

House Study Bill 275

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON TYMESON)

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

A BILL FOR

1 An Act relating to designation by a county of a property of
2 historical significance, placing a moratorium on activities
3 that imperil the property, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 3059HC 80
6 kh/cl/14

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1 1 Section 1. NEW SECTION. 303.35 COUNTY PROPERTIES OF
1 2 HISTORICAL SIGNIFICANCE.
1 3 1. A county shall, to the extent practicable, preserve and
1 4 protect properties the historical division has determined are
1 5 properties of historical significance as provided in this
1 6 section. A county may designate a property which is deemed to
1 7 merit preservation as a property of historical significance
1 8 under the following conditions:
1 9 a. The property of historical significance shall be
1 10 proposed by the county board of supervisors on its own motion
1 11 or upon the receipt by the board of a petition signed by at
1 12 least one hundred residents of the county. The county shall
1 13 submit a description of the proposed property of historical
1 14 significance or the petition describing the proposed property,
1 15 if the proposed property is a result of the receipt of a
1 16 petition, to the historical division which shall determine if
1 17 the proposed property meets the criteria in paragraph "b" and
1 18 may make recommendations concerning the proposed property.
1 19 Any recommendations made by the division shall be made
1 20 available by the county to the public for viewing during
1 21 normal working hours at a county government place of public
1 22 access.
1 23 b. A county shall not designate a property as a property
1 24 of historical significance unless it contains property which
1 25 meets the criteria specified in subsection 5, paragraphs "a"
1 26 to "d".
1 27 2. A property shall be designated a property of historical
1 28 significance upon enactment of an ordinance of the county.
1 29 3. A county may provide by ordinance for the establishment
1 30 of a commission to deal with matters involving a proposed
1 31 property of historical significance, but shall provide for
1 32 such commission upon the enactment of the ordinance
1 33 designating a property as a property of historical
1 34 significance as provided in subsection 2. Upon the
1 35 establishment of the commission, the county shall provide by
2 1 ordinance for the method of appointment, the number, and terms
2 2 of members of the commission and for the duties and powers of
2 3 the commission. The commission shall contain not less than
2 4 three members. The members of the commission shall be
2 5 appointed with due regard to proper representation of
2 6 residents and property owners of the county and their relevant
2 7 fields of knowledge including but not limited to history,
2 8 urban planning, architecture, archaeology, law, and sociology.
2 9 Counties shall not appoint more than one-third of the members
2 10 to the commission for a property of historical significance
2 11 that are members of a county zoning commission appointed
2 12 pursuant to section 335.8. The commission shall have the
2 13 power to approve or deny applications for proposed activities
2 14 near the property that place the property of historical
2 15 significance at risk.
2 16 4. An aggrieved party may appeal the commission's action
2 17 to the county board of supervisors. If not satisfied by the
2 18 decision of the board of supervisors, the party may appeal
2 19 within sixty days of the board of supervisors' decision to the
2 20 district court for the county in which the property is
2 21 located. On appeal, the board of supervisors or the district

2 22 court as the case may be shall consider whether the commission
2 23 has exercised its powers and followed the guidelines
2 24 established by the law and ordinance, and whether the
2 25 commission's action was patently arbitrary or capricious.

2 26 5. For purposes of this section, "property of historical
2 27 significance" means any of the following:

2 28 a. Property in Iowa listed on the national register of
2 29 historic places.

2 30 b. A historical site as defined in section 303.2.

2 31 c. A landmark, landmark site, or district that is
2 32 significant in the history, architecture, archaeology, or
2 33 culture of this state, its communities, or the nation.

2 34 d. Land that has a unique cultural, archaeological, or
2 35 historical significance.

3 1 Sec. 2. QUARRY ACTIVITIES MORATORIUM. Commencing on the
3 2 effective date of this Act and ending June 30, 2004, a county
3 3 shall suspend the effectiveness of any permit that allows an
3 4 individual to engage in quarry activities that may imperil the
3 5 structural integrity of property in Iowa listed on the
3 6 national register of historic places, or other property that
3 7 the historical division of the department of cultural affairs
3 8 determines to be property of historical significance. An
3 9 individual may submit a description of the proposed property
3 10 of historical significance to the historical division, which
3 11 shall determine if the proposed property meets the criteria
3 12 provided in section 303.35, subsection 5, paragraphs "b"
3 13 through "d", as enacted by this Act, and shall notify the
3 14 county of its determination by certified mail. "Quarry
3 15 activities", for purposes of this section, means, at a
3 16 minimum, activities conducted by an operator on a quarry site
3 17 relative to the excavation of limestone and shall include
3 18 disturbing overburden, excavation, and processing of
3 19 limestone, stockpiling and removal of limestone from a site,
3 20 and all reclamation activities conducted at a quarry site.

3 21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
3 22 immediate importance, takes effect upon enactment.

3 23 EXPLANATION

3 24 This bill relates to properties of historical significance
3 25 by requiring counties, to the extent practicable, to preserve
3 26 and protect such properties, and by permitting counties to
3 27 designate a property of historical significance and to
3 28 establish a commission with the power to approve or deny
3 29 applications for proposed activities near the property that
3 30 place the property at risk. The bill includes an approximate
3 31 one-year moratorium on certain activities that may imperil
3 32 such property.

3 33 The county may propose designation of a property of
3 34 historical significance on its own motion or upon the receipt
3 35 of a petition signed by residents of the county. The county
4 1 must submit the petition or a description of the proposed
4 2 property of historical significance to the historical division
4 3 of the department of cultural affairs, which must determine if
4 4 the proposed property meets the criteria listed by the bill.
4 5 An area that meets the criteria shall be designated an area of
4 6 historical significance upon enactment of an ordinance of the
4 7 county.

4 8 A county can provide for the establishment of a commission
4 9 to deal with matters involving a proposed property of
4 10 historical significance, but must provide for such a
4 11 commission upon the enactment of the ordinance designating a
4 12 property as a property of historical significance. The
4 13 commission shall have the power to approve or deny
4 14 applications for proposed activities near the property that
4 15 place property of historical significance at risk.

4 16 An aggrieved party may appeal the commission's action to
4 17 the county board of supervisors, and then the district court.

4 18 The bill defines "property of historical significance" as
4 19 any of the following: a property in Iowa listed on the
4 20 national register of historic places; a historical site; a
4 21 landmark, landmark site, or district that is significant in
4 22 the history, architecture, archaeology, or culture of this
4 23 state, its communities, or the nation; or land that has a
4 24 unique scenic, cultural, archaeological, scientific, or
4 25 historic significance or contains a rare or valuable
4 26 ecological system.

4 27 The bill also places a moratorium, from the effective date
4 28 of the bill until June 30, 2004, on quarry activities that
4 29 imperil the structural integrity of properties of historical
4 30 significance. The bill defines "quarry activities" to mean,
4 31 at a minimum, activities conducted by an operator on a quarry
4 32 site relative to the excavation of limestone and shall include

4 33 disturbing overburden, excavation, and processing of
4 34 limestone, stockpiling and removal of limestone from a site,
4 35 and all reclamation activities conducted at a quarry site.
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