

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	IEDA	Date:	6/30/25	Total Rule Count:	8
IAC #:	261	Chapter/ SubChapter/ Rule(s):	Chapter 77	Iowa Code Section Authorizing Rule:	15E.18
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of chapter 77 is to describe the policies and procedures applicable to the Site Development Program. The purposes of the program are to establish an inventory of sites in Iowa that may be suitable for development or redevelopment and to provide consultation to local governments about site development techniques.

Is the benefit being achieved? Please provide evidence.

Yes. The authority is able to effectively award and administer the program.

What are the costs incurred by the public to comply with the rule?

Entities interested in applying for the program may require staff time to complete an application for certification or recertification of a site. Some applicants/recipients may choose to rely on an external service provider to complete these tasks. The amount of the costs will vary, depending on the compensation of staff or service providers involved.

IEDA incurs the cost of site development consultations. However, applicants for certification may be required to repay all or a portion of the cost of such consultations if, during the period the certificate of readiness is effective, the owner(s) of the site or park sell(s), give(s) away, or otherwise dispose(s) of it or any portion of the site development area for a purpose or use other than a purpose or use for which the site was certified.

What are the costs to the agency or any other agency to implement/enforce the rule?

IEDA staff time is required to review and prepare applications for certification, draft and execute reimbursement agreements, and communicate with program applicants and recipients. Additionally, IEDA incurs costs for site development consultations and of marketing certified sites.

Do the costs justify the benefits achieved? Please explain.

Yes. Only entities that will potentially benefit from the program incur any costs. The costs to the state to administer the program are proportional to the activities incented.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The application and administrative requirements of the rules are no more than necessary to implement the purposes of the program.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes.

Rules 77.1 and 77.2 are unnecessary and can be rescinded.

Rule 77.3 should be updated to add a definition of “authority” and to eliminate unnecessary definitions.

Rule 77.11 should be updated to eliminate repetition of statutory language.

Rules 77.12 and 77.13 should be updated to reflect current application content and process.

Rule 77.14 should be updated for clarity.

77.21 should be updated to eliminate repetition of statutory language. Additionally, an existing requirement that applicants enter a reimbursement agreement with IEDA for consultation costs should be added to the rule.

Rules throughout the chapter should be renumbered due to the rescission of rules 56.1 and 56.2 and the elimination of reserved chapters. References to the “department of economic development” or “department” should be updated throughout the chapter to reflect that IEDA is the successor agency to the department.

RULES PROPOSED FOR REPEAL (list rule number[s]):

77.1
77.2

***RULES PROPOSED FOR RE-PROMULGATION* (list rule number[s] or include text if available):**

CHAPTER 77
SITE DEVELOPMENT PROGRAM

261—77.1(15E) Definitions.

“*Authority*” means the economic development authority established in Iowa Code section 15.105.

“*Applicant*” means the entity that submits an application to the authority for a certificate of readiness for a site development area or areas.

“*Certificate of readiness*” means a certificate issued to a local government or local economic development official for a site that is determined to be ready for development or redevelopment based on criteria set forth in rule 261—77.4(15E).

“*Site development area*” means property that is included as part of a site development plan and that is to be used or proposed to be used for development or redevelopment.

261—77.2(15E) Eligibility. Eligible applicants may apply to the authority for a certificate of readiness pursuant to Iowa Code section 15E.18.

261—77.3(15E) Application; review; approval.

77.3(1) Application. All requests for a certificate of readiness for a site development area shall be made using the application provided by the authority. The application shall include at least the following information:

- a. Applicant information, including name, address, telephone number and contact person.
- b. Legal description of the site development area(s).
- c. Identification of the property owner(s) related to the site development area(s) and control of the site development area for the period the certificate of readiness will be effective.
- d. Detailed site development plan(s) for the site development area(s).

77.3(2) Review. The authority will accept applications during specified time periods. The authority and, if applicable, a contractor engaged for the purpose of evaluating sites will review applications based on the general criteria described in subrule 77.4(1). The authority will evaluate each application to identify any barriers to development or redevelopment.

77.3(3) Approval. The authority may approve, deny or defer applications for a certificate of readiness. If the authority approves an application for a certificate of readiness, the authority will issue a certificate of readiness in accordance with rule 261—77.5(15E).

261—77.4(15E) Evaluation criteria.

77.4(1) General. When evaluating applications for certificates of readiness, the authority will consider the following criteria:

- a. The thoroughness and detail of the site development plan.
- b. The site development plan’s regard for compliance with applicable regulations, including without limitation land-use and zoning restrictions or environmental or cultural protections.
- c. The presence of or planning for viable transportation infrastructure.
- d. The presence of or planning for viable utility infrastructure.
- e. The geologic and natural characteristics of the site development area(s) including the proximity or inclusion of any floodplains.
- f. The ownership and control of the site development area(s).
- g. Demonstrated support, including without limitation financial and local support, for the site development plan.

77.4(2) Additional consideration. In addition to the general criteria described above, the authority may consider whether site development plan for the site development area utilizes sustainable design and practices. For purposes of this subrule, “sustainable design” means construction design intended to minimize negative environmental impacts and to promote the health and comfort of building occupants.

261—77.5(15E) Certificate of readiness.

77.5(1) Certification. Upon approval of an application, the authority will issue a certificate of readiness to the applicant. The certificate of readiness will include a short description of how the site development plan meets the general criteria described in subrule 77.4(1) and will include whether the site development plan meets the additional consideration described in subrule 77.4(2). The certificate of readiness will be valid for the term described on the certificate, which may vary for each site development area depending on the nature of the development and the site characteristics. In no event shall the term of a certificate exceed ten years.

77.5(2) Recertification. The local government or local economic development official responsible for the site development

area shall reapply for a certificate of readiness under these rules for the site to be considered for a subsequent certificate of readiness.

261—77.6(15E) Consultation. The authority may contract with third parties to provide site development consultations. The applicant will be required to enter a contract with the authority that provides for reimbursement of all or a portion of the cost of site development consultations if, during the period the certificate of readiness is effective, the owner(s) of the site or park sell(s), give(s) away, or otherwise dispose(s) of it or any portion of the site development area for a purpose or use other than a purpose or use for which the site was certified.

These rules are intended to implement Iowa Code section 15E.18.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	385
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	7

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.