

Natural Resources 3/20

SENATE FILE 291

Natural Resources
Cuthoon, Chairperson
Burrroughs
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EMD MAR 29 1977

SENATE FILE 291

By CRAFT and TIEDEN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to natural river areas.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 291

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1 Section 1. Section one hundred eight A point one (108A.1),
2 Code 1977, is amended by adding the following new subsec-
3 tions:

4 NEW SUBSECTION. "Scenic easement" means a conservation
5 easement as provided in chapter one hundred eleven D (111D)
6 of the Code containing the right to control the use of land
7 and the air space over it for the purpose of protecting the
8 scenic view from the waters of a natural river.

9 NEW SUBSECTION. "Simple scenic easement" means a scenic
10 easement which prohibits topographic changes or alterations
11 of the natural landscape by excavation, drainage, filling,
12 dumping, or other means and prohibits signs, buildings and
13 similar structures, whether permanent or mobile, from being
14 constructed or placed upon the land subject to the easement.
15 A simple scenic easement shall not prohibit the agricultural
16 use of the land or prohibit the erection of no trespassing,
17 no hunting or for sale signs having less than four square
18 feet in area.

19 NEW SUBSECTION. "Noncrop scenic easement" means a scenic
20 easement which has the prohibitions of a simple scenic ease-
21 ment and also prohibits the plowing or cultivation of the
22 land, the spraying of any herbicide or pesticide, and the
23 cutting, trimming or removal of trees, shrubs, or bushes.
24 A noncrop scenic easement shall not prohibit the pasturing
25 or passage of livestock, the erection of low fences of the
26 type normally used to control livestock, or the erection of
27 no trespassing, no hunting, or for sale signs having less
28 than four square feet in area.

29 Sec. 2. Section one hundred eight A point five (108A.5),
30 Code 1977, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. The plan shall provide for the protec-
32 tion of the values of a natural river area cited in section
33 one hundred eight A point two (108A.2) of the Code and shall
34 provide for the continued use of the land within the natural
35 river area for normal agricultural activities, including,

1 but not limited to, cultivation, grazing, forestry, and other
2 practices necessary to agricultural pursuits. The plan shall
3 provide for the regulation of forms of recreation detrimental
4 to the values of a natural river area and the prohibition
5 of forms of recreation which are destructive of those values.
6 The plan shall provide that the development of accesses and
7 camping areas on the river shall be minimal, primitive and
8 unobtrusive. The commission shall prepare and adopt the plan
9 within twelve months after the natural river area has been
10 designated.

11 Sec. 3. Section one hundred eight A point six (108A.6),
12 Code 1977, is amended by striking the section and inserting
13 in lieu thereof the following:

14 108A.6 ZONING ADJACENT LANDS. Within six months after
15 the designation of a natural river area, each county containing
16 a portion of the area shall adopt or amend ordinances pursuant
17 to chapter three hundred fifty-eight A (358A) of the Code
18 applying to the area in compliance with the following
19 standards:

20 1. Lots upon the river shall be at least six acres in
21 area and three hundred feet wide at the building line and
22 at the water line.

23 2. Only one dwelling unit shall be constructed on each
24 lot.

25 3. A structure shall be placed at least two hundred feet
26 from the ordinary high water mark.

27 4. A structure shall not be placed on slopes greater than
28 thirteen degrees unless that structure can be screened from
29 the river and adequate sewage facilities can be provided.

30 5. A structure shall be placed at least forty feet land-
31 ward from the bluffline of the river.

32 6. Clear-cutting of trees, except for roads, utilities,
33 or other public services, shall be prohibited within two
34 hundred feet of the ordinary high water mark and within forty
35 feet landward of the bluffline of the river.

1 7. Selective cutting of trees larger than four inches
2 in diameter at four feet in height shall be permitted only
3 if a continuous tree cover is maintained.

4 Sec. 4. Chapter one hundred eight A (108A), Code 1977,
5 is amended by adding the following new sections:

6 NEW SECTION. Within twelve months of the designation of
7 a natural river, the commission shall delineate the boundaries
8 of a natural river area and of a maximum protection area.
9 The natural river area shall not exceed three hundred twenty
10 acres per river mile. The commission shall give preference
11 to the inclusion in the natural river area of lands which
12 exhibit the values cited in section one hundred eight A point
13 three (108A.3) of the Code. The maximum preservation area
14 shall not exceed one hundred acres per river mile of the
15 natural river area. The commission shall give preference
16 to the inclusion in the maximum preservation area of lands
17 within fifty feet of the shorelines and lands which are wooded,
18 brushy, swampy, steep, highly eroded or nonagricultural.

19 NEW SECTION.

20 1. Within six months of the delineation of the boundaries
21 of a maximum preservation area, the commission shall cause
22 each owner of land within the area to be informed personally
23 by a representative of the commission of the project and of
24 the land in which the commission desires to acquire an ease-
25 ment or in fee simple. The commission shall attempt, in
26 developing the terms of the easements, to reconcile the needs
27 of the landowner and the protection of the values of a natural
28 river area.

29 2. The commission shall have an independent appraiser
30 appraise the value of a simple scenic easement on all the
31 land within the maximum preservation area and of a noncrop
32 scenic easement on all the land within the area and fifty
33 feet of the shoreline of the river. Upon the request of the
34 landowner, the commission shall have an independent appraiser
35 appraise the value of an interest which the commission desires

1 to acquire.

2 3. Upon the completion of the appraisal, the commission
3 shall inform the landowner of the appraised value and of-
4 fer to purchase the desired property at the appraised value.

5 4. The commission shall complete all offers to purchase
6 interest in land within the maximum preservation area within
7 three years of its delineation.

8 NEW SECTION. The commission shall not initiate purchases
9 of conservation easements and interests in fee simple to
10 protect land outside the maximum preservation area within
11 sight of the natural river, including its tributaries, which
12 exhibit the values of a natural river area until the purchases
13 within a maximum preservation area are substantially completed.

14 NEW SECTION. In carrying out the provisions of this
15 chapter, the commission shall not condemn land in fee simple,
16 except land on which the clear-cutting of trees has occurred
17 contrary to zoning laws of the county in the natural river
18 area or contrary to the terms of an easement held by the
19 commission. The commission shall reestablish a forest on
20 the condemned land using trees native to the area.

21 Sec. 5. For any natural river designated by the commission
22 prior to the effective date of this Act, the commission shall
23 comply with the schedules of this Act as though the natural
24 river was designated on the effective date of this Act.

25 Sec. 6. This Act is effective January 1, 1978.

26 EXPLANATION

27 The bill establishes procedures and standards for the Iowa
28 state conservation commission in the acquisition of interests
29 in land and promulgation of rules to protect natural river
30 areas. The bill establishes the minimum interest in land
31 to be acquired for designated areas along a natural river,
32 the procedures for the acquisition of the interests, and the
33 situations in which condemnation may be used. The bill
34 provides standards for the adoption of county zoning ordinances
35 for the natural river area.

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