

- 3 a. By inserting in line sixteen (16) after the word "control" the
4 words "and water resources".
- 5 b. By inserting in line twenty-one (21) after the word "state," the
6 words "adversely affect the control, development, protection, allocation
7 or utilization of the water resources of the state, or adversely affect or
8 interfere with the state comprehensive plan for water resources or an
9 approved local water resources plan,".

Approved July 1, 1965.

CHAPTER 374

FLOOD PLAINS

S. F. 523

AN ACT relating to regulation of use of the flood plains of rivers and streams in the state.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section four hundred fifty-five A point thirty-five
2 (455A.35), Code 1962, is hereby repealed and the following enacted
3 in lieu thereof:
- 4 "The council may establish and enforce regulations for the orderly
5 development and wise use of the flood plains of any river or stream
6 within the state and alter, change, or revoke and terminate the same.
7 The council shall determine the characteristics of floods which reason-
8 ably may be expected to occur and may by order establish encroach-
9 ment limits, protection methods and minimum protection levels appro-
10 priate to the flooding characteristics of the stream and to reasonable
11 use of the flood plains. The order shall fix the length of flood plains to
12 be regulated at any practical distance; shall fix the width of the zone
13 between the encroachment limits so as to include portions of the flood
14 plains adjoining the channel, which with the channel, are required to
15 carry and discharge the flood waters or flood flow of such river or
16 stream; and shall fix the design discharge and water surface eleva-
17 tions for which protection shall be provided for projects outside the
18 encroachment limits but within the limits of inundation. Plans for the
19 protection of projects proposed for areas subject to inundation shall
20 be reviewed as plans for flood control works within the purview of
21 section 455A.36. No order establishing encroachment limits and flood
22 plain regulations shall be issued until due notice of the proposed estab-
23 lishment thereof shall have been given and public hearings held and
24 opportunity given for the presentation of all protests against the
25 establishment thereof. In establishing any such limits or regulations,
26 the council shall avoid to the greatest possible degree the evacuation
27 of persons residing in the area of any floodway, the removal of any
28 residential structures occupied by such persons in the area of any
29 floodway, and the removal of any structures erected or made prior to
30 the effective date of this Act which are located on the flood plains of
31 any river or stream but not within the area of any floodway.
- 32 "The council may cooperate with and assist local units of govern-
33 ment in the establishment of encroachment limits, flood plain regula-

34 tions and zoning ordinances relating to flood plain areas within their
 35 jurisdiction. Encroachment limits, flood plain regulations, or flood
 36 plain zoning ordinances proposed by local units of government shall
 37 be submitted to the council for review and approval prior to adoption
 38 by such local units of government. Changes or variations from an
 39 approved regulation or ordinance as it relates to flood plain use shall
 40 be approved by the council prior to adoption. Individual applications,
 41 plans and specifications and individual council approval orders shall
 42 not be required for works on the flood plains constructed in conformity
 43 with encroachment limits, flood plain regulations, or zoning ordi-
 44 nances adopted by the local units of government and approved by the
 45 council."

1 SEC. 2. Section four hundred fifty-five A point one (455A.1), Code
 2 1962, is hereby amended by striking all of lines twelve (12), thirteen
 3 (13), and fourteen (14).

1 SEC. 3. Section three hundred fifty-eight A point two (358A.2),
 2 Code 1962, as amended by section two (2) of chapter two hundred
 3 eighteen (218), Acts of the Sixtieth General Assembly, is hereby
 4 amended by striking the period at the end of said section and insert-
 5 ing in lieu thereof the following:

6 " ; provided, however, that such regulations or ordinances which
 7 relate to any structure, building, dam, obstruction, deposit or excava-
 8 tion in or on the flood plains of any river or stream shall apply
 9 thereto."

1 SEC. 4. Section three hundred fifty-eight A point five (358A.5),
 2 Code 1962, is hereby amended by inserting in line four (4) after the
 3 word "fire," the word "flood,".

1 SEC. 5. Section three hundred fifty-eight A point twenty-four
 2 (358A.24), Code 1962, is hereby amended by adding thereto the fol-
 3 lowing:

4 "Wherever any regulation proposed or made under authority of this
 5 chapter relates to any structure, building, dam, obstruction, deposit
 6 or excavation in or on the flood plains of any river or stream, prior
 7 approval of the Iowa natural resources council shall be required to
 8 establish, amend, supplement, change, or modify such regulation or to
 9 grant any variation or exception therefrom."

1 SEC. 6. Section four hundred fourteen point three (414.3), Code
 2 1962, is hereby amended by inserting in line four (4) after the word
 3 "fire," the word "flood,".

1 SEC. 7. Section four hundred fourteen point twenty-one (414.21),
 2 Code 1962, is hereby amended by adding thereto the following:

3 "Wherever any regulation proposed or made under authority of this
 4 chapter relates to any structure, building, dam, obstruction, deposit or
 5 excavation in or on the flood plains of any river or stream, prior ap-
 6 proval of the Iowa natural resources council shall be required to
 7 establish, amend, supplement, change or modify such regulation or to
 8 grant any variation or exception therefrom."

Approved July 1, 1965.