

JOINT SUBCOMMITTEE ON LAND USE  
OF THE  
HOUSE AND SENATE STANDING COMMITTEES ON NATURAL RESOURCES

Submitted to the General Assembly

January, 1980

F I N A L    R E P O R T

JOINT SUBCOMMITTEE ON LAND USE  
OF THE  
HOUSE AND SENATE STANDING COMMITTEES ON NATURAL RESOURCES

January, 1980

The Subcommittee was authorized by the Legislative Council to hold three meetings to study the report of the Temporary State Land Preservation Policy Commission established by Chapter 93A of the Code. The membership of the Subcommittee includes:

Senator Elizabeth Miller, Co-chairperson  
Representative Doug Smalley, Co-chairperson  
Senator James Calhoon  
Senator Norman Goodwin  
Senator Norman Rodgers  
Senator Forrest Schwengels  
Representative Dale Cochran  
Representative Jean Lloyd-Jones  
Representative Andy McKean  
Representative Lester Menke

The Subcommittee held its first meeting on September 4, 1979. Twelve members of the Temporary State Land Preservation Policy Commission (TSLPPC) were present at that meeting. The members of the TSLPPC commented on their report and answered questions of the Subcommittee members. At the conclusion of the meeting, the Subcommittee requested that several parts of the TSLPPC report be put in bill draft form. The Subcommittee determined to defer to other interim subcommittees on the recommendations regarding soil conservation and taxation.

At the second meeting on October 5, 1979 the Subcommittee reviewed the proposed bill draft with some of the TSLPPC members. The Subcommittee made several amendments changing and adding to the text of the draft. The Subcommittee agreed on the composition of the governmental structures to be established, requiring planning and zoning by local governments and the goals of a land use policy.

On November 2, 1979 the Subcommittee held its last meeting. At that meeting it adopted amendments, among others, which established a timetable for planning and zoning by local governments, gave emergency powers to county land preservation commissions, defined agricultural land and provided additional definitions and duties of the state land preservation commission. The Subcommittee approved a draft by mail which is attached to this report. Some of the principal features of this draft are as follows:

1. The draft creates state and county land preservation commissions composed of equal representation of boards of

supervisors, city council persons and mayors, and soil district commissioners. The state commission would propose land use policy and guidelines and appropriate regulation of critical areas, large-scale development and key facilities to the General Assembly. The state commission would review and approve county commission guidelines and state agency plans. The county commissions would review and evaluate local government plans and ordinances and propose guidelines for the use of local governments.

2. Cities and counties are required by certain dates to establish planning and zoning commissions, to adopt comprehensive plans and to adopt zoning ordinances. The ordinances must be reviewed every three years.

3. After the adoption of the state land use policy and guidelines and the county guidelines, each county and city is required to adopt ordinances to direct urban growth to the less productive agricultural land and encourage contiguous urban development.

4. The county commission is authorized to issue cease and desist orders prior to the adoption of the plans and ordinances required by the bill if an activity threatens the ability to preserve local critical areas and agricultural land and to promote efficient urban development patterns.

PROPOSED HOUSE/SENATE FILE \_\_\_\_\_

By (PROPOSED NATURAL RESOURCES  
SUBCOMMITTEE ON LAND USE BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act to establish a land preservation policy and organiza-  
2 tions and procedures to implement that policy.

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

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

PREFACE

2 This draft has been prepared at the request of the  
3 Subcommittee and contains the changes requested by the  
4 Subcommittee in the draft presented at the meeting on November  
5 2, 1979. This draft has not been approved by the Subcommittee  
6 and is for DISCUSSION PURPOSES ONLY.

7

8 Section 1. NEW SECTION. LEGISLATIVE POLICY. It is a  
9 policy of this state to preserve the availability and  
10 productivity of agricultural land, to discourage urban sprawl  
11 and encourage efficient urban development patterns, to  
12 designate and preserve critical areas and designate and control  
13 key facilities and large scale developments, to promote  
14 efficient use and conservation of energy, to preserve private  
15 property rights and to establish the state policy for the  
16 guidance and direction of state agencies in the use of land.

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

19 1. "Department" means the department of soil conserva-  
20 tion.

21 2. "State commission" means the state land preservation  
22 commission.

23 3. "County commission" means a county land preservation  
24 commission.

25 4. "State critical area" means an area where substantial  
26 evidence indicates that uncontrolled or incompatible develop-  
27 ment could result in damage to the environment, life or prop-  
28 erty, or an area where the long-term public interest is of  
29 more than local significance. Such areas shall include but  
30 not necessarily be limited to:

31 a. "Fragile or historic lands" where uncontrolled or in-  
32 compatible development could result in irreversible damage  
33 to important historic, cultural, scientific, or aesthetic  
34 values or natural systems which are of more than local  
35 significance including open spaces, wilderness areas,

1 greenbelts, shorelands of rivers, lakes, and streams, rare  
2 or valuable ecosystems and geological formations, significant  
3 wildlife habitats, and unique scenic or historic sites.

4 b. "Natural hazard lands" where uncontrolled or incom-  
5 patible development could unreasonably endanger life and prop-  
6 erty including flood plains and areas frequently subject to  
7 weather disasters, and areas of unstable geological formations.

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

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

21 6. "Large-scale development" means any private develop-  
22 ment likely to generate issues of more than local significance  
23 because of its magnitude or because of its location with re-  
24 spect to its surroundings.

25 7. "Local critical area" means any fragile or historic  
26 lands or sites, natural hazard lands, renewable resource lands  
27 of local significance, or open spaces of local significance,  
28 designated by a city or county, where evidence indicates that  
29 development could result in damage to the environment, life  
30 or property, or adversely affect the public interest or well-  
31 being, and which is not designated as a state critical area.  
32 Such areas shall include but not be limited to wetlands,  
33 wilderness areas, wildlife areas, greenbelts or other open  
34 spaces, historical sites and flood plains.

35 8. "Special district" means a benefited water district,

1 a rural water district, a benefited fire district, a benefited  
2 street lighting district, school district, sanitary district,  
3 or a solid waste disposal project established pursuant to  
4 part one (1), division four (IV) of chapter four hundred  
5 fifty-five B (455B) of the Code.

6 9. "Land use" means all activities, occupations, prac-  
7 tices, and utilizatin of space, including ground space, water,  
8 subsurface and air space.

9 10. "Land use planning" means the art, science, and pro-  
10 cess of arranging ground space, and its accompanying activity  
11 patterns, structures, systems and functions so as to adapt  
12 it most economically, functionally, and gracefully to the  
13 diverse present and anticipated future activities and occupa-  
14 tions of civilized man.

15 11. "Land use policy" means a definite course of action  
16 selected after evaluation of alternative courses in order  
17 to effectuate wise and prudent decisions for the use of land.

18 12. "Land use guideline" means a statement of the criteria,  
19 standards, specifications, and procedures to be used in de-  
20 veloping land use policy.

21 13. "Land use goal or objective" means a broad statement  
22 of ideals, aims, and desired results of land use planning  
23 and policy projected as far as possible into the future.

24 14. "Comprehensive plan" means a document or documents  
25 in map, text, tabular, chart or similar form which illustrates  
26 land use goals or objectives and which is used as a tool in  
27 present and future land use decision-making.

28 15. "Urban sprawl" means the irregular and uncontrolled  
29 development of urban land uses without regard to land use  
30 planning as defined in this section.

31 16. "Agricultural land" means land which is suitable as  
32 determined by soil surveys and other land capability informa-  
33 tion, for farming purposes. Agricultural land includes land  
34 which is not used for farming purposes but which is suitable  
35 for, and can be economically converted to, farming purposes.

1     Sec. 3. NEW SECTION. COUNTY COMMISSION ESTABLISHED.

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

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

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

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

14     However, if a city contains more than one-half of the  
15 population of a county which has a population exceeding fifty  
16 thousand persons, that city shall not participate in the  
17 convention of mayors and councilpersons and the members  
18 appointed under paragraph c of this subsection shall be three  
19 members appointed by and from the mayor and councilpersons  
20 of that city and three members appointed by and from the  
21 convention of mayors and councilpersons and the members  
22 appointed under paragraph b of this subsection shall be three  
23 residents of the county engaged in actual farming operations  
24 appointed by the board of supervisors.

25     2. The convention of the mayors and councilpersons shall  
26 be organized by the board of supervisors. The members of  
27 the county commission shall serve terms of three years. A  
28 vacancy shall be filled in the same manner as the original  
29 appointment.

30     3. The county commission shall annually meet and organize  
31 by the election of a chairperson and vice chairperson from  
32 among its members. A majority of the members of the county  
33 commission shall constitute a quorum and the concurrence of  
34 a quorum shall be required to determine any matter relating  
35 to its official duties. Each member of the county commission

1 shall be entitled to receive reimbursement for travel and  
2 other necessary expenses incurred in the performance of the  
3 member's official duties. The reimbursement shall be made  
4 from state funds appropriated for this purpose.

5 4. The state agricultural extension service shall assist  
6 county commissions with technical, informational, and clerical  
7 assistance.

8 Sec. 4. NEW SECTION. STATE COMMISSION ESTABLISHED.

9 1. The state land preservation commission shall consist  
10 of three county commissioners from each congressional district  
11 chosen at congressional conventions called by the department.  
12 Prior to the congressional district convention, the members  
13 of the county commission shall appoint one-third of its  
14 membership to attend the convention. One member shall be  
15 appointed by and from the members appointed under section  
16 three (3), subsection one (1), paragraph a of this Act, one  
17 member shall be appointed by and from the members appointed  
18 under paragraph b of that subsection, and one member for each  
19 three members appointed under paragraph c of that subsection  
20 shall be appointed by and from those members. The members  
21 of the county commissions in the counties located within each  
22 congressional district who have been appointed to attend the  
23 convention shall convene and elect three members to the state  
24 commission. Of the three members, one shall be elected by  
25 the members of the county commission appointed under section  
26 three (3), subsection one (1), paragraph a of this Act, one  
27 by the members appointed under paragraph b of that subsection,  
28 and one by the members appointed under paragraph c of that  
29 subsection. Each member shall be a member of a county  
30 commission appointed under the same subparagraph as the members  
31 of the county commission electing that member. The department  
32 shall provide assistance in making the arrangements for the  
33 conventions. Each member present of each county commission  
34 shall have one vote at the convention.

35 2. The state commission shall convene and organize by

1 the election from its members of a chairperson and a vice  
2 chairperson. A majority of the members of the state commission  
3 shall constitute a quorum and the concurrence of a quorum  
4 shall be required to determine any matter relating to its  
5 official duties. Each member of the state commission is  
6 entitled to receive a forty dollar per diem and shall be  
7 reimbursed for actual and necessary expenses.

8 3. The members of the state commission shall be elected  
9 to a term of three years. If a vacancy occurs on the state  
10 commission, the department shall call a congressional district  
11 convention only of those county commissioners who would elect  
12 a member to fill that vacancy.

13 4. The state commission may employ professional technical  
14 and clerical assistance to carry out its duties. The state  
15 commission shall be administratively attached to the depart-  
16 ment which shall provide support services to the state com-  
17 mission.

18 5. Each state agency and agency of a political subdivision  
19 of the state shall cooperate, within time, personnel and  
20 budgetary limitations, in providing information, data, surveys  
21 and studies as requested by the state commission.

22 6. The secretary of agriculture, the director of the state  
23 agricultural extension service, the director of the state  
24 conservation commission, the director of the Iowa natural  
25 resources council, the executive director of the department  
26 of environmental quality, the director of the office for  
27 planning and programming, the state geologist, the director  
28 of the Iowa development commission, the director of the  
29 department of transportation, the chairman of the city  
30 development board, the chairman of the Iowa state commerce  
31 commission, and the director of the energy policy council,  
32 or their respective designees, shall be ex officio nonvoting  
33 members of the state commission.

34 7. The state commission may apply for, receive and expend  
35 any private or public funds for the purposes of carrying out

1 this Act.

2 Sec. 5. NEW SECTION. DUTIES OF THE STATE COMMISSION.

3 In addition to other duties provided by law, the state  
4 commission shall:

5 1. Prepare and recommend to the general assembly a state  
6 land use policy and guidelines for the guidance and direction  
7 of state agencies, county land preservation policy commissions,  
8 cities, counties, and special districts on matters relating  
9 to land use.

10 2. Propose other legislation deemed necessary to implement  
11 expressed land use policy objectives.

12 3. Recommend criteria to the general assembly for:

13 a. The designation of state critical areas.

14 b. The designation of large-scale developments and key  
15 facilities.

16 c. The appraisal of the policies of state agencies to  
17 determine the impact of state agency actions on land use  
18 policies.

19 4. Establish:

20 a. Procedures for the review and approval of county land  
21 use guidelines.

22 b. Procedures for the review of comprehensive plans of  
23 cities, counties, and special districts.

24 c. Procedures for the review and approval of state agency  
25 plans and plan modifications that impact on land use.

26 d. Procedures for the hearing and determination of a  
27 petition by one state agency against another state agency  
28 concerning activities that conflict with overall state land  
29 use policy.

30 5. Provide technical and professional assistance to cities,  
31 counties, county commissions or special districts upon their  
32 request, to resolve conflicts with the plans of adjacent  
33 jurisdictions or regarding projects involving more than one  
34 county.

35 6. Mediate land use conflicts within a county upon the

1 request of all the parties concerned.

2 7. Identify and evaluate on a continuing basis the land  
3 use policy issues in this state.

4 8. Evaluate the impact of current laws, ordinances,  
5 policies, regulations and taxes in this state upon land use  
6 decisions.

7 9. Provide for the periodic monitoring of land use data  
8 to determine changes in land usage, the comparison of such  
9 changes to state and local land use guidelines, plans,  
10 programs, and projections, and the reporting of the findings  
11 to the affected local governments, state agencies and the  
12 federal government, upon request.

13 10. Provide information and educational programs through  
14 existing educational institutions.

15 11. Recommend to the general assembly a definition of  
16 "agricultural purposes" as used in section three hundred  
17 fifty-eight A point two (358A.2) of the Code.

18 Sec. 6. NEW SECTION. DUTIES OF THE COUNTY COMMISSION.  
19 In addition to other duties provided by law, a county  
20 commission shall:

21 1. Develop and review at least every three years a land  
22 use policy based upon the state policy and guidelines for  
23 the county and its cities.

24 2. Review, evaluate, and coordinate at least every three  
25 years all comprehensive plans, ordinances or regulations for  
26 land use, existing or proposed by the county, special districts  
27 and cities within the county for consistency with county and  
28 state land use policy.

29 3. Adopt guidelines based on state guidelines for the  
30 preparation or revision of comprehensive plans for:

31 a. Protection of agricultural land.

32 b. Solid waste disposal and recycling, sewage collection  
33 and treatment, and water supply and distribution.

34 c. Siting and development of industrial, commercial,  
35 agricultural, educational, cultural, residential and

1 recreational facilities and areas.

2 d. Designation, development, or use of local critical  
3 areas.

4 e. Coordinated countywide transportation system which  
5 includes elements of a statewide transportation plan.

6 Sec. 7. NEW SECTION. TEMPORARY EMERGENCY POWER OF THE  
7 COUNTY COMMISSION. When prior to the adoption of comprehensive  
8 plans, ordinances, and regulations as required by this Act,  
9 the county commission determines that there is in progress  
10 or proposed an activity that threatens the ability to preserve  
11 local critical areas, to preserve agricultural land, and to  
12 promote efficient urban development patterns, the county  
13 commission shall immediately take action by giving notice  
14 to the board of supervisors or the city council of each city  
15 involved of the pertinent facts and dangers with respect to  
16 the threatening activity. If the county board of supervisors  
17 or the city council does not remedy the situation within  
18 sixty days, the county commission may, upon one week's written  
19 notice to the affected city council or board of supervisors,  
20 and the person involved in the activity, hold a public hearing  
21 on the matter. If, after the hearing, the county commission  
22 determines that the activity does constitute a danger, the  
23 county commission may issue a written cease and desist order  
24 to the person in control of the activity. If the activity  
25 is continued, the county attorney, at the request of the  
26 county commission, shall initiate civil proceedings in the  
27 name of the county to enjoin that person from the activity.  
28 A legal action taken under this section shall be given priority  
29 over all other matters pending in the district court. The  
30 court may uphold, modify or overrule the order of the county  
31 commission.

32 Sec. 8. NEW SECTION. PRESERVATION OF AGRICULTURAL LAND.  
33 Upon the adoption of the state land use policy and guidelines  
34 and the adoption of the county land use guidelines by the  
35 county commission, the county and each city in the county

1 shall:

2 1. Review soil surveys and land capability information  
3 and identify the more productive and suitable agricultural  
4 land in their jurisdiction.

5 2. Review the projected need for land for nonagricultural  
6 uses in the county or city's jurisdiction.

7 3. Adopt ordinances pursuant to chapter three hundred  
8 fifty-eight A (358A) or four hundred fourteen (414) of the  
9 Code respectively which will direct the growth of  
10 nonagricultural land uses to the less productive and suitable  
11 agricultural land within that county or city's jurisdiction,  
12 encourage the development of nonagricultural uses within the  
13 boundaries of cities rather than in the unincorporated areas  
14 of the county, encourage that urban development be contiguous  
15 to existing urban uses where necessary services can be provided  
16 or extended, and provide an orderly transition from rural  
17 to urban uses.

18 Ordinances adopted pursuant to this section may establish  
19 zones for exclusive agricultural and associated uses or minimum  
20 acreages for residential dwellings or other means to effect  
21 the objectives of this section.

22 Sec. 9. NEW SECTION. CRITICAL AREAS, KEY FACILITIES AND  
23 LARGE-SCALE DEVELOPMENTS.

24 1. The state commission shall prepare and recommend to  
25 the general assembly criteria for the designation of critical  
26 areas by the state commission and guidelines for the  
27 preservation and protection of state and local critical areas  
28 including nominating procedures, planning requirements and  
29 preservation, protection and restoration techniques.

30 2. The state commission shall prepare and recommend to  
31 the general assembly criteria for the designation of key  
32 facilities and large-scale developments and a procedure for  
33 their regulation. The procedure recommended shall include  
34 a determination of the need for the project and environmental  
35 impact statement regarding the effects upon agricultural and

1 natural land and shall emphasize consultation with local  
2 agencies.

3 Sec. 10. Chapter three hundred twenty-seven G (327G),  
4 Code 1979, is amended by adding the following new section:

5 NEW SECTION. If a railroad company abandons or discontinues  
6 service over a right-of-way which is not subject to a  
7 reversionary interest, the department of transportation may  
8 petition the federal interstate commerce commission, pursuant  
9 to the Railroad Revitalization and Regulatory Reform Act of  
10 1976, for a determination that the right-of-way is suitable  
11 for other public purposes provided that other public purposes  
12 shall be limited to railroad transportation purposes. The  
13 department may purchase the right-of-way or acquire it by  
14 eminent domain to preserve its suitability for railroad  
15 transportation purposes.

16 Sec. 11. Section three hundred fifty-eight A point one  
17 (358A.1), Code 1979, is amended by striking the section and  
18 inserting in lieu thereof the following:

19 358A.1 COUNTY PLANNING AND ZONING COMMISSION. Each county  
20 shall establish a planning and zoning commission by January  
21 1, 1981. The county planning and zoning commission shall  
22 prepare a comprehensive plan satisfying the guidelines  
23 established by the state land preservation commission. Each  
24 county, after consulting with the county land preservation  
25 commission, shall adopt such a comprehensive plan by January  
26 1, 1983. Each county shall adopt zoning ordinances by January  
27 1, 1985. Zoning, subdivision or other regulations adopted  
28 pursuant to this chapter or chapter four hundred nine (409)  
29 of the Code and any amendments or revisions shall be designed  
30 to implement the comprehensive plan and shall be consistent  
31 with the comprehensive plan.

32 Sec. 12. Section three hundred fifty-eight A point three  
33 (358A.3), Code 1979, is amended to read as follows:

34 358A.3 POWERS. Subject to the provisions of sections  
35 ~~358A.1~~ and section 358A.2, the board of supervisors of any

1 county is hereby empowered to regulate and restrict the height,  
2 number of structures, and size of buildings and other  
3 structures, the percentage of lot that may be occupied, the  
4 size of yards, courts and other open spaces, the density of  
5 population, and the location and use of buildings, structures,  
6 and land for trade, industry, residence or other purposes,  
7 and to regulate, restrict and prohibit the use for residential  
8 purposes of tents, trailers and portable or potentially  
9 portable structures; provided that such powers shall be  
10 exercised only with reference to land and structures located  
11 within the county but lying outside ~~of the corporate limits~~  
12 ~~of any city~~ the jurisdiction of a city under section four  
13 hundred fourteen point twenty-three (414.23) of the Code.

14 The board of supervisors of any county may prescribe and  
15 charge a reasonable building permit fee, and upon receipt  
16 of an application containing all required information, in  
17 due form and properly executed, showing that the proposed  
18 structure will comply with all applicable regulations of the  
19 political subdivision in which it is to be located and upon  
20 payment of the required permit fee, the board of supervisors  
21 shall, within seven days, issue a permit to the applicant.

22 Sec. 13. Section three hundred fifty-eight A point seven  
23 (358A.7), Code 1979, is amended to read as follows:

24 358A.7 CHANGES AND AMENDMENTS. Such regulations,  
25 restrictions, and boundaries may, from time to time, be  
26 amended, supplemented, changed, modified, or repealed. In  
27 case, however, of a protest against such change signed by  
28 the owners of twenty percent or more either of the area  
29 included in such proposed change, or of the area immediately  
30 adjacent thereto and within five hundred feet of the boundaries  
31 thereof, such amendment shall not become effective except  
32 by the favorable vote of at least sixty percent of all of  
33 the members of the board of supervisors. The provisions of  
34 section 358A.6 relative to public hearings and official notice  
35 shall apply equally to all changes or amendments. If the

1 amendment conflicts with the comprehensive plan, the board  
2 of supervisors must amend the plan prior to amending the  
3 regulations, restrictions or boundaries.

4 Sec. 14. Section three hundred fifty-eight A point eight  
5 (358A.8), Code 1979, is amended to read as follows:

6 358A.8 COMMISSION APPOINTED. In order to avail itself  
7 of the powers conferred by this chapter, the board of  
8 supervisors shall appoint a commission, a majority of whose  
9 members shall reside within the county but outside the  
10 corporate limits of any city, to be known as the county  
11 planning and zoning commission, to recommend the boundaries  
12 of the various original districts, and appropriate regulations  
13 and restrictions to be enforced therein. A majority of the  
14 commission shall be persons representing the public at large  
15 and shall not be involved in the business of purchasing or  
16 selling real estate. Such commission shall, ~~with due diligence,~~  
17 prepare a preliminary report and hold public hearings thereon  
18 before submitting its final report; and the board of  
19 supervisors shall not hold its public hearings or take action  
20 until it has received the final report of such commission.  
21 After the adoption of such regulations, restrictions, and  
22 boundaries of districts, the zoning commission may, from time  
23 to time, recommend to the board of supervisors amendments,  
24 supplements, changes or modifications. At least every three  
25 years the commission shall review the regulations,  
26 restrictions, and boundaries of districts. The zoning  
27 commission, with the approval of the board of supervisors,  
28 may contract with professional consultants, regional planning  
29 commissions, the Iowa development commission, or the federal  
30 government, for local planning assistance.

31 Sec. 15. Section three hundred fifty-eight A point twenty-  
32 five (358A.25), Code 1979, is amended to read as follows:

33 358A.25 PLUMBING CODE ENFORCED. Subject to the provisions  
34 of ~~sections 358A.1 and~~ section 358A.2, the board of supervisors  
35 of any county is further authorized to adopt regulations to

1 provide that every dwelling, whether now or hereafter erected  
2 within the county but outside the corporate limits of any  
3 city which shall develop a private water supply or install  
4 a pressure water system or install sanitary house drains,  
5 shall comply with the recommendations of the state department  
6 of health on minimum requirements as set out in the state  
7 plumbing code in regard to such development or installation.  
8 Any such regulation may be enforced in the same manner as  
9 any other regulation adopted under this chapter.

10 Sec. 16. Section three hundred sixty-eight point eleven  
11 (368.11), unnumbered paragraph three (3), Code 1979, is amended  
12 to read as follows:

13 The petition must include substantially the following  
14 information as applicable:

15 1. A general statement of the proposal.

16 2. A map of the territory, city or cities involved.

17 3. Assessed valuation of platted and unplatted land.

18 4. Names of property owners.

19 5. Population density.

20 6. Description of topography.

21 7. Plans for disposal of assets and assumption of  
22 liabilities.

23 8. Description of existing municipal services, including  
24 but not limited to water supply, sewage disposal, and fire  
25 and police protection.

26 9. Plans for agreements with any existing special service  
27 districts.

28 10. In a case of annexation or incorporation, the petition  
29 must state that none of the territory is within a city, the  
30 amount and classification of any agricultural land proposed  
31 to be annexed, the need for the annexation of the area and  
32 an evaluation of alternative areas for annexation.

33 11. In a case of incorporation or consolidation, the  
34 petition must state the name of the proposed city.

35 12. Plans shall include a formal agreement between affected

1 municipal corporations and counties for the maintenance,  
2 improvement and traffic control of any shared roads involved  
3 in an incorporation or boundary adjustment.

4 Sec. 17. Section four hundred fourteen point one (414.1),  
5 Code 1979, is amended to read as follows:

6 414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the  
7 purpose of promoting the health, safety, morals, or the general  
8 welfare of the community, ~~any city is hereby empowered to~~  
9 each city shall establish a planning and zoning commission  
10 and regulate and restrict the height, number of stories, and  
11 size of buildings and other structures, the percentage of  
12 lot that may be occupied, the size of yards, courts, and other  
13 open spaces, the density of population, and the location and  
14 use of buildings, structures, and land for trade, industry,  
15 residence, or other purposes.

16 Each city shall establish a city planning and zoning commis-  
17 sion by January 1, 1981 which shall prepare a comprehensive  
18 plan satisfying the guidelines established by the state land  
19 preservation commission. Each city shall adopt such a  
20 comprehensive plan by January 1, 1983. Each city, after  
21 consultation with the county land preservation commission,  
22 shall adopt zoning ordinances by January 1, 1985. Zoning,  
23 subdivision or other regulations adopted pursuant to this  
24 chapter or chapter four hundred nine (409) of the Code and  
25 any amendments or revisions shall be designed to implement  
26 the comprehensive plan and shall be consistent with the  
27 comprehensive plan. A city may elect to be included in the  
28 comprehensive plan of the county and adopt the applicable  
29 part of that plan for its use.

30 Sec. 18. Section four hundred fourteen point five (414.5),  
31 Code 1979, is amended to read as follows:

32 414.5 CHANGES--HEARING--NOTICE. Such regulations,  
33 restrictions, and boundaries may, from time to time, be  
34 amended, supplemented, changed, modified, or repealed. In  
35 case, however, of a protest against such change signed by

1 the owners of twenty percent or more either of the area of  
2 the lots included in such proposed change, or of those  
3 immediately adjacent in the rear thereof extending the depth  
4 of one lot or not to exceed two hundred feet therefrom, or  
5 of those directly opposite thereto, extending the depth of  
6 one lot or not to exceed two hundred feet from the street  
7 frontage of such opposite lots, such amendment shall not  
8 become effective except by the favorable vote of at least  
9 three-fourths of all the members of the council. The  
10 provisions of section 414.4 relative to public hearings and  
11 official notice shall apply equally to all changes or  
12 amendments. If the amendment conflicts with the comprehensive  
13 plan, the council must amend the plan before amending the  
14 regulations, restrictions, or boundaries.

15 Sec. 19. Section four hundred fourteen point six (414.6),  
16 Code 1979, is amended to read as follows:

17 414.6 PLANNING AND ZONING COMMISSION. In order to avail  
18 itself of the powers conferred by this chapter, the council  
19 shall appoint a commission, to be known as the planning and  
20 zoning commission, to recommend the boundaries of the various  
21 original districts, and appropriate regulations and  
22 restrictions to be enforced therein. Where a city plan  
23 commission already exists, it may be appointed as the zoning  
24 commission. A majority of the commission shall be persons  
25 representing the public at large and shall not be involved  
26 in the business of purchasing or selling real estate. Such  
27 commission shall ~~with due diligence~~ prepare a preliminary  
28 report and hold public hearings thereon before submitting  
29 its final report; and such council shall not hold its public  
30 hearings or take action until it has received the final report  
31 of such commission. After the adoption of such regulations,  
32 restrictions, and boundaries of districts, the zoning  
33 commission may, from time to time, recommend to the council  
34 amendments, supplements, changes, or modifications. At least  
35 every three years the commission shall review the regulations,

1 restrictions and boundaries of districts.

2 Sec. 20. Section four hundred fourteen point twenty-three  
3 (414.23), Code 1979, is amended by striking the section and  
4 inserting in lieu thereof the following:

5 414.23 EXTENDING BEYOND CITY LIMITS. The powers granted  
6 by this chapter shall be extended by ordinance by any city  
7 to the unincorporated area two miles beyond the limits of  
8 such city. The ordinance shall describe in general terms  
9 the area to be included. The exemption from regulation granted  
10 by section three hundred fifty-eight A point two (358A.2)  
11 of the Code to property used for agricultural purposes shall  
12 apply to such unincorporated area. If the limits of any such  
13 city are at any place less than four miles distant from the  
14 limits of any other city which has extended or thereafter  
15 extends its zoning jurisdiction under this section, then at  
16 such time the powers herein granted shall extend to a line  
17 equidistant between the limits of said cities.

18 Ordinances or amendments adopted by a city under this  
19 chapter shall not become effective to the unincorporated area  
20 until approved by the county planning and zoning commission  
21 and board of supervisors.

22 Property owners affected by such zoning regulations shall  
23 have the same rights of hearing, protest, and appeal as those  
24 within the municipality exercising this power.

25 Sec. 21. Chapter four hundred seventy-two (472), Code  
26 1979, is amended by adding the following new section:

27 NEW SECTION. Prior to instituting proceedings for  
28 condemnation the applicant shall submit a copy of the  
29 application to the county or city planning and zoning  
30 commission having jurisdiction over the property sought to  
31 be condemned for its review.

32 Sec. 22. INITIAL TERMS. The initial terms of the members  
33 of the county commission shall be terms of one, two and three  
34 years. At the first meeting of the county commission the  
35 members appointed by the board of supervisors, the members

1 appointed by the district soil conservation commissioners  
2 and the members appointed by the mayors and councilpersons  
3 shall separately determine among themselves by lot which of  
4 the members shall have an initial term of one, two, or three  
5 years. If one city has appointed three members, those members  
6 shall separately determine by lot which of those members shall  
7 have an initial term of one, two or three years.

8 Within six months of the effective date of this Act, the  
9 department of soil conservation shall hold the congressional  
10 district conventions. Of the initial terms of office of the  
11 members of the state commissioner, one member from each  
12 congressional district convention shall have a term of two  
13 years and two members shall have terms of four years. The  
14 member who shall have a two-year initial term shall be deter-  
15 mined by lot among the three members at the congressional  
16 district convention.

17 Sec. 23. A county zoning ordinance in effect for an area  
18 subject to a city's extra-territorial zoning on the effective  
19 date of this Act shall remain in effect for one year after  
20 the effective date of this Act unless replaced earlier by  
21 an effective city zoning ordinance.

22 Sec. 24. Chapter ninety-three A (93A), Code 1979, is  
23 repealed.

24 Sec. 25. This Act is effective January first following  
25 its enactment.

26 EXPLANATION

27 This bill establishes a state and county commission to  
28 propose and implement a state land use policy.

29 Section 1 provides a statement of the legislative policy  
30 for land use policy.

31 Section 2 provides the defined terms for the bill.

32 Section 3 establishes the county land preservation policy  
33 commissions composed of equal representation from boards of  
34 supervisors, soil district commissioners, and city council  
35 persons and mayors. Additional representation is provided

1 for larger cities.

2 Section 4 establishes the state land use preservation  
3 policy commission composed of a representative from the board  
4 of supervisors, soil district commissioners, and council per-  
5 sons and mayors elected from each congressional district.  
6 The state commission is attached to the state department of  
7 soil conservation.

8 Section 5 provides the duties of the state commission.  
9 These include recommending a state land use policy and guide-  
10 lines to the general assembly; recommending criteria to the  
11 general assembly for the designation of state critical areas,  
12 large-scale developments, key facilities and the appraisal  
13 of the policies of state agencies. The duties also include  
14 establishing procedures for the review of county guidelines,  
15 local comprehensive plans, state agency plans, providing  
16 technical assistance, mediating conflicts and providing in-  
17 formation services.

18 Section 6 provides the duties of the county commission.  
19 These include developing a land use policy for the county,  
20 reviewing local comprehensive plans and ordinances and adopting  
21 guidelines for local comprehensive plans.

22 Section 7 authorizes the county commission to issue a cease  
23 and desist order prior to the adoption of comprehensive plans  
24 and ordinances, if a proposed activity that threatens the  
25 ability to preserve local critical areas, to preserve agri-  
26 cultural land and to promote efficient urban development.

27 Section 8 requires the city and county, after the adoption  
28 of state and county guidelines, to review land capability  
29 information and projected needs for nonagricultural use of  
30 land and to adopt ordinances to direct urban use away from  
31 the more productive agricultural land.

32 Section 9 requires the state commission to recommend cri-  
33 teria for the designation of critical areas, key facilities  
34 and large-scale development.

35 Section 10 provides that the state department of trans-

1 portation may acquire an abandoned railroad right-of-way to  
2 preserve its suitability for railroad purposes.

3 Section 11 requires counties to establish planning and  
4 zoning commissions, require comprehensive plans and adopt  
5 zoning ordinances by specific dates.

6 Section 12 is a coordinating amendment.

7 Section 13 requires that the comprehensive plan of a county  
8 be amended before an inconsistent zoning amendment is adopted.

9 Section 14 provides that a majority of the county planning  
10 and zoning commission shall not be involved in the business  
11 of selling and purchasing real estate and requires that the  
12 county planning and zoning commission review the ordinances  
13 every three years.

14 Section 15 is a coordinating amendment.

15 Section 16 requires a petition for annexation before the  
16 city development board to contain the amount and classifica-  
17 tion of any agricultural land purposed to be annexed, the  
18 need for the annexation and an evaluation of alternative  
19 annexations.

20 Section 17 requires a city to establish a planning and  
21 zoning commission, adopt a comprehensive plan or be included  
22 in the county plan, and adopt zoning ordinances by specific  
23 dates.

24 Section 18 requires a city to amend the comprehensive plan  
25 before adopting an inconsistent zoning amendment.

26 Section 19 provides that the majority of the city planning  
27 and zoning commission not be involved in the business of  
28 purchasing and selling real estate and that it review the  
29 ordinances every three years.

30 Section 20 provides that a city shall zone two miles be-  
31 yond its corporate limits. The ordinances must be approved  
32 by the county planning and zoning commission and board of  
33 supervisors.

34 Section 21 requires a copy of an application for eminent  
35 domain to be submitted to the appropriate planning and zoning

1 commission.

2 Section 22 provides the initial terms of the members of  
3 the county and state land preservation policy commissions.

4 Section 23 provides a transition for extraterritorial  
5 zoning by a city.

6 Section 24 repeals the existing chapter for the temporary  
7 state and county land preservation policy commissions.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35