

Revised 4/31
Referred Natural Resources 2/2 Forward to
Par 4/27 9:12'6
SENATE FILE 40

Natural Resources
Culver, Chairperson
E. Miller
Tieden
Jenkins

FILED JAN 27 1977

SENATE FILE 40

By HILL of Jasper

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to provide for a state land use policy, to create a
2 state land use policy commission and to specify its powers
3 and duties, to provide for the regulation of the use of
4 land, and to make an appropriation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act:

3 1. "Commission" means the state land use policy commission.

4 2. "Director" means the chief administrative office of
5 the commission.

6 3. "Land use" means any activity or practice relating
7 to the utilization of space, including ground, water,
8 subsurface and air space.

9 Sec. 2. NEW SECTION. LAND USE POLICY COMMISSION CREATED.

10 There is created a state land use policy commission consisting
11 of fifteen members appointed by the governor with the consent
12 of two-thirds of the members of the senate. The members shall
13 be selected from the state at large to be representative of
14 the general public and shall be appointed to four-year terms
15 except that of the initial appointees to the commission, seven
16 members shall be appointed for two-year terms. The terms
17 of each member shall be effective on the first day of July
18 of the year of appointment except in the case of a vacancy
19 which shall be filled by appointment of the governor with
20 the consent of two-thirds of the members of the senate for
21 the unexpired term.

22 Sec. 3. NEW SECTION. ORGANIZATION OF COMMISSION. The
23 commission shall organize annually by the election of a chair-
24 man and vice chairman from among its membership. Meetings
25 may be called by the chairman at any time and shall be called
26 as soon as possible by the chairman on the written request
27 of a majority of the members. A majority of the members shall
28 constitute a quorum and the concurrence of a quorum of the
29 commission shall be required to determine any matter relating
30 to its official duties.

31 Sec. 4. NEW SECTION. COMPENSATION OF COMMISSION. Each
32 member of the commission, not otherwise in the full-time
33 employment of a public agency, is entitled to receive a per
34 diem of forty dollars for each day that he is engaged in the
35 discharge of his official duties. Each member is also entitled

1 to receive reimbursement for travel and other necessary
2 expenses incurred in the performance of his official duties.

3 Sec. 5. NEW SECTION. POWERS AND DUTIES OF COMMISSION.

4 The commission shall:

5 1. Identify and evaluate issues relating to land use in
6 this state.

7 2. Prepare and recommend, for adoption by the general
8 assembly, a state land use policy and state land use policy
9 guidelines based on the state land use policy objectives
10 specified in section six (6) of this Act, for the guidance
11 of state agencies, cities and counties on matters relating
12 to land use. The initial recommendations of the commission
13 shall be submitted to the general assembly not later than
14 March 1, 1978.

15 3. Cooperate in the exchange of information relating to
16 land use with any public or private person.

17 4. Authorize, the application for, receipt, and expenditure
18 of any public or private funds for the purpose of carrying
19 out the provisions of this Act.

20 5. Advise, consult and cooperate with state agencies and
21 other public or private agencies in the preparation of
22 recommendations for a state land use policy or state land
23 use policy guidelines.

24 6. Monitor the actions and decisions of state agencies,
25 counties and cities on matters relating to land use and report
26 its findings and any recommendations to the general assembly.

27 7. Approve a budget for the commission.

28 8. Approve all contracts and agreements between the commis-
29 sion and other public or private persons relating to its
30 powers and duties under this Act.

31 9. Obtain an adequate public employees fidelity bond to
32 cover those employees of the commission accountable for the
33 property or funds of the state under this Act.

34 10. Adopt, amend or repeal internal rules to provide for
35 the efficient operation of the commission.

1 11. Recommend to the general assembly a method for
2 resolving conflicts which may arise between state agencies
3 on matters relating to land use.

4 Sec. 6. NEW SECTION. STATE LAND USE POLICY OBJECTIVES.
5 In developing a state land use policy and guidelines for adop-
6 tion by the general assembly the state commission shall give
7 consideration to the following:

8 1. Identification of the best agricultural areas for
9 farming, commercial feedlots, and farm related activities.

10 2. Identification of space for orderly urban and indus-
11 trial development.

12 3. Inventorying and utilization of natural resources
13 including minerals, timber and water.

14 4. Identification of areas for parks and recreation.

15 5. Location of highways, rail lines, and airports.

16 In all of its deliberations and recommendations the state
17 commission shall give due consideration to the preservation
18 of the environment and the avoidance of pollution.

19 Sec. 7. NEW SECTION. APPOINTMENT OF DIRECTOR. The com-
20 mission shall appoint a director who shall be the chief admin-
21 istrative officer of the commission and shall serve at its
22 pleasure. The director shall be qualified by education,
23 experience and administrative ability to perform the powers
24 and duties assigned to him. The salary of the director shall
25 be initially determined by the commission, but it shall not
26 exceed twenty-five thousand dollars per annum and, thereafter,
27 it shall be set by the general assembly.

28 Sec. 8. NEW SECTION. POWERS AND DUTIES OF THE DIRECTOR.
29 The director shall:

30 1. Direct and supervise the preparation of recommendations
31 for a state land use policy and state land use policy guide-
32 lines and perform such other duties as authorized by the
33 commission under this Act.

34 2. Prepare, pursuant to chapter eight (8) of the Code,
35 a budget for the commission.

1 3. Appoint, with the approval of the commission, the
2 technical, professional, secretarial, and clerical staff
3 deemed necessary to accomplish the purposes of this Act subject
4 to the provisions of chapter nineteen A (19A) of the Code.
5 The director may appoint a member of his staff to be acting
6 director in his absence. The acting director shall have the
7 powers delegated to him by the director.

8 Sec. 9. NEW SECTION. EXPENSES. The director and other
9 employees of the commission shall receive, in addition to
10 salary, their travel and other necessary expenses incurred
11 while engaged in the performance of their official duties.

12 Sec. 10. NEW SECTION. OFFICE FACILITIES. The department
13 of general services shall provide the commission with
14 appropriate office facilities and equipment.

15 Sec. 11. NEW SECTION. COMPLIANCE BY STATE AGENCIES.
16 Effective July 1, 1978, a state agency shall not take any
17 action or issue any order or permit relating to land use
18 except in compliance with the state land use policy and state
19 land use policy guidelines adopted by the general assembly
20 as provided in this Act. Any person aggrieved by any order
21 or action of a state agency on a matter relating to land use,
22 which is alleged to be in violation of the state land use
23 policy or state land use policy guidelines adopted by the
24 general assembly, may seek judicial review of such order or
25 action as provided in chapter seventeen A (17A) of the Code.

26 Sec. 12. Section three hundred fifty-eight A point one
27 (358A.1), Code 1977, is amended to read as follows:

28 358A.1 WHERE APPLICABLE. The provisions of this chapter
29 shall be applicable to any county of the state at the option
30 of the board of supervisors of any such county, however,
31 effective July 1, 1978, it shall be mandatory that each county
32 adopt a comprehensive plan and adopt and enforce regulations
33 in compliance with the provisions of this chapter.

34 Sec. 13. Section three hundred fifty-eight A point five
35 (358A.5), unnumbered paragraph one (1), Code 1977, is amended

1 to read as follows:

2 Such regulations shall be made in accordance with a compre-
3 hensive plan which shall conform to the state land use policy
4 and state land use policy guidelines adopted by the general
5 assembly, and designed to lessen congestion in the street
6 or highway; to secure safety from fire, flood, panic, and
7 other dangers; to protect health and the general welfare;
8 to provide adequate light and air; to prevent the overcrowding
9 of land; to avoid undue concentration of population; to
10 facilitate the adequate provision of transportation, water,
11 sewerage, schools, parks and other public requirements.

12 Sec. 14. Section four hundred fourteen point one (414.1),
13 Code 1977, is amended to read as follows:

14 414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the
15 purpose of promoting the health, safety, morals, or the general
16 welfare of the community, ~~any each city is hereby empowered~~
17 to may and effective July 1, 1978, shall regulate and restrict
18 the height, number of stories, and size of buildings and other
19 structures, the percentage of lot that may be occupied, the
20 size of yards, courts, and other open spaces, the density
21 of population, and the location and use of buildings,
22 structures, and land for trade, industry, residence, or other
23 purposes. However, a city may, in lieu of adopting its own
24 comprehensive plan and regulations, agree to be included in
25 the comprehensive plan of the county and to have the county
26 adopt and enforce regulations.

27 Sec. 15. Section four hundred fourteen point three (414.3),
28 unnumbered paragraph one (1), Code 1977, is amended to read
29 as follows:

30 Such regulations shall be made in accordance with a
31 comprehensive plan which shall conform to the state land use
32 policy and state land use policy guidelines adopted by the
33 general assembly, and designed to lessen congestion in the
34 street; to secure safety from fire, flood, panic, and other
35 dangers; to promote health and the general welfare; to provide

1 adequate light and air; to prevent the overcrowding of land;
2 to avoid undue concentration of population; to facilitate
3 the adequate provision of transportation, water, sewerage,
4 schools, parks, and other public requirements.

5 Sec. 16. There is appropriated from the general fund of
6 the state to the state land use policy commission for the
7 fiscal year beginning July 1, 1977 and ending June 30, 1978,
8 the sum of one hundred thousand (100,000) dollars, or so much
9 thereof as may be necessary, for the purpose of carrying out
10 the provisions of this Act.

11 EXPLANATION

12 This bill provides for the creation of a state land use
13 policy commission consisting of fifteen members appointed
14 by the governor with the consent of two-thirds of the members
15 of the senate for four-year terms. The members are to be
16 selected from the state at large to represent the general
17 public.

18 The principal duty of the commission is to prepare and
19 recommend to the general assembly a state land use policy
20 and state land use policy guidelines to guide the actions
21 of state agencies, cities and counties on matters relating
22 to land use. The state land use policy and state land use
23 policy guidelines must be adopted by the general assembly.

24 The bill also provides for the appointment of director
25 or chief administrative officer of the commission to direct
26 and supervise the preparation of recommendations of the
27 commission and to carry out other duties assigned to the
28 director. The director may appoint, with approval of the
29 commission, other necessary professional and secretarial
30 staff.

31 Each city and county must create a zoning commission
32 effective July 1, 1978 to provide for the enforcement of
33 comprehensive land use plans developed in conformity to the
34 state land use policy and state land use policy guidelines
35 adopted by the general assembly. A city may join with the

1 county in the preparation of such plans and the enforcement
2 of appropriate regulations.

3 The bill provides for an appropriation of \$100,000 to the
4 state land use policy commission for the fiscal year beginning
5 on July 1, 1977 and ending June 30, 1978.

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