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LAND USE POLICIES STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
First Session of the Sixty-fifth General Assembly

FINAL REPORT
of the
LAND USE POLICIES STUDY COMMITTEE
1972

House Concurrent Resolution 25, introduced during the First Session of the Sixty-fourth General Assembly, requested that the Iowa Legislative Council establish a study of land use policies and related planning procedures in the state of Iowa and make recommendations for the consideration of the Sixty-fifth General Assembly. Initially in 1971, the Legislative Council created a ten-member study committee and authorized its legislative membership to recommend the appointment of not more than five nonlegislative members. In 1972, the Legislative Council expanded the study committee membership to a total of fourteen legislative members and appointed three nonlegislative members. The membership of the study committee is as follows:

Senator Charles O. Laverty, Chairman
Representative Herbert L. Campbell, Vice Chairman
Senator Leigh R. Curran
Senator G. William Gross
Senator Wayne D. Keith
Senator William D. Palmer
Senator James F. Schaben
Senator George L. Shawver
Representative Dale M. Cochran
Representative James I. Middleswart
Representative Arthur A. Small, Jr.
Representative Ivor W. Stanley
Representative Andrew Varley
Representative William P. Winkelman
Mr. Sherry Fisher
Mr. Allen J. Meier
Mr. Frank H. Mendell

During the 1971 interim, the Study Committee held five meetings which, with the exception of the organizational meeting, were devoted to receiving testimony from representatives of private industry and governmental agencies, who are knowledgeable of current land use practices, potential land use needs, and current and potential land use problems in this state. Specifically, the guest speakers were asked to comment on whether a state land use policy should be adopted and, if so, what should constitute the basic elements of a state land use policy.

Twenty-seven persons responded to the Study Committee's invitation and presented written and oral testimony. A list of the invitees is attached to, and by this reference made a part of, this report. Copies of the written testimony submitted by these participants is filed at the Legislative Service Bureau. Recommendations presented by the participants were many and varied; however, the Study Committee concluded that the following

statements represent a general consensus of a majority of the guest speakers:

1. A land use policy should be developed and implemented for the state of Iowa.

2. Some of the reasons for developing a state land use policy are:

a. To provide for the use of land for the purpose for which it is best suited, i.e., agricultural production, industry, recreation, residential building, etc.

b. To protect those land areas that have special geologic, aesthetic, scenic, scientific, and historic value.

c. To protect landowners from having their property taken for purposes other than for which it is best suited.

d. To encourage state, county, city and other local governmental agencies to include land use planning in developing their programs.

e. To provide for adequate study of the short-term and long-term effects (ecologic, economic, and social) of land conversions from present use to another use, especially any nonreversible use, before such conversions are made.

f. To coordinate the manner in which public agencies make decisions concerning land use.

At its last meeting of the 1971 interim, the Study Committee prepared and adopted a statement summarizing its preliminary findings based on testimony received from invited guest speakers and other background material. The statement was issued as a part of its Progress Report to the Legislative Council and the Second Session of the Sixty-fourth General Assembly. A copy of the statement adopted by the Study Committee is attached to, and by this reference made a part of, this report.

At the beginning of the second interim in early 1972, the Study Committee concluded that it would be desirable to conduct a seminar or conference on land use for the information of interested persons and the general public. In addition, following the proposed seminar or conference, the Study Committee agreed that regional public hearings should be held to allow interested persons to express their views on the need for a state land use policy and, if such a policy is deemed desirable, to express their views on how it should be implemented.

The League of Women Voters of Iowa agreed to sponsor the Iowa Land Use Policy Conference in cooperation with the Study Committee. The League of Women Voters and the Study Committee developed the Conference program jointly and issued public invitations. The one and one-half day Conference consisted of four panels with four guest speakers each, two luncheons, and a banquet.

The topics discussed at the four panels were "Agriculture and Land Use", "Urban and Regional Development", "Transportation and Power", and "Natural and Recreational Resources". Following the Conference, a summary of the ideas and comments expressed during the panels and group discussions was prepared for distribution. A copy of the summary is available at the Legislative Service Bureau.

In September, the Study Committee scheduled five regional public hearings to provide the opportunity for citizen participation and comment on the need for a state land use policy. The first hearing was scheduled for Des Moines on September 11, followed by one in Storm Lake on September 18, Atlantic on September 19, Oelwein on September 25, and Mt. Pleasant on September 26. There were 340 persons registered as attending the public hearings, of which 94 participated by giving oral and written testimony. Copies of the minutes of the public hearings and written testimony submitted by the participants are available at the Legislative Service Bureau.

At its four November meetings, the Study Committee focused its attention on reviewing the testimony received during the public hearings and preparing its recommendation to the Legislative Council. The Study Committee concluded that, because of the increasing demands on land in this state for providing living space, food and fiber production, transportation needs, industrial production, recreation, and wildlife preservation, a state land use policy should be carefully developed to balance the use of the land and related water resources and the needs and desires of society for the present and the future. The prerogatives of the private landowner in determining the best use of land should be preserved, but private interests should also function within a framework that will protect the public interest in the quality and productivity of the land.

FINAL RECOMMENDATION

At its final meeting on December 11, 1972, the Study Committee adopted a recommendation which proposes the creation of a state land use policy commission. The principal duties of the commission are to prepare a state land use policy and a method or methods by which the policy should be implemented, and recommend them for the consideration of the Governor and the General Assembly.

The draft bill creating the state land use policy commission contains the following major provisions:

1. Appointment of a nine-member commission by the Governor with the consent of two-thirds of the Senate for four-year terms. No state or federal employees may be members of the commission. A per diem of forty dollars and expenses are provided for members.

2. Develop a state land use policy and recommend methods of implementation for the consideration of the Governor and the General Assembly. General guidelines are provided to assist the commission.

3. Appointment of a director by the commission at a salary not exceeding twenty-five thousand dollars. Other employees may be employed if needed.

4. Designation of the commission as the state agency authorized to request, receive, and expend public or private funds for land use planning.

A copy of the recommended legislation is attached to, and by this reference made a part of, this report.

LAND USE POLICIES STUDY COMMITTEE

GUEST LIST

1. Mr. William McLaughlin, Iowa Housing Corporation,
1707 High Street, Des Moines, Iowa 50309
2. Dr. John F. Timmons, 213 East Hall,
Iowa State University, Ames, Iowa 50010
3. Dr. Samuel J. Tuthill, State Geologist,
16 West Jefferson Street, Iowa City, Iowa 52240
4. Mr. Robert Mickle, Central Iowa Regional Planning Commission,
265 Jewett Building, Des Moines, Iowa 50309
5. Mr. Joseph R. Coupal, Jr., Director,
Iowa State Highway Commission, Ames, Iowa 50010
6. Mr. Fred Prievert, Director, Iowa Conservation Commission,
Valley Bank Building, Des Moines, Iowa 50309
7. Mr. Sherry Fisher, State Soil Conservation Committee,
Central National Bank and Trust Company, Des Moines, Iowa 50309
8. Mr. Lauren Soth, Des Moines Register and Tribune Company,
715 Locust Street, Des Moines, Iowa 50309
9. Mr. Warren Davison, Cerro Gordo County Engineer,
Cerro Gordo County Courthouse, Mason City, Iowa 50401
10. Mr. Robert Hays, Executive Director,
League of Iowa Municipalities,
444 Insurance Exchange Building, Des Moines, Iowa 50309
11. Mr. Alvin Bull, Wallace-Homestead Company,
1912 Grand Avenue, Des Moines, Iowa 50309
12. Mr. William J. Wagner, 1106 High Street, Des Moines, Iowa 50309
13. Dr. James B. Sinatra, 103 Landscape Architecture Building,
Iowa State University, Ames, Iowa 50010
14. Mr. Othie R. McMurry, Director, Iowa Natural Resources Council,
Grimes State Office Building, Des Moines, Iowa 50319
15. Dr. Frank Horton, Director, Urban and Regional Research,
University of Iowa, Iowa City, Iowa 52240
16. Dr. David Trauger, Iowa Confederation of Environmental
Organizations, Iowa State University, Ames, Iowa 50010

Land Use Policies Study Committee
Guest List - page 2

17. Mr. Earl L. King, Iowa Association of Electric Cooperatives,
323 University Avenue, Des Moines, Iowa 50314
18. Dr. John T. Pesek, Jr., Department of Agronomy,
Iowa State University, Ames, Iowa 50010
19. Mr. Allen J. Meier, Legislative Director,
Iowa Federation of Labor, 2000 Walker, Des Moines, Iowa 50317
20. Mr. Ralph Schlenker, Vice President,
Iowa Power and Light Company,
823 Walnut Street, Des Moines, Iowa 50309
21. Mr. Frank W. Berlin, Director, Iowa Aeronautics Commission,
Des Moines Municipal Airport, Des Moines, Iowa 50321
22. Mr. William H. Greiner, Director,
Department of Soil Conservation,
Grimes State Office Building, Des Moines, Iowa 50319
23. Mrs. Roberta A. Whitson, Basic Freedoms, Inc.
2606 51st Street, Des Moines, Iowa 50310
24. Mr. Victor Ziegler,
United States Environmental Protection Agency,
911 Walnut Street, Room 702, Kansas City, Missouri 64106
25. Mr. Chet Sloan, Iowa Good Roads Association,
402 Carver Building, Des Moines, Iowa 50309
26. Dr. Kenneth J. Dueker, Associate Director,
Institute of Urban and Regional Research,
State University of Iowa
27. Dr. Burl A. Parks, Assistant Professor, Department of Landscape
Architecture, Iowa State University of Science and Technology

Statement of the
LAND USE POLICIES STUDY COMMITTEE
December, 1971

The Land Use Policies Study Committee, after hearing more than twenty-five persons, including representatives from state and county governments, private organizations and groups found that there is a very strong opinion favoring the development of a land use policy in Iowa. It was noted by most of those appearing before the Committee that any land use policy should be based on "using the land for the purpose it is best suited to provide the needs and desires of the people today and in the future."

It is obvious that as Iowa continues to grow there will be increasing pressure on the land for various purposes, public and private. To assure Iowans of an orderly growth and development of the state consistent with a desirable environment, a more complete understanding of land uses is necessary.

Some reasons given for a land use policy are: (1) to provide for the use of land for the purpose for which it is best suited, i.e., agriculture, industry, recreation, residential, etc.; (2) to protect those areas that have special geologic, aesthetic, scenic, scientific, and historic values; (3) to protect landowners from having their property taken for purposes other than for which it is best suited; (4) to encourage state, county, city and other local agencies to include land use planning in developing their programs; (5) to provide for adequate study of the long-term and short-term effects (ecologic, economic, and social) of land conversions from present use to another use, especially any nonreversible use, before such conversions are made; (6) to coordinate the manner in which public agencies make decisions concerning land use.

It is the consensus of the Land Use Policies Study Committee that the general public should be informed of the purpose and progress of the land use policy study and should be given the opportunity to participate in the study. Therefore, the Land Use Policies Study Committee plans to hold regional hearings throughout the state to give any interested citizen the opportunity to express his views on the desirability of land use legislation and, if legislation is deemed desirable, to suggest guidelines and methods of implementing such legislation.

A DRAFT BILL PREPARED AT THE
REQUEST OF THE LAND USE
POLICIES STUDY COMMITTEE.
FOR DISCUSSION PURPOSES ONLY.

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

A BILL FOR

1 An Act to create a state land use policy commission, to specify
2 its powers and duties, and to make an appropriation.

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

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1 Section 1. NEW SECTION. STATEMENT OF PUBLIC POLICY.

2 It is the public policy of the state of Iowa and the objectives
3 of this Act to provide for the orderly development of land
4 and related natural resources in Iowa, to preserve the use
5 of prime agricultural land for agricultural production, to
6 preserve natural, cultural and historical areas, to provide
7 for future recreational needs, to provide for greater
8 uniformity of local land development plans, and to control
9 urban sprawl, and thereby provide for the protection and
10 preservation of the private and public interest in the land,
11 water, and related resources of this state for the benefit
12 of present and future generations.

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

15 1. "Commission" means the state land use policy commis-
16 sion.

17 2. "Director" means the director of the state land use
18 policy commission.

19 Sec. 3. NEW SECTION. COMMISSION CREATED. There is created
20 a state land use policy commission consisting of nine members
21 appointed by the governor with the consent of two-thirds of
22 the members of the senate. The term of office of each member
23 shall be four years, except that of the members appointed
24 to the initial commission, five members shall be appointed
25 for four-year terms and four members shall be appointed for
26 two-year terms. In the selection of the membership, consider-
27 ation shall be given to representation from the various geo-
28 graphical areas of the state and each member shall be addi-
29 tionally qualified as follows: one member shall be a person
30 who is actively engaged in diversified farming operations;
31 one member shall be a person who is actively engaged in the
32 management of a manufacturing business; one member shall be
33 a person who is actively engaged in the management of a
34 transportation or utility business; one member shall be a
35 person who has a working knowledge of city or county

1 government; one member shall be a person who is involved in
2 soil conservation work, and four members shall be persons
3 who are chosen to represent the general public. Each member
4 of the commission shall also be an elector of this state,
5 but no member shall be a full-time employee of state government
6 or of the government of the United States.

7 Sec. 4. NEW SECTION. VACANCY--REMOVAL OF MEMBER. A
8 vacancy on the commission shall be filled by appointment by
9 the governor for the unexpired term and shall be subject to
10 the same qualifications as the original appointment.

11 The governor may remove any commission member for cause.

12 Sec. 5. NEW SECTION. COMPENSATION. Each member of the
13 commission, not otherwise in the full-time employment of a
14 public agency, shall receive the sum of forty dollars for
15 each day that he is engaged in the discharge of his official
16 duties and each member of the commission shall also be
17 compensated for his travel and other necessary expenses
18 incurred while engaged in the performance of his official
19 duties.

20 Sec. 6. NEW SECTION. ORGANIZATION. The commission shall
21 organize annually by the election of a chairman and vice
22 chairman. Meetings may be called by the chairman at any time
23 and shall be called as soon as possible by the chairman on
24 the written request of five members of the commission. A
25 majority of the commission shall constitute a quorum and the
26 concurrence of a quorum of the commission shall be required
27 to determine any matter within its duties.

28 Sec. 7. NEW SECTION. DIRECTOR APPOINTED--DUTIES. The
29 commission shall appoint a director who shall serve at its
30 pleasure. The director shall be selected on the basis of
31 his administrative abilities and governmental planning
32 qualifications. The salary of the director shall be determined
33 initially by the commission, but it shall not exceed twenty-
34 five thousand dollars per annum and, thereafter, it shall
35 be determined by the general assembly.

1 The director shall be responsible for performing the duties
2 assigned to him by the commission.

3 The director may appoint, with approval of the commission,
4 the technical, professional, secretarial, and clerical staff
5 necessary to accomplish the duties assigned by the commission,
6 subject to the provisions of chapter nineteen A (19A) of the
7 Code.

8 The director and other employees of the commission shall
9 receive, in addition to salary, their necessary traveling
10 and related expenses incurred when engaged in the performance
11 of official business.

12 Sec. 8. NEW SECTION. DUTIES OF COMMISSION. The commis-
13 sion shall:

14 1. Develop state land use policy for approval of the gen-
15 eral assembly and make recommendations, including proposed
16 legislation, concerning the implementation of the policy as
17 soon as possible.

18 2. Authorize the application for, receipt, and expenditure
19 of any private or public funds for the purpose of implementing
20 the provisions of this Act.

21 3. Identify land use issues facing the state of Iowa.

22 4. Evaluate current land use legislation, policies, and
23 regulations.

24 5. Coordinate, assemble, and maintain a land capability
25 inventory.

26 6. Advise, consult and cooperate with other public or
27 private agencies in the development of state land use policy
28 and in the preparation of recommendations for consideration
29 by the general assembly. The commission may request the
30 assistance or advice of any public or private person or agency
31 in carrying out its assigned duties under this Act.

32 7. Make a concise annual report to the governor and the
33 general assembly, which report shall contain information
34 relating to the accomplishments of the commission and include
35 recommendations for legislative action. The annual report

1 shall conform to the provisions of section seventeen point
2 three (17.3) of the Code.

3 8. Approve the commission budget request submitted by
4 the director.

5 9. Approve all contracts and agreements between the com-
6 mission and other public or private person or agency.

7 10. Obtain an adequate public employees fidelity bond
8 to cover those employees of the commission accountable for
9 property or funds of this state.

10 11. Adopt, amend or repeal internal rules and regulations
11 recommended by the director for the effective administration
12 of the commission.

13 Sec. 9. NEW SECTION. GUIDELINES. In developing a state
14 land use policy and preparing recommendations relating to
15 its implementation, the commission shall conform to the
16 following guidelines:

17 1. Provide for the implementation of state or local land
18 use plans by local governmental agencies.

19 2. Provide for the review and approval of local land use
20 plans by a state land use agency.

21 3. Provide for review of variances to local land use plans
22 by a state land use agency.

23 4. Provide for an appeal procedure concerning any local
24 land use decision.

25 5. Provide for public hearings before a local land use
26 plan is adopted or amended.

27 6. Provide guidance for state agencies which are involved
28 in the acquisition, use and control of land.

29 7. Provide for the preservation of natural, cultural and
30 historical areas or facilities.

31 8. Provide for the regulation of large-scale develop-
32 ments.

33 9. Provide for restricting the development and construc-
34 tion of incompatible facilities or structures on flood plains.

35 10. Provide for the regulation of the use of underground

1 resources.

2 11. Provide for the maximum degree of uniformity of local
3 land use plans with due consideration given to the unique
4 characteristics and problems of each local government.

5 12. Provide for future recreational areas of the state
6 and give consideration to park trails.

7 13. Consider establishing control areas or setbacks along
8 public highways.

9 14. Consider establishing standards for the development
10 of residential, commercial and industrial property.

11 15. Consider preserving land for future public use.

12 16. Encourage the careful consideration of the agricul-
13 tural use of land in any land use decision.

14 Sec. 10. NEW SECTION. DISBURSEMENTS. The state comp-
15 troller shall draw warrants on the treasurer of state for
16 all disbursements authorized by the provisions of this Act
17 upon the submission of vouchers signed by the director.

18 Sec. 11. NEW SECTION. OFFICE FACILITIES. The execu-
19 tive council shall provide the commission with appropriate
20 office facilities.

21 Sec. 12. NEW SECTION. APPROPRIATION. There is appro-
22 priated from the general fund of the state for each fiscal
23 year of the biennium beginning July 1, 1973 and ending June
24 30, 1975, for the state land use policy commission the sum
25 of _____, or so much thereof as may be
26 necessary, to carry out the purposes of this Act.

27 EXPLANATION

28 This bill creates a state land use policy commission and
29 gives the commission the responsibility of developing a state
30 land use policy for approval by the general assembly and make
31 recommendations relating to the implementation of the policy.
32 The commission is directed to prepare legislative proposals
33 based on guidelines specified in this bill.

34 The commission consists of nine members to be appointed
35 by the governor with the consent of two-thirds of the senate

1 for four-year terms. Each member is authorized a per diem
2 of forty dollars and necessary expenses while performing his
3 official duties.

4 The commission is authorized to appoint a full-time direc-
5 tor and other necessary staff to assist in the completion
6 of its duties.

7 An appropriation of _____ dollars is
8 provided for each fiscal year of the 1973-1975 biennium.

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