the Act stipulating that application of Smart Planning Principles does not expand nor reduce the authority of state and local governments and other public entities to exercise eminent domain.

The Iowa Smart Planning Principles include:

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.

Local Comprehensive Planning

The second major section of the Iowa Smart Planning Act outlines 13 elements that may be included in a city or county comprehensive plan:

A. Public Participation Element

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. Issues and Opportunities Element

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. Land Use Element

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 the Issues and Opportunities Element. 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. Housing Element

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. Public Infrastructure and Utilities Element

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. Transportation Element

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. Economic Development Element

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. Agricultural and Natural Resources Element

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

I. Community Facilities Element

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. Community Character Element

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. Hazards Element

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. Intergovernmental Collaboration Element

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. Implementation Element

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.

The Act stipulates that local comprehensive plans developed using the guidelines listed above shall address prevention and mitigation of, response to, and recovery from catastrophic flooding. The Act also stipulates that cities and counties shall consider and may apply Smart Planning Principles when developing or amending a comprehensive plan or developing other local land development regulations.

Iowa Code Chapters 335, County Zoning, and 414, City Zoning, already state that zoning regulations shall be made in accordance with a comprehensive plan. These two chapters, along with Chapter 329, Airport Zoning, were amended to state that zoning regulations shall be made with consideration of the Iowa Smart Planning Principles. County boards of supervisors and city councils are also directed to publish notice of meetings in which a comprehensive plan will be considered for adoption. Following adoption, copies of county comprehensive plans are to 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. Cities are to send or make available copies of comprehensive plans to the county where the city is located, neighboring counties and cities, the council of governments or local planning commission where the city located, and public libraries within the city.

Iowa Code Chapter 28I, Metropolitan or Regional Planning Commissions, was also amended to state that comprehensive plans completed under this chapter shall be made with consideration of the Iowa Smart Planning Principles.

Nothing in this bill should be read to negate local comprehensive plans already in effect prior to the Act's passage and should not hinder cities, counties, and regions from producing innovative plans that go above and beyond the guidelines listed above.

Iowa Smart Planning Task Force

The 33-member Iowa Smart Planning Task Force was created to develop recommendations to the Governor and General Assembly regarding effective implementation of the Smart Planning Act. The Iowa Department of Management (IDOM) or its designee will provide administrative support for the Task Forces' activities and may request assistance from the Iowa Association of Regional Councils. A report including recommendations, goals, and other information from the Task Force is due to the Governor and General Assembly by November 15, 2010.

Major duties of the Iowa Smart Planning Task Force:

- Evaluate state policies, programs, statutes, and rules to determine whether they should be revised to integrate the Iowa Smart Planning Principles.
- Develop statewide goals for comprehensive planning that utilize the Iowa Smart Planning Principles and develop recommendations for a process to measure progress toward achieving those goals.
- Evaluate and develop incentives to conduct local and regional comprehensive planning, including but not limited to state financial and technical assistance.
- Develop a model for regional comprehensive planning for Iowa and recommend partnerships between state agencies, local governments, educational institutions, and research facilities.
- Review city and county comprehensive plans to determine the number of such plans that address the hazards as listed in the Hazards Element of the suggested local comprehensive plan guidelines and the adequacy of such plans in addressing those hazards.
- Develop a set of recommendations that is consistent with the Iowa Smart Planning Principles and that does all of the following:
 - Coordinates, facilitates, and centralizes the exchange of information related to state and local planning, zoning, and development between state agencies and the General Assembly.
 - Coordinates discussions concerning a proposed geographic information system between the producers and the users of such systems.
 - Allows the efficient production and dissemination of population and other demographic statistical forecasts.
 - Creates a centralized storage location for all comprehensive plans.
 - Facilitates the cooperation of state and local governments with comprehensive planning, educational, and research programs.
 - Provides and administers technical and financial assistance for state and local comprehensive planning.
 - Provides information to local governments related to state, federal, and other resources for comprehensive planning.

The Task Force is directed to 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. The Task Force shall also solicit information from the

general public on matters related to comprehensive planning. Additionally, the Director of IDOM or his/her designee is directed to seek funding to support local comprehensive planning.

Task Force members include:

- Iowa state agency directors, secretaries, administrator members, or chairpersons of the following:
 - Department on Aging
 - Secretary of Agriculture and Land Stewardship
 - Department of Commerce – Iowa Utilities Board
 - Department of Cultural Affairs
 - Department of Economic Development
 - Office of Energy Independence
 - Department of Management
 - Department of Natural Resources
 - Department of Public Defense – Homeland Security and Emergency Management Division
 - Department of Public Health
 - Department of Public Safety – State Fire Marshall Division, Building Code Commissioner
 - Rebuild Iowa Office
 - Department of Transportation
 - Department of Workforce Development
- Chairperson of the Iowa State University Department of Community and Regional Planning
- Director of the University of Iowa Urban and Regional Planning Program
- Director of the University of Northern Iowa Institute for Decision Making
- President of the Iowa Chapter of the American Planning Association
- President of the Iowa Chapter of the American Institute of Architects
- Executive Director of the Iowa Association of Regional Councils
- Executive Director of the Iowa League of Cities
- Executive Director of the Iowa State Association of Counties
- President of the Executive Committee of the School Administrators of Iowa
- Governor Appointees¹:
 - Representative from a city with a population of 5,000 or less
 - Representative from a city with a population of more than 5,000 and less than 25,000
 - Representative from a city with a population of 25,000 or more
 - Representative from a county with a population of 10,000 or less
 - Representative from a county with a population greater than 10,000 and less than 50,000
 - Representative from a county with a population of 50,000 or more
- Ex officio, non-voting members from the General Assembly:
 - Two senators, one from each party
 - Two representatives, one from each party

¹ Populations based on 2000 Census

The members mentioned above may send designees. Of the six members from cities and counties appointed by the Governor, at least one member must have experience in real estate, at least one member must have experience in land development, and at least one member must have experience in residential construction. Members of the Task Force will not be compensated for meeting participation or reimbursed for costs associated with meeting attendance.

The Task Force shall elect a chairperson and vice chairperson, and may establish committees and subcommittees. The Task Force must meet at least four times prior to November 15, 2010. The Governor shall call the first meeting. The Task Force is dissolved on December 31, 2012. IDOM will be the official repository of all Task Force records.