

Natural Resources
Tiedem. Chairperson
Gentleman
Goodwin
Hutchins
Van Gilst

SENATE FILE 502

BY COMMITTEE ON NATURAL RESOURCES

(FORMERLY SSB 355)

Approved 2/26/81 (7.442)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act to provide for county commissions to study the past,
2 present, and future uses of land and providing for the
3 making of recommendations to the general assembly.

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

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1 Section 1. Chapter 93A, Code 1981, is amended by striking
2 the chapter and inserting in lieu thereof sections 2 through
3 7 of this Act.

4 Sec. 2. NEW SECTION. PURPOSE. It is the intent of the
5 general assembly to provide for the development of land use
6 policy recommendations for the consideration of the general
7 assembly through a process that emphasizes the participation
8 and recommendations of citizens and local governments. The
9 general assembly intends to provide for the development of
10 recommendations which will provide for the orderly use and
11 development of land and related natural resources in Iowa,
12 preserve private property rights, preserve the use of
13 agricultural land for agricultural production, preserve and
14 guide the development of critical areas, key facilities, and
15 large-scale development, and provide for the future housing,
16 commercial, industrial, and recreational needs of the state.

17 Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter
18 unless the context otherwise requires:

19 1. "County commission" means the county land use commis-
20 sion.

21 2. "State council" means the state land use coordinating
22 council.

23 3. "Critical area" means any fragile or historic lands
24 or sites, natural hazard lands, or renewable resource lands
25 where substantial evidence indicates that the uncontrolled
26 or incompatible development could result in damage to the
27 environment, life, or property or the long-term public
28 interest.

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

1 sites.

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

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

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

20 8. "Large-scale development" means any private development
21 which is likely to generate issues of more than local
22 significance because of its magnitude or because of its
23 location with respect to its surroundings.

24 Sec. 4. NEW SECTION. COUNTY COMMISSIONS ESTABLISHED.

25 1. In each county a county land use commission is created
26 composed of the following members:

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

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

31 c. Three members appointed by and from a convention of
32 the mayors and councilpersons of the cities of the county.

33 If a participating city contains fifty percent or more of
34 the total population of the participating cities, that city
35 may appoint two of the members appointed under this paragraph.

1 However, if a city contains more than one-half of the
2 population of a county which has a population exceeding fifty
3 thousand persons, that city shall not participate in the
4 convention of mayors and councilpersons and the members
5 appointed under paragraph "c" of this subsection shall be
6 three members appointed by and from the mayor and
7 councilpersons of that city and three members appointed by
8 and from the convention of mayors and councilpersons and the
9 members appointed under paragraph "b" of this subsection shall
10 be three residents of the county engaged in actual farming
11 operations appointed by the board of supervisors.

12 2. The county commission shall meet and organize by the
13 election of a chairperson and vice chairperson from among
14 its members. A majority of the members of the county
15 commission constitutes a quorum and the concurrence of a
16 quorum is required to determine any matter relating to its
17 official duties. Each member of the county commission is
18 entitled to receive reimbursement for travel and other
19 necessary expenses incurred in the performance of the member's
20 official duties. The reimbursement shall be made by the unit
21 of government of which the county commissioner is a member
22 or which appointed the member.

23 3. The state agricultural extension service shall assist
24 county commissions with technical, informational, and clerical
25 assistance.

26 4. A vacancy in the county commission shall be filled
27 in the same manner as the appointment of the member whose
28 position is vacant.

29 Sec. 5. NEW SECTION. STATE COUNCIL ESTABLISHED.

30 1. There is created a state land use coordinating council.
31 The state council is composed of the administrative head or
32 that person's designee from the following state agencies:

- 33 a. Department of agriculture.
- 34 b. Department of soil conservation.
- 35 c. State conservation commission.

- 1 d. Iowa natural resources council.
- 2 e. Iowa development commission.
- 3 f. Department of environmental quality.
- 4 g. Geological survey.
- 5 h. State agricultural extension service.

6 2. The state council shall organize by the election of
7 a chairperson and vice chairperson from among its members.
8 A majority of the members of the state council constitutes
9 a quorum and the concurrence of a quorum is required to deter-
10 mine any matters relating to its official duties.

11 3. The state council shall assist the county commissions
12 in obtaining information for use in compiling the county in-
13 ventories.

14 Sec. 6. NEW SECTION. SCHEDULE AND DUTIES.

15 1. By October 1, 1981, The county commissions shall
16 organize and the state council shall establish advisory
17 guidelines for the development of county inventories. These
18 guidelines shall inform the county commissions of the
19 information which should be included in the inventories and
20 inform the county commissions of what information on those
21 subjects may be available from state agencies.

22 2. By October 1, 1982, the county commissions shall compile
23 county inventories and transmit them to the state council.
24 Prior to transmitting the inventory a county commission shall
25 hold at least one public hearing on the inventory. The public
26 hearing shall be scheduled sufficiently in advance of the
27 transmittal date so that the inventory can be revised or
28 supplemented if the county commission chooses to do so after
29 the hearing.

30 3. The state council may request additional information
31 from a county commission after submission of the inventory.

32 4. By January 1, 1983, the state council shall evaluate
33 the inventories and submit its findings and recommendations
34 to the general assembly. The recommendations shall provide
35 for those purposes specified in section 2 of this Act and

