

CHAPTER 52  
INNOVATIVE ENERGY CONSERVATION

H. F. 174

AN ACT to provide public recognition for innovative methods of energy conservation.

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

Section 1. Section ninety-three point seven (93.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Develop a program in each congressional district in the state to annually give public recognition to innovative methods of energy conservation developed or used by or for persons in the following categories:

- a. Individuals.
- b. Nonprofit or other organizations.
- c. Single-family residences.
- d. Multiple-family residences.
- e. Agriculture.
- f. Commercial enterprises.
- g. Industries.
- h. Utilities.
- i. Governments.
- j. Transportation.

Sec. 2. This Act is effective January 1, 1978.  
Approved May 13, 1977

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CHAPTER 53  
LAND PRESERVATION

H. F. 210

AN ACT to provide for the development of a state land preservation policy.

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

Section 1. NEW SECTION. LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly

intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale development, and provide for the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "State critical area" means an area where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development

which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissioners.

b. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall

constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this Act. The recommendation for the state land preservation policy should address the issues contained in the statement of legislative intent of this Act. Within nine months of the effective date of this Act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agricultural extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

a. The preservation of agricultural land for the production of food and fiber.

b. A review of the available resources, growth trends and land use issues of the county.

c. A review of the present comprehensive plans, ordinances, regulations and policies of the local units of government that have an impact on the use of land.

d. The development of a local land preservation policy for:

(1) Solid waste disposal, sewage treatment and an adequate

water supply.

- (2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.
- (3) Designation and appropriate use of critical areas.
- (4) Coordination of a countywide transportation with the state transportation system.
  - e. State land preservation guidelines for state agencies.
  - f. Suggestions for the content of a state land preservation policy and methods for implementation.
  - g. The implementation of a county land preservation policy.
  - h. The preservation of private property rights.
6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:
  - a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.
  - b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.
  - c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.
  - d. The extent to which a survey of the soil of the county has been conducted.
  - e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.
7. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. NEW SECTION. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one member shall be appointed by and from the members appointed under subparagraph b of that subsection, and one member for each three members appointed under subparagraph c of that subsection

shall be appointed by and from those members. Nine months from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within twenty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given

the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

a. The preservation of agricultural land for food and fiber production.

b. The effect of current laws on land use decisions.

c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.

d. The criteria for the designation and preservation of critical areas.

e. The designation of key facilities.

f. The designation of large-scale development which will have impact beyond county boundaries.

g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.

h. The balance of anticipated energy resources and consumption.

i. The protection of private property rights.

5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government and other information important to stimulate public interest in land preservation policy determination.

6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first.

Approved June 30, 1977