

March 23, 1965.
Passed on File.

Senate File 523
By AGRICULTURE COMMITTEE.

Passed Senate, Date 4/15

Passed House, Date 5/28

Vote: Ayes 57 Nays 0

Vote: Ayes 87 Nays 0

Approved.....

agriculture 7/21

A BILL FOR

An Act relating to regulation of use of the flood plains of
rivers and streams in the state.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section four hundred fifty-five A point thirty-
- 2 five (455A.35), Code 1962, is hereby repealed and the following
- 3 enacted in lieu thereof:
- 4 "The council may establish and enforce regulations for the
- 5 orderly development and wise use of the flood plains of any
- 6 river or stream within the state and alter, change, or revoke
- 7 and terminate the same. The council shall determine the char-
- 8 acteristics of floods which reasonably may be expected to occur
- 9 and may by order establish encroachment limits, protection
- 10 methods and minimum protection levels appropriate to the flood-
- 11 ing characteristics of the stream and to reasonable use of the
- 12 flood plains. The order shall fix the length of flood plains
- 13 to be regulated at any practical distance; shall fix the width
- 14 of the zone between the encroachment limits so as to include
- 15 portions of the flood plains adjoining the channel, which with
- 16 the channel, are required to carry and discharge the flood
- 17 waters or flood flow of such river or stream; and shall fix the
- 18 design discharge and water surface elevations for which pro-
- 19 tection shall be provided for projects outside the encroach-
- 20 ment limits but within the limits of inundation. Plans for

21 the protection of projects proposed for areas subject to
22 inundation shall be reviewed as plans for flood control works
23 within the purview of section 455A.36. No order establishing
24 encroachment limits and flood plain regulations shall be issued
25 until due notice of the proposed establishment thereof shall
26 have been given and public hearings held and opportunity given
27 for the presentation of all protests against the establishment
28 thereof. In establishing any such limits or regulations, the
29 council shall avoid to the greatest possible degree the evacua-
30 tion of persons residing in the area of any floodway, the removal
31 of any residential structures occupied by such persons in the
32 area of any floodway, and the removal of any structures erected
33 or made prior to the effective date of this Act which are located
34 on the flood plains of any river or stream but not within the
35 area of any floodway.

36 "The council may cooperate with and assist local units of
37 government in the establishment of encroachment limits, flood
38 plain regulations and zoning ordinances relating to flood plain
39 areas within their jurisdiction. Encroachment limits, flood
40 plain regulations, or flood plain zoning ordinances proposed by
41 local units of government shall be submitted to the council for
42 review and approval prior to adoption by such local units of
43 government. Changes or variations from an approved regulation
44 or ordinance as it relates to flood plain use shall be approved
45 by the council prior to adoption. Individual applications,
46 plans and specifications and individual council approval orders
47 shall not be required for works on the flood plains constructed
48 in conformity with encroachment limits, flood plain regulations,

49 or zoning ordinances adopted by the local units of government and
50 approved by the council.”

1 Sec. 2. Section four hundred fifty-five A point one
2 (455A.1), Code 1962, is hereby amended by striking all of lines
3 twelve (12), thirteen (13), and fourteen (14).

1 Sec. 3. Section three hundred fifty-eight A point two
2 (358A.2), Code 1962, as amended by section two (2) of chapter two
3 hundred eighteen (218), Acts of the Sixtieth General Assembly, is
4 hereby amended by striking the period at the end of said section
5 and inserting in lieu thereof the following:

6 “; provided, however, that such regulations or ordinances
7 which relate to any structure, building, dam, obstruction,
8 deposit or excavation in or on the flood plains of any river or
9 stream shall apply thereto.”

1 Sec. 4. Section three hundred fifty-eight A point five
2 (358A.5), Code 1962, is hereby amended by inserting in line
3 four (4) after the word “fire,” the word “flood,”.

1 Sec. 5. Section three hundred fifty-eight A point twenty-
2 four (358A.24), Code 1962, is hereby amended by adding thereto
3 the following:

4 “Whenever any regulation proposed or made under authority
5 of this chapter relates to any structure, building, dam,
6 obstruction, deposit or excavation in or on the flood plains
7 of any river or stream, prior approval of the Iowa natural
8 resources council shall be required to establish, amend, supple-
9 ment, change, or modify such regulation or to grant any variation
10 or exception therefrom.”

1 Sec. 6. Section four hundred fourteen point three (414.3),

2 Code 1962, is hereby amended by inserting in line four (4)
3 after the word "fire," the word "flood,".

1 Sec. 7. Section four hundred fourteen point twenty-one
2 (414.21), Code 1962, is hereby amended by adding thereto the
3 following:

4 "Wherever any regulation proposed or made under authority
5 of this chapter relates to any structure, building, dam,
6 obstruction, deposit or excavation in or on the flood plains
7 of any river or stream, prior approval of the Iowa natural
8 resources council shall be required to establish, amend,
9 supplement, change or modify such regulation or to grant any
10 variation or exception therefrom."