

PROGRESS REPORT

**COMMISSION ON URBAN PLANNING,
GROWTH MANAGEMENT OF CITIES, AND
PROTECTION OF FARMLAND**



Presented to the
LEGISLATIVE COUNCIL
and the
IOWA GENERAL ASSEMBLY
January, 1998

Prepared by the
LEGISLATIVE SERVICE BUREAU



Legislative
Service
Bureau

PROGRESS REPORT

Commission on Urban Planning, Growth Management of Cities,
and Protection of Farmland

January 1998

MEMBERS

Senator Mary Lundby, Co-chairperson
Senator Eugene Fraise

Mr. Mark Ackelson, Iowa Natural Heritage Foundation

Ms. Joyce Barrett, Iowa Historic Preservation Alliance

Ms. Lu Barron, Iowa State Association of Counties

Ms. Sue Cosner, American Planning Association

Ms. Lori Elliott, Associated Builders & Contractors of Iowa

Ms. Elisabeth Infield Hamin, Department of Community
& Regional Planning, College of Design, Iowa State
University

Mr. Jay Howe, Iowa Farmers Union

Mr. Tim Keller, The American Society of Landscape
Architects

Representative Russ Teig, Co-chairperson

Representative Ed Fallon

Ms. Jill Knapp, Iowa Association of the Conservation
Districts of Iowa

Mr. Martin Lee, Governor's Office

Mr. Charles Manly, Iowa Audubon Council

Mr. Gordon Mills, American Institute of Architects

Ms. Sally Puttmann, Iowa Farm Bureau Federation

Ms. Donna Robinson, Iowa Sportsmen's Federation

Ms. Beverly Thomas, Iowa Public Transit Association

Mr. Kevin Vinchattle, Farm Commodity Organizations

Mr. Tim Zisoff, Iowa League of Cities

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AUTHORIZATION AND APPOINTMENT

The Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland is authorized by the Legislative Council to study issues relating to land use and planning, and particularly policies and trends which affect development, including but not limited to issues involving the status of farmland and the conversion of farmland into residential, commercial, or industrial uses; associated problems facing cities; the effectiveness of local planning and zoning laws; and a review of model legislation and studies in states which have undertaken reform efforts and have effective land use policies.

The Commission consists of 21 voting members with diverse expertise in planning, development, design, zoning, annexation, agriculture, historic preservation, transportation, and conservation. The Commission is chaired by the Honorable Senator Mary Lundby and the Honorable Representative Russ Teig.



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1. Overview.

Scope of the Study. In 1997, the Legislative Council of the Iowa General Assembly, pursuant to House Concurrent Resolution 21, established the Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland. The Legislative Council authorized the study in order to review county land use inventories; survey the status of Iowa farmland and natural areas; determine the extent to which areas have been converted to residential, commercial, or industrial use; report on the agricultural quality of farmland converted to residential, commercial, or industrial use; survey problems facing the state's cities; evaluate the effectiveness of current state, regional, and local planning and zoning laws and assess their impact on the farmland, natural areas, and cities of the state; review model legislation and studies on farmland protection and urban planning; collect information on states that have undertaken reform efforts and have effective programs; propose innovative and cooperative planning and land use approaches that will protect farmland, accommodate and guide growth and development, ensure the planning and construction of adequate supporting services and infrastructure including utilities, storm water management systems, and transportation; provide opportunities for or eliminate barriers to affordable housing; protect the environment; and minimize exposure to natural hazards.

Public Hearings. The Commission is scheduled to conduct public hearings around the state during the summer and fall of 1998.

Budget. On November 25, 1997, the Legislative Council authorized \$50,000 to the Commission for purposes of carrying out this study. However, the Commission cannot expend any authorized moneys unless the expenditure is matched by a contribution by a private source.

Final Report. The Commission plans to issue a final report containing findings and any recommendations by January 1999.

2. Commission Meetings.

The Commission has held five meetings, beginning in September 1997 and ending in January 1998. The Commission met in order to receive testimony and take actions related to the study.

a. First Meeting -- September 4, 1997.

The first meeting of the Commission was held on Thursday, September 4, 1997, in Room 116 of the State Capitol. The Commission meeting was organizational. The Commission elected Senator Mary Lundby and Representative Russell Teig as permanent co-chairpersons and adopted rules. Members introduced themselves and discussed perspectives regarding land use issues and the direction of the Commission. The members formed a subcommission to study issues involving

financing aspects of the study, including the employment of a consultant. The Commission requested that staff investigate land use inventories and land use plans prepared by counties and prepare a summary of relevant laws.

The testimony received by the Commission included the information presented by Mr. Robert Wagner, representing the American Farmland Trust, who expressed support for the Commission and discussed similar efforts and land preservation statutes enacted in other states, including Pennsylvania, Ohio, and Oregon.

b. Second Meeting -- October 6, 1997.

The second meeting of the Commission was held in Room 116 of the State Capitol beginning at 10:00 a.m. on Monday, October 6, 1997. The Commission considered the following:

(1) Updates. Representative Ed Fallon provided an update of the Finance Subcommittee, including the legal structure of an entity charged to conduct research programs, and private and state contributions to facilitate the work of the Commission. Mr. Doug Adkisson of the Legislative Service Bureau provided a brief overview of staff activities, including efforts to obtain county land use inventories, and identified legal obstacles to establishing a nonprofit corporation to perform Commission functions. Ms. Debra Kozel of the Legislative Fiscal Bureau presented information regarding Commission budget items.

(2) World Food Prize. Mr. John Ruan, Chairperson and Chief Executive Officer of the Ruan Companies, discussed the importance of the World Food Prize and the need to preserve agricultural land for the production of food, leather, and fiber products.

(3) Land Use Inventories. Mr. Paul Anderson, Professor at Iowa State University, and Mr. Cory Brockmann, representing the Natural Resources Conservation Service, United States Department of Agriculture, discussed Iowa's land use inventories and the number of acres of farmland converted to nonagricultural uses.

(4) Farmland Preservation. Mr. Stuart Meck, representing the American Planning Association, discussed his organization and its efforts to preserve farmland, including drafting model legislation. Mr. Meck stressed the importance of farmland preservation and noted that many states have embarked upon studies of this issue. He stated that the American Planning Association would like to be involved in the Commission's efforts.

(5) Annexation. Professor Jerry Knox, representing Iowa State University, discussed issues related to regional planning and annexation of farmland by cities. Professor Knox described his participation in a Dallas County blue ribbon committee considering these issues. He showed the Commission a number of maps illustrating how central Iowa cities have annexed a large number of acres.



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(6) *Legal Issues.* Professor Neil Hamilton, Drake University Law School, discussed Iowa's farm preservation statutes and county zoning, including Iowa Code section 335.2, which exempts farms and farm uses from county zoning. Professor Hamilton also discussed a number of provisions in state law that he believes exaggerate annexation problems and the conversion of farmland into nonagricultural uses.

c. Third Meeting -- November 3, 1997.

The third meeting of the Commission was held in Room 116 of the State Capitol beginning at 10:00 a.m. on Monday, November 3, 1997. The Commission considered the following:

(1) *Property Taxation.* Mr. Dick Stradley, Iowa Department of Revenue and Finance, provided the Commission with an overview of Iowa property taxation, including a discussion on real estate assessment and real estate classification.

(2) *Farmland Preservation.* Mr. James Gulliford, Iowa Department of Agriculture and Land Stewardship, discussed his participation in the implementation of Iowa Code chapter 352, relating to county land use inventories and county land preservation and use plans.

(3) *Annexation.* Mr. Steve McCann, Administrator, City Development Board, and Ms. Christie Scase, Assistant Attorney General, discussed the function of the City Development Board. The City Development Board reviews all annexation petitions within urbanized areas for statutory requirements. Mr. McCann and Ms. Scase provided an overview of procedures for various types of voluntary and involuntary annexations in Iowa.

(4) *Finance Discussion.* Representative Ed Fallon provided the Commission with an update regarding the possibility of financing the work of the Commission. He stated that any decisions on financing should be delayed until after the next Legislative Council meeting.

(5) *Highway Planning.* Mr. Jim Bernau, farmer, discussed negative experiences that he had with the Iowa Department of Transportation's project of locating the Avenue of the Saints highway near Charles City. Mr. Dennis Tice, Iowa Department of Transportation, provided an overview of the Department's long-range transportation plan. Mr. Tice discussed the Department's criteria for determining the location of new roads.

(6) *Takings and Private Property Rights.* Ms. Elisabeth Osenbaugh and Mr. Mike Smith, representing the Iowa Attorney General's Office, provided an overview of private property rights and takings issues including a discussion regarding development rights, eminent domain, conservation easements, and condemnations.

(7) Perspectives By Cities. Mr. Dean Schade, representing the Iowa League of Cities, and Mr. Jim Halvorson, Planning Director, City of Cedar Rapids, provided cities' perspectives on urban sprawl and farmland preservation issues. Mr. Schade discussed the question of whether urban growth is undesirable. Mr. Halvorson discussed the role of annexation, property taxes, water services, the responsibility of counties, and the impact of transitional land uses in city development.

d. Fourth Meeting -- December 1, 1997.

The fourth meeting of the Commission was held in the Speaker's Committee Room of the State Capitol beginning at 10:00 a.m. on Monday, December 1, 1997. The Commission considered the following:

(1) Financial Update. Co-chairperson Representative Teig notified the Commission that the Legislative Council authorized \$50,000 to the Commission based on a dollar-for-dollar match of any money raised in the private sector.

(2) Sustainable Agriculture. Dr. Dennis Kenney, Director, Leopold Center for Sustainable Agriculture, Iowa State University, discussed his perspectives on urban sprawl and farmland preservation as they relate to sustainable agriculture.

(3) Problems and Costs of Urban Growth. Mr. Philip Bloch, Intern, Iowa Natural Heritage Foundation, discussed the movement of people away from rural communities to urban centers during the industrial revolution and from urban centers to rural communities at the current time and costs associated with this growth.

(4) Public Concerns. Mr. Dean Robertson, a private citizen from Cedar Rapids, discussed the need to change current land use and planning laws in order to preserve land and best serve ecological and environmental conditions. Ms. Lavon Griffieon, a farmer who lives on a farm north of Ankeny, discussed how urban development is closing in on her family's farm.

The Commission discussed issues relating to the Commission's work during the 1998 Legislative Session, financing the work of the Commission, and the interim report to the General Assembly. The Commission agreed to form six subcommissions which will meet from January 1998 to May 1998. The Commission also discussed issues relating to the financing of work by the Commission.

e. Fifth Meeting -- January 12, 1998.

The fifth meeting of the Commission was held in Room 116 of the State Capitol beginning at 10:00 a.m. on Monday, January 5, 1998. The Commission considered the following:

(1) Mr. Lane Palmer, Department of Economic Development, discussed costs associated with development.



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(2) Mr. William Dikis, FAIA, Government Affairs Chairman for the American Institute of Architects, Iowa Chapter, presented information regarding planning and design considerations.

(3) Ms. Laurie Bergren, Member, Monroe Township Association, discussed issues involving building and subdivision approval within the two-mile jurisdiction which exists beyond a city's limits.

(4) Mr. Les Beck, Director, Story County Planning and Zoning, discussed county planning and zoning practices.

(5) Mr. Kent Newman, Executive Director, Wallace House Foundation, discussed methods to facilitate dialogue between elected officials and citizens concerning land use issues.

3. Commission Action.

a. Subcommissions.

The Commission has formed a number of subcommissions. The Finance Subcommission met once during the 1997 interim. The other subcommissions are planning to meet on a regular basis during the 1998 Legislative Session (beginning in January and ending in April) for purposes of considering specific issues.

Subcommissions	Membership
Finance	Senator Lundby (Chairperson), Representative Ed Fallon, Ms. Lu Barron, and Mr. Mark Ackelson
Annexation	Ms. Lu Barron (Chairperson), Ms. Sue Cosner, and Mr. Charles Manly
Private Property Rights	Mr. Kevin Vinchattle (Chairperson), Ms. Sally Puttmann, and Mr. Martin Lee/Ms. Jennifer Kingland
Land Use Planning and Policy/Urban Revitalization	Mr. Gordon Mills/Ms. Debra L. Smith (Chairperson), Ms. Elisabeth Infield Hamin, and Mr. Tim Reinders
Public Park and Recreation/Natural and Historic Areas	Mr. Mark Ackelson (Chairperson), Ms. Bev Thomas, and Ms. Donna Robinson
Farmland Inventories/Farmland Preservation	Mr. Jay Howe (Chairperson), Mr. Tim Keller, and Ms. Jill Knapp
Infrastructure Costs and Subsidies/Tax Implications of Development	Mr. Tim Zisoff (Chairperson), Mr. Ed Fallon, and Ms. Lon Elliott

b. Schedule.

The subcommissions plan on meeting January 1998 through April 1998. The full Commission will meet in May 1998 to receive subcommission reports. The Commission plans on holding public hearings in June 1998 through September 1998. The full Commission will discuss findings and any recommendations in

October 1998. The Commission will approve a final report in November 1998 or December 1998 if necessary. A chart illustrating the Commission schedule is attached.

c. Consultant Services.

The Commission is exploring contracting with one or more organizations to assist the Commission in carrying out its mission.

4. Materials on File With the Legislative Service Bureau.

- a. Adopted Commission Rules.
- b. Mr. Doug Adkisson Filed a Copy of a Letter Submitted to County Attorneys.
- c. Mr. Doug Adkisson, Legislative Service Bureau, Filed a Staff Progress Report at the October 6, 1997, Meeting.
- d. Ms. Deb Kozel, Legislative Fiscal Bureau, Filed a Proposed Budget.
- e. Mr. John Ruan Filed a Folder Which Contained the Following:
 - ◇ The November 1996 edition of The World Food Prize Report.
 - ◇ A newspaper article titled, "Food Prize Decades in the Making."
 - ◇ A newspaper article titled, "World Starves for Do Gooders."
 - ◇ A newspaper article titled, "A Nourishing Meal for Everyone."
 - ◇ A brochure titled, "The World Food Prize: Celebrating Ten Years."
 - ◇ A brochure titled, "The World Food Prize: Presentation of Laureates 1996."
- f. Dr. Paul Anderson Filed an Outline of his Presentation.
- g. Mr. Cory Brockmann Filed a Folder Which Contained the Following:
 - ◇ A brochure titled, "America's Private Land: A Geography of Hope."
 - ◇ Copies of overhead projections used during Mr. Brockmann's presentation.
 - ◇ Information sheets titled, "USDA Farm Bill 1996 Conservation Provisions: Q & A Farmland Protection Program Questions and Answers."
 - ◇ Information sheets titled, "USDA Farm Bill 1996 Conservation Provisions: Fact Sheet Farmland Protection Program."
- h. Mr. William Klein, Mr. Stuart Meck, and Mr. James Schwab Filed the Following:
 - ◇ An information packet titled, "Presentation on Growing Smart and Statutory Reform in Iowa."



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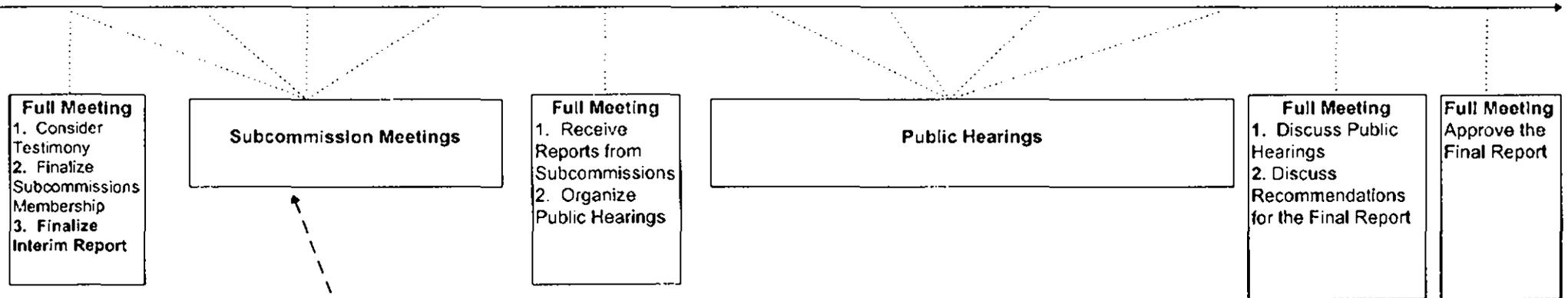
- ◇ A brochure titled, "What Is the American Planning Association?"
- i. Mr. Jerry Knox Filed the Following:
 - ◇ A packet of information including a copy of Mr. Knox's testimony, a list of available tools and techniques to address urban sprawl, a list of recommendations, a set of definitions for urban sprawl-related terms, and a copy of a report titled, "Dallas County Planning and Vision."
 - ◇ A report titled, "Dallas County Planning and Vision: Growth Management Tools and Techniques."
- j. "Suburban Sprawl Costs Us All in the Midwest."
- k. Ms. Lu Barron Requested All Commission Members Receive the Following:
 - ◇ An information sheet titled, "Planning Definitions."
 - ◇ An article titled, "The Great Wall of Portland."
- l. Iowa Property Tax Overview, Department of Revenue and Finance.
- m. Property Tax Classification (Comparison of Assessed Values), Department of Revenue and Finance.
- n. National Resources Inventory Briefing, United States Department of Agriculture Natural Resources Conservation Service.
- o. Overview of Annexation, Mr. Steve McCann, City Development Board Administrator, Department of Economic Development.
- p. Transportation and Land Use, Department of Transportation.
- q. Iowa in Motion, State Transportation Plan Executive Summary, Department of Transportation.
- r. Takings L*A*W in Plain English, Christopher J. Duerken and Richard J. Roddewig, as Furnished by the Attorney General's Office.
- s. Summary of Remarks, Jim Halverson, City of Cedar Rapids, Department of Development.
- t. Testimony, Mr. Dean Schade, Iowa League of Cities.
- u. Community Growth Management, Introduction to Growth Management, Oregon State University Extension Service.
- v. Community Growth Management, Performance Zoning, Oregon State University Extension Service.
- w. Community Growth Management, Influencing the Sequence of Development, Oregon State University Extension Service.
- x. Community Growth Management, Six Case Examples, Oregon State University Extension Service.

- y. Community Growth Management, Influencing the Rate of Population Growth, Oregon State University Extension Service.
- z. Excerpt From the Journal of Urban Planning and Development, Volume 120, Number 4.
 - aa. Historical Overview of State and Regional Planning in Virginia, Office of Policy Analysis and Research Department of Housing and Community Development.
 - bb. Agricultural Trends, Michigan Society of Planning Officials.
 - cc. Copy of Iowa Code Section 306.9.
 - dd. Memorandum to the Commission: County Inventory Update, Doug Adkisson, Legislative Service Bureau.
 - ee. Letter to Commission Members, Representative Mona Martin.
 - ff. Dr. Dennis Keeney Filed the Following:
 - ◊ An outline of his presentation to the Commission.
 - ◊ A pamphlet titled, "Leopold Center for Sustainable Agriculture."
 - ◊ A pamphlet titled, "Leopold Center for Sustainable Agriculture: Mailing List Profile."
 - ◊ A brochure titled, "Leopold Center for Sustainable Agriculture: 1996-1997 Annual Report."
 - gg. Mr. Philip Bloch Filed the Following:
 - ◊ A handout titled, "An Analysis of Causes, Problems and Solutions Associated with Current Urban Growth."
 - ◊ A handout which included two articles titled, "Preserving Pennsylvania's Agricultural Jewel" and "Maryland's 'Smart Growth' Law: A National Model?"
 - hh. Mr. Dean Robertson Filed a Written Copy of his Presentation to the Commission.
 - ii. Mr. Doug Adkisson, Legislative Service Bureau, Filed a Proposed Schedule of Commission Activities for Calendar Year 1998.
 - jj. American Farmland Trust, Farming on the Edge.
 - kk. Ohio Farmland Preservation Task Force, Report Findings and Recommendations.
 - ll. Modernizing State Planning Statutes, American Planning Association.
 - mm. Agriculture Trends, Michigan Society of Planning Officials.

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COMMISSION SCHEDULE OF ACTIVITIES 1998

January February March April May June July August September October November/
December



SUBCOMMISSIONS

1. Finance*
2. Annexation
3. Private Property Rights
4. Land Use Planning and Policy/Urban Revitalization
5. Public Park and Recreation Areas/Natural and Historic Areas
6. Farmland Inventories/Farmland Preservation
7. Infrastructure Costs and Subsidies/Tax Implications of Development

*Meeting as necessary