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COUNTY WRITTEN FINDINGS OF LAND USE FACTORS  
GUIDEBOOK

COUNTY LAND USE ACT  
CHAPTER 1245, 1982 Iowa Acts

and

LAND PRESERVATION AND USE  
CHAPTER 93A, Code of Iowa, 1983

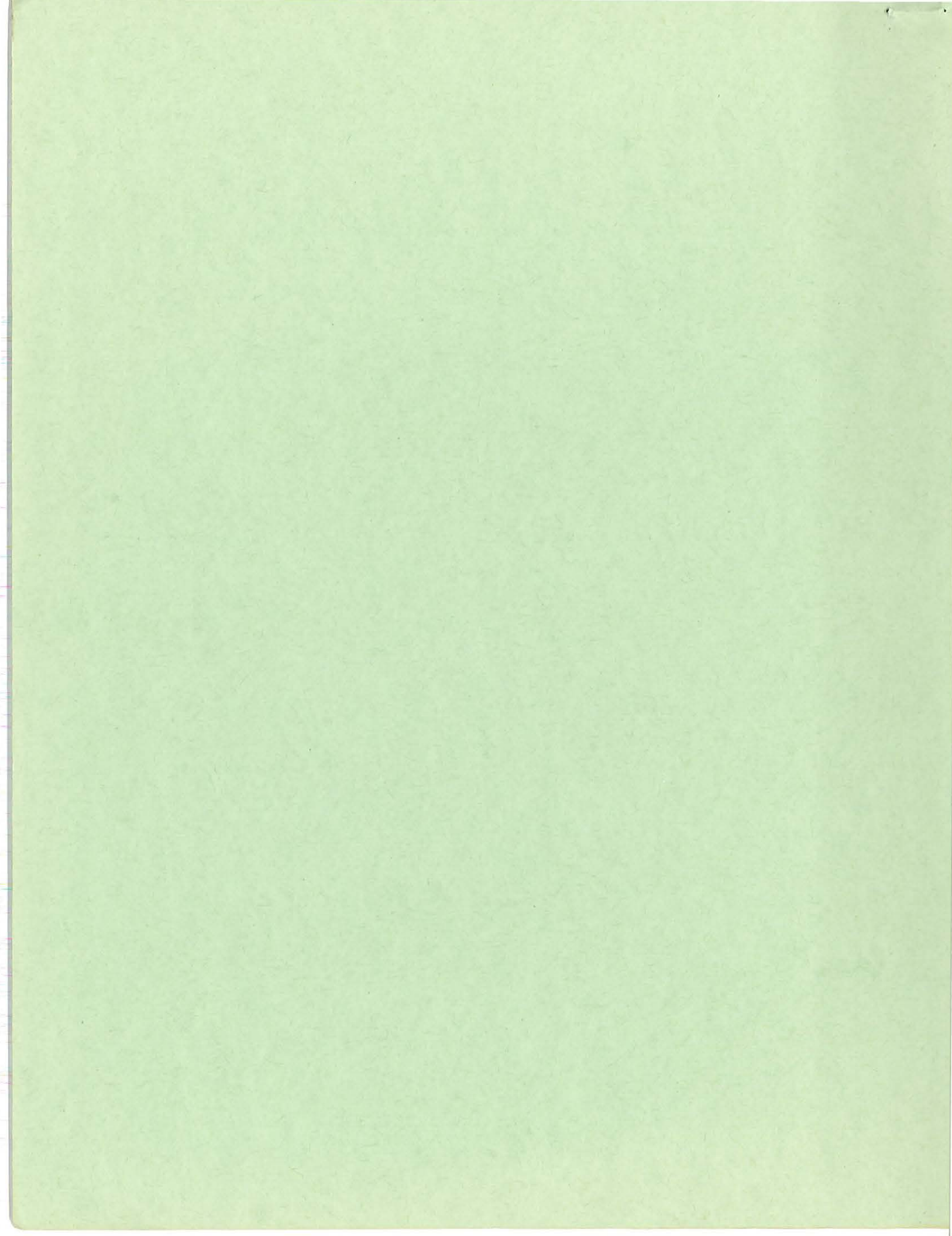
INTERAGENCY RESOURCE COUNCIL  
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# COUNTY WRITTEN FINDINGS OF LAND USE FACTORS GUIDEBOOK

## CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. COUNTY OPTIONS	5
Alternative One: "Do Nothing"	5
Alternative Two: "County Land Preservation & Use Plan"	5
Alternative Three: "Written Findings of Factors"	7
III. FINDINGS PREPARATION	9
Procedure	9
Information Collection	11
Analysis	13
Methods of Goal and Policy Development	19
Methods of Implementation	22
Summary - The Report	28
APPENDIX	
Land Use Law Explained	
County Zoning Law Explained	
Example: A Policy Plan to Implement the Act	
Example: Agricultural Land Preservation Ordinance	





## I. INTRODUCTION

Late in the evening of April 24, 1982, the 69th Iowa General Assembly finished their session and passed Senate File 2218, the Compromised County Land Use Bill, which had received the support of several farm organizations including the Iowa Farm Bureau Federation and the Iowa Cattleman's Association. Governor Ray signed the Bill into law three weeks later on May 14th. The backing of the law by the various farm organizations is significant as to whether the intent of the law will be achieved; if county land use planning is to be realized in Iowa, contributions and support must be received by the majority of the land owners--the farmers.

A paramount objective of the Land Use Act is to provide minimal state directives, while allowing county governments the option and control of developing their own land use findings or plan; this echoes the concern of the farm organizations. Today, the basic philosophy of rural land use decision-making in Iowa is increasingly becoming a democratic community process. People of Iowa do realize that they only inhabit their little section of the earth for a short period of time, that they must endeavor to do whatever they can to make their county or community a better place for future Iowans.

The County Land Use Act can serve as a major catalyst to begin to plan to achieve our land use goals and identify solutions to our problems. The Act provides a process in which citizens and their local county government cooperate to establish their land use policy, in particular the major issue in Iowa--the protection and preservation of agricultural land. This Guidebook is intended to discuss the various options and the methods available to prepare and implement the formation of findings for county land use factors and policy.

Many Iowa counties have or are in the process of meeting the requirements of the basic elements of the Act:

- A County Land Preservation and Use Commission has been established;
- A County Land Use Inventory has been prepared;
- Agricultural areas have been formed in several counties; and
- Findings, land use plans, and policies have been approved, are being revised or developed.

The Guidebook will specifically address Section 93A.5, of the Iowa Code, "County Land Preservation and Use Plan". As amended, by March 1, 1985, after at least one public hearing, a County (Land Preservation and Use) Commission shall propose to the County Board a County Land Use Plan for the unincorporated areas of the County or it shall transmit to the County Board the County Land Use Inventory completed pursuant to Section 93A.4 together with a set of written findings on the following factors considered by the County Commission:

- Methods of preserving agricultural lands for agricultural production.
- Methods of preserving and providing for recreational areas, forests, wetlands, streams, lakes, and aquifers.
- Methods of providing for housing, commercial, industrial, transportation, and recreational needs.
- Methods to promote the efficient use and conservation of energy resources.
- Methods to promote the creation and maintenance of wildlife habitat.
- Methods of implementing the plan, if adopted, including a formal county-wide system to allow variances from the county plan that incorporates the examination of alternative land uses and a public hearing on such alternatives.
- Methods of encouraging the voluntary formation of agricultural areas by the owners of farmland.
- Methods of considering the platting of subdivisions and its effect upon the availability of farmland.

It is clear that the Act seeks counties to investigate, provide, and develop methods to preserve, provide, promote, implement, encourage or consider various factors, land uses or issues. The meaning of the word methods is assumed to imply a system to denote the means taken or procedure followed in achieving a goal or an end. In planning for land use this method involves data gathering and inventory, citizen awareness, attribute or problem identification, goal and policy development, projection formulation, alternative considerations and analysis, consensus of direction of the plan, the implementation strategy, and review and evaluation.

This Guidebook is not intended to serve as a land use planning textbook. However, the Guidebook will be helpful for counties to: (1) recognize their options for fulfilling the requirements of the Act; (2) to prepare their findings; and (3) to examine examples of policy and implementation methods which meet the purpose and intent of the Act.

The Guidebook is intended to be most helpful to a county that has not previously implemented a land use policy or regulation. The implementation strategy included in the Appendix of this Guidebook can serve as a model Agricultural Land Preservation Ordinance. The Ordinance, as provided for in the Act, may regulate use restrictions in the unincorporated areas of the county. The Ordinance should not be considered to be a zoning ordinance. Similar in many aspects, the Agricultural Land Preservation Ordinance is intended only to regulate non-agricultural uses in agricultural areas while zoning ordinances also may prescribe density, bulk, area yard and height requirements, parking, signs and billboards, site review, conditions and performance standards and many other requirements.

Counties that have a land use plan and regulation adopted, may use this Guidebook as a review or as a checklist for an evaluation of their existing plan.

County Land Preservation and Use Commissions may rely upon many forms of assistance that already exist at county, regional or state levels to assist in their preparation of findings or a plan. They include:

- Existing County Zoning and Planning Commissions;
- County Zoning Administrators;
- County Attorneys;
- County Engineers;
- County Extension Directors;
- District Soil Conservationists;
- County Conservation Board Staff;
- County Sanitarians;
- County Assessors;
- Regional Council of Governments' Staff;
- Iowa State Cooperative Extension Service;
- Various State University Departments and Colleges
- The Various Agencies Making-Up the State of Iowa's Interagency Resource Council

## II. COUNTY OPTIONS

The County Land Preservation and Use Commission has three alternatives to examine to fulfill the County Land Use Act after a Commission has been established and an inventory compiled; they may: (1) "do nothing" and submit no report to the Board of Supervisors, (2) propose a "County Land Use Plan" to the Board, or (3) transmit to the Board the Land Use Inventory together with a set of "Written Findings" on the Act's specified land use factors or issues.

Alternative One, "Do Nothing" may seem appropriate for a county who does not have a Land Use Plan and Regulation in place or to a county that does and feels additional refinement is not necessary. This alternative is not acceptable; it is contrary to the Act's provisions and may even provoke stronger state land use controls. The "do nothing" approach does not even recognize that the Commission sat down and discussed the county's needs, attributes or problems. A county may feel that land use planning and regulations are not desired or that revision is not needed. The Commission should at least provide that philosophy to the Board, as a Written Finding and explain why that is so.

Alternative Two, "County Land Use Plan", is the only alternative available to a county desiring to implement a new or revised land use regulation, i.e., an Agricultural Land Preservation or Zoning Ordinance. Both of the ordinances are subject to the provisions of Chapter 358A, Code of Iowa, which reads in part, "... (that) the regulations shall be made in accordance with a comprehensive plan...". The Code does not specifically define what a comprehensive plan is, however, general objectives are outlined in Chapter 358A.5 for the development of the regulations, which would reasonably suggest plan elements should address those objectives also.

The Plan, generally a written document and/or map(s), serves as a guide for the pattern of future development on the land; it sets forth a "preferred" arrangement of activities within a specific spatial (geographic) area. A Plan may be general or quite specific, depending on the type of Plan deemed necessary to meet county desires and needs.



A Commission should not revise or develop a comprehensive plan until a joint meeting between the Commission, the Planning and Zoning Commission (if in existence), and the Board of Supervisors can be called to address the following questions or issues:

1. Does the county need and desire a plan? Why?
2. Does the Board of Supervisors support it? Are they willing to:
  - Delegate responsibility?
  - Provide financial support? and
  - Political commitment?
3. Are "key motivator type" individuals involved, willing to stand up for it, and work?
4. Is adequate technical assistance available or can be obtained?
5. Will proper legal procedures be followed? and
6. Can citizen involvement be ensured?

If affirmative answers can be secured for each question, then the planning process may begin. The following diagram identifies the generalized sequence of activities that should occur in the land use planning process:

1. County Desire to Plan for Land Resources is Documented
2. Support of the Board of Supervisors is Documented, which:
  - Delegates responsibility and
  - Provides financial and
  - Political commitment
3. Citizen Involvement is Promoted
4. Preliminary Goals are Selected
5. Attribute/Problem Issues are Identified
6. Collection of Data/Background Studies and an Inventory is Undertaken

7. Objectives and Policies are Developed and Approved
8. Plan of Action Alternatives are Evaluated
9. The Plan Selection is Made
10. The Plan is Adopted
11. The Plan is Implemented
12. The Evaluation and Review of the Plan is a Continuous Process

This Guidebook will not address further the land use planning process, however, many of the same methods to prepare Written Findings are part of that process. The Planning and Zoning Handbook: A Guide for Local Officials in Iowa, prepared by the State Office for Planning and Programming, and many other sources are available to assist in the development of land use plans and programs.

Alternative Three, "Written Findings of Factors", allows the most flexibility to the Commission to transmit to the Board their goals, philosophy, and methods to implement the various land use factors and issues. The Findings can be generalized to represent five projected levels of activity:

1. No planning for these specific land use factors or issues are needed for the county and why;
2. No planning for these specific land use factors or issues are needed for the county today, but should be addressed in the future and why;
3. Planning for these specific land use factors or issues are presently addressed in the existing comprehensive plan and land use regulations for the county, explanation should be offered to support each issue;

4. Planning for these specific land use factors or issues can be addressed by revising or amending the existing comprehensive plan and land use regulations for the county, explanation should be offered to support each issue;
5. Planning for these specific land use factors or issues can be addressed by developing a new comprehensive plan and land use regulation for the county, the Commission should offer a specific outline, timetable, process chart, suggested goals and begin to identify attributes and problems. Each issue should be examined and methods of implementation discussed.

It should be stressed again, that the activity of the County Commission should not exceed more than preparing Written Findings unless the Board of Supervisors have committed their support for the development of a plan. The following section is intended to provide counties a method in which Written Findings can be developed.

### III. FINDINGS PREPARATION

If the Commission decides to prepare a set of Written Findings, this Guidebook is intended to offer a method in which they can be formulated. This method is only suggested for your consideration, certainly other methods are available and would apply. To prepare the Findings five major tasks can be identified; they are: (1) Procedure, (2) Information Collection and Gathering, (3) Analysis, (4) Methods of Goal and Policy Development, and (5) Methods of Implementation. It is recommended that tasks are delegated to one or two persons--either the Zoning Administrator, Extension Director, staff person from the Regional Council of Governments, County Attorney, or members of the Commission. The individual(s) would prepare draft Findings for the Commission's consideration and approval. The tasks would proceed quite slowly if done strictly by the Commission acting as a working committee.

1. Procedure: The County Land Use Act seeks the cooperation of counties, land owners and interested citizens in establishing a process for preserving agricultural land and providing for other land uses and issues. The Act, as amended, specifically establishes a definite timetable and procedures to accomplish this task. The following flow chart was developed to meet the specific requirements of the Act and the recommendations of this Guidebook.

#### County Land Preservation and Use Commission Written Finding Timetable

By October 1, 1982	Commission Appointed, Meets, and Becomes Organized
By July 1, 1984 (As Amended)	Inventory Completed
By July 31, 1984 (As Amended)	Inventory Submitted to Interagency Resource Council by Commission
During Fall 1984	Commission Gathers Information, Conducts Analysis, Investigates Methods of Goal and Policy Development and Implementation

During Winter 1984-85	Prepares Written Findings of Land Use Factors and a Planned Course of Action Proposal
By March 1, 1985 (As Amended)	Conducts Public Hearing on the Findings and Proposal and Commission Transmits the Approved Findings and Proposal to the Board and to the Interagency Resource Council Within 30 Days
Not Specified	Board Receives the Inventory, Findings, and Proposal and After Review, May or May Not Direct Commission to Develop a Plan for Their Consideration
Not Specified	Commission Develops a Proposed Plan and Implementation Methods Based Upon Sound Land Use Planning Procedures and Process
Not Specified	It is Recommended that the Commission Conduct a Public Hearing on the Plan Proposed and Amends and Transmits Approved Plan to the Board
Not Specified	Board Receives the Proposed Plan and After Review Refers the Plan Back to the Commission for Modification, Rejects the Plan, or Modifies the Plan, and Adopts as Originally Submitted or as Modified by the Board
Not Specified	Upon Plan Approval of the Board, the Commission Transmits Said Plan to the Interagency Resource Council Within 30 Days
After Adoption	The Land Use Policy Plan is Administered and Enforced by the County
At Subsequent Periodic Intervals	Commission Periodically Reviews Plan to Evaluate its Effectiveness and To Consider and Transmit Amendments, Modifications, and Recommendations to the Board, which May Refer the Amendments Back to the Commission, Reject or Adopt them.



## 2. Information Collection:

A responsible person, perhaps the County Zoning Administrator or Regional Planner, must be delegated to gather information and to draft Findings for the Commission's consideration.

Information should be sought for three major areas: (a) specific county data, (b) similar county information, and (c) land use planning.

It may be quite surprising to discover how much information on a specific county is available and is not utilized to its fullest extent. The following list of data may or may not be found in each county:

<u>Specific County Data</u>	<u>Source</u>
County Comprehensive Plan	County Zoning Administrator
County Zoning Ordinance	County Zoning Administrator
County Subdivision Ordinance	County Zoning Administrator
1983 County Land Use Inventory	County Zoning Administrator, Land Preservation Commission or County Extension Director
County Temporary Land Preservation Commission Report	County Extension Director or Zoning Administrator
County Water and Sewer Plan	County Engineer or Sanitarian
County Outdoor Recreation Plan	County Conservation Board Executive Director
County Solid Waste Disposal Plan	County Zoning Administrator, Engineer, or Sanitarian
County Soil Survey	District Soil Conservationist
County Soil Conservation Plan	District Soil Conservationist
Natural Resources Inventory	County Conservation Board Executive Director
Flood Hazard Boundary Areas	County Zoning Administrator or Engineer
Aerial Photography	Agricultural Stabilization and Conservation Service, District Soil Conservationist, County Engineer, Zoning Administrator, or Assessor
State Land Use Enabling Legislation	County Attorney
Regional Land Use Plan and Other Land Use Information	Regional Council of Governments State Interagency Resource Council

Similar county information can be obtained from other similar counties upon request for most of the above-stated information. Examples of policy and implementation sections of other county comprehensive plans are most useful in formulating your own. Several Iowa counties have developed outstanding plans which address most of the land use issues required in the Act. Other sources of similar county information include the Temporary State Land Preservation Policy Commission Reports from the State Department of Soil Conservation, the National Agricultural Lands Study, a U.S. Department of Agriculture Study from the U.S. Government Printing Office, and the Land Use Planning and Management in Iowa series of reports from the State Office for Planning and Programming.

General land use planning information is abundant. College textbooks, legal reviews, professional journals and many more information guidebooks and papers have been written to assist the individual in learning more about the planning process. The following is only a generalized list which should be useful to an Iowa county staff person developing draft findings or a proposal for a plan:

<u>Title</u>	<u>Source</u>
Planning and Zoning Handbook: A Guidebook for Local Officials in Iowa	State Office for Planning and Programming
Iowa Land Use Law Explained	Iowa State University Cooperative Extension Service
Iowa County Zoning Law Explained	Iowa State University Cooperative Extension Service
Land Use Issues of Today	Iowa State University Cooperative Extension Service
Rural Land Use Regulation in Iowa: An Empirical Analysis of County Board of Adjustment Practice (July 1983, Volume 60, No. 5)	Iowa Law Review, College of Law, University of Iowa
Rural and Small Town Planning by Judith Getzels and Charles Thurow, Editors	American Planning Association 1313 East 60th Street Chicago, Illinois

3. Analysis: The applicable information has been gathered and read. Now the staff member should prepare for the Commission a draft information paper which includes, under each specific land use factor or issue, a systematic inventory of whether county policy has been developed, considered, implemented, enforced and whether revision is necessary. Included in the Appendix of this Guidebook is an example of specific policy guidelines for a plan designed to meet the Act's requirements and a method to implement a land management regulation.

The county staff person may use the Written Findings Issue Checklist, found in this section, to formulate their draft information paper. The checklist was developed in such a way that if most of the 11 questions cannot be answered, "affirmative", further research, discussion and a recommendation of additional tasks may be necessary. The questions are intended to be comprehensive in scope and may not apply to each land use factor or issue. An affirmative response and accompanying narrative addressing the what, where, how and why for each land use factor or issue should suffice as a written finding and meet the County Land Use Act Requirements. The checklist may be used to provide draft analysis and a narrative report could be formulated from its findings.

The following example of a Written Finding was based upon the findings formulated by the use of checklist analysis. The example is designed to offer guidance only; it should not be adopted as part of your county's findings without careful review and modification to best suit the goals of your county.

ISSUE: Methods of Preserving Agricultural Land for Agricultural Production

1. Stated County Goal:

To ensure the protection of agricultural operations and the preservation of the productivity, availability, and use of agricultural lands for the continued production of food and fiber, thus assuring the maintenance of agriculture as the major factor in the economy of \_\_\_\_\_ County.

SOURCE: \_\_\_\_\_ County Land Preservation Land Use Plan, 19\_\_\_\_.

2. Goal Justification:

Various plan sections reflect the importance of agriculture that has county, state, country and global significance. Objectives and policy guidelines have been developed for programs and methods to plan and implement an effective strategy to protect agriculture operations and lands, including:

- Recognize agricultural land of productive soils as a finite and the principal natural resource of the county;
- Promote and support the protection of soil from wind, water and man-induced erosion;
- Recognize agriculture as the key element in the county's economic, social and lifestyle base;
- Develop public awareness of the benefits of such policy;
- Utilization of the Agricultural Land Evaluation and Site Assessment (LESA) System to correctly evaluate farmland viability;

- Adopt a county right-to-farm ordinance to reduce the loss of agricultural resources by limiting the circumstances for which agricultural operations, using accepted agricultural practices, may be deemed a nuisance;
- Recognize that conflicts with agricultural uses are certain to occur where non-farm residences and uses are indiscriminately located in farming areas;
- Limit conversion of agricultural land to those uses of justified need and which will not adversely affect the productivity of adjacent agricultural land;
- Adopt land use regulations for:
  - Exclusive agricultural districts
  - Large lot (35 acre) minimum lot area requirements
  - Required permits
  - Farm exemption: freedom to farm
- Promote and encourage the voluntary formation of agricultural areas as an effective method to individually preserve and protect agricultural lands and operations;
- Encourage all levels of government and their agencies to consider the impacts which their programs and projects may have on maintaining the availability and use of agricultural land and provide methods to minimize such impacts;
- Plan capital improvements to not subject agricultural areas to development pressures; and
- Promote the shifting of the use of marginal or fragile agricultural lands from soil erosive row crop practices to soil stabilizing uses such as permanent pasture, productive woodlands, orchards or permanent cover crops and vegetation.



3. Goal Consideration:

During the land use request decision-making process the Commission and Board considers the following:

- The Agricultural Land Evaluation and Site Assessment (LESA) System Evaluation Form which measures the parcel's soil productivity and agricultural viability;
- The Technical Committee's report which identifies the parcel's physical characteristics, site development potential, availability of public utilities and services, land use and area analysis, impacts and hazards, and other applicable information;
- Land use and soil survey maps and aerial photography of the parcel;
- Photographic slides of the site; and
- Objectives and policy guidelines of the plan for the agricultural land use and the other requested use.

4. Issue Identification:

The plan and use of the LESA System documents, the significance and evaluation of agricultural land and operations.

5. Goal Implementation:

The purpose and objectives of the County's Agricultural Land Preservation and Zoning Ordinance state that the Implementation Strategy to protect agricultural lands and operations is the Ordinance's major tenant. The Ordinance provides provisions for exclusive agricultural districts, large lot minimum area requirements, requiring permits, and farm exemptions. The adoption of the County's Right-to-Farm Ordinance to reduce losses of agricultural resources. To continue to plan for the development of programs and methods to implement the goal.

6. Administrative Guidelines:  
To help explain the county's goals, policy statements, procedure outlines, and copies of applicable ordinances provisions and forms have been developed to assist applicants desiring land use change requests. Checklists, reports, and criteria inventories have been developed to assist the Commission and Board members to evaluate each request consistently and fairly.
7. Methods of Implementation:  
The Administrative Officer of the Plan and Ordinance is entrusted to enforce and administrate in a strict, unbiased and fair manner.
8. Balance Between Private Property and Public Rights:  
Agriculture operations and land has been determined to be the highest and best use of the majority of county's lands. Other uses are provided for in other districts or within jurisdictions in the region. Subsequent amendments or requests are offered due process, consideration evaluation.
9. Goal Revision Required:  
Not Applicable
10. Benefit/Cost Impacts:  
Benefits include the continued protection of one of the world's richest and most productive agricultural land resource bases, discourage conflicts with the operation of efficient food producing methods, reduce public expenditures for premature non-agricultural development, and to encourage the redevelopment of communities and the development of new appropriate areas. Sufficient area and lands have been identified for other uses; monitoring and analysis should be a continuing practice to assure supplies for desired and demanded uses are maintained. The long range goals of society should take precedence over the short range desires of the individual.

COUNTY LAND PRESERVATION AND USE COMMISSION  
WRITTEN FINDINGS FACTOR CHECKLIST

ISSUE: Methods of: \_\_\_\_\_

	<u>Yes</u>	<u>No</u>	<u>NA</u>
1. Is the factor or issue stated as a county goal or policy? Where: _____	_____	_____	_____
2. Is the goal or policy justified? Where: _____	_____	_____	_____
3. Does the goal or policy receive consideration during the land use request decision-making process? How: _____	_____	_____	_____
4. Is the issue or land use properly identified and described? Where and How: _____ _____	_____	_____	_____
5. Is the goal or policy implemented through a land use regulation or other methods? Where and How: _____ _____	_____	_____	_____
6. Are administrative guidelines and procedures available to assist in the explanation of implementing the goal and policy? Where and How: _____ _____	_____	_____	_____
7. Is there a method and person responsible to enforce the implementation of the goal and policy? Who and How: _____ _____	_____	_____	_____
8. Does the goal and policy effectively achieve a proper balance between private property and public rights? How: _____	_____	_____	_____
9. The goal and policy does not require revision or formulation. Why: _____	_____	_____	_____
10. Are the benefits of the implementation of the goal and policy greater than the associated impacts and costs? Why: _____	_____	_____	_____
11. Summary/Remarks/Recommendations:			

4. Methods of Goal and Policy Development: After analysis of the Written Finding Factors, a county may find that negative answers were given or proper documentation not found suitable or applicable. The Commission should then feel obligated to offer to the County Board suggested goals and policy, together with the various forms of implementation, that would provide the means to successfully meet the intent of the Written Finding Factors and the Land Use Act.

There are three fundamental objectives toward which policy land use planning should be directed: (1) Equity - A just and fair consideration for all those affected by the course of action; (2) Efficiency; and (3) Choice - The creation of the greatest number of options; secondary objectives would include livability, amenity, flexibility, minimum harm to the environment, optimum use of resources, due process and public involvement in the planning process. The Commission should approach this work task as a preliminary effort for the recommended development of a revised or a new County Land Preservation and Use Plan. Detailed plan development should not occur until Board of Supervisor commitment has been received.

The Commission would submit to the Board, together with the County Inventory, a proposal which includes: (1) the factor findings from the checklist, (2) recommended goals and policy, (3) an inventory of implementation methods, and (4) a summary suggesting the course of action. The proposal may find that a Comprehensive Land Preservation and Use Plan is desired and needed. The Commission could express that:

"The principal component of such a Plan is a clearly defined statement that would express the desires and aspirations of the people of the county as to what the future use of land in the unincorporated areas of the county should be. The Plan would endeavor to be effective by expressing policy guidelines that will help shape the future physical development of the county rather than attempting to show a rigid image of the future.

A utilized policy plan, such as this, should ensure that the following will occur: protection and preservation of agricultural lands and other limited natural resources, orderly and efficient growth, and the availability of adequate public facilities and services to all areas of the county.

Guidelines or policies would be used to help guide land use decisions. The policies would help officials to relate individual land use decision requests to a system of comprehensive policies. The policies would provide a rationale for decisions relating to land uses. In addition to assisting county officials, the adoption and use of land use policies as decision guidelines would also help to make the entire land use decision process more visible and understandable for the general public.

The adoption of policies encourages and facilitates citizen involvement by shifting attention from details and specific proposals to the more essential characteristics of the future community. Use of the policies would help to ensure that decisions affecting future development of the county will be made from a common reference point.

After discussion of the various alternate policies, the selected policies, adopted by the Board of Supervisors as part of the Plan, would be followed by specific actions or further decisions designated to carry out policy. Adoption of the policies does not commit the county to any specific recommendation, but adoption does commit the county to actions that are consistent with the policy guidelines.

The guidelines approach to policy planning would allow flexibility through continual update and revision rather than establishment of specified requirements in ordinance form which do not reflect change. Caution, however, must be exercised when considering change of policies; identifying change and its foundation must be based on sound continuing research and re-evaluation of community goals and philosophy. Specifically, the policy guidelines assist public officials, farmers, property owners, builders, and developers in understanding the plan and predicting how change in land use should occur to minimize possible future deleterious consequences for all the county."



The organization and format of this section of the proposal could be as follows:

A. Introduction and Purpose

B. General Goals of the County

- General statements of the purpose and the direction toward which the various resources of the county will be directed. These general declarations express the desires, aspirations, and philosophy of the county to what the future use of land in the unincorporated areas should be.

C. Specific Factor or Issue Statements

- A brief and concise description of a land use factor, need, problem or issue

1. Objective

- To provide a course of action to attain a desired goal, need or to resolve a specific problem or issue.

A. Policy Guidelines - Implementation/Planning

Specific, well-defined courses of action intended as criteria to provide fair, consistent, and rational basis for the land use decision-making process and/or

Specific, well-defined courses of action intended as criteria for use in formulation of land use controls, such as updating the plan, changes to the land use and subdivision ordinances and the establishment of other studies.

B. Commentary/Rationale/Concerns

At appropriate points of this section, as well as in other sections of the plan, an explanation of the various issues, objectives or policy guidelines will be presented to clarify and to relate specific courses of action to the county goals.

The County Temporary Land Preservation Commission Report, similar county commission reports, and comprehensive plans from other counties would provide examples of policy statements prepared to meet the factors and other similar needs. It is important to realize that a plan for a rural county that is experiencing relatively few problems, a slow rate of growth or little change, may be quite simple. A more extensive plan will probably be required for counties near urban areas which are facing many problems, rapid growth or where there are many changes taking place.

5. Methods of Implementation: As stated in the Introduction, this Act clearly seeks counties to investigate, develop or provide methods to implement the various factors, land uses or issues and, therefore, meeting the intent of the Land Use Act. It must be assumed that the Commission's proposal to develop a plan contains the premise that the local county government desires to direct development to the most logical places. The directed approach allows a county to act as a third party, which would subject proposed land use changes to review and a decision that best serves and considers present and future residents.

The Appendix of this Guidebook contains a model Agricultural Land Preservation Ordinance. The Ordinance is authorized by the Act and may provide counties, who have not previously had land use regulations adopted, an effective implementation method. The intent and design of the Ordinance is to regulate proposed non-farm uses in an agricultural area, with minimum provision or restrictions applying to agricultural uses. Adoption of a similar Ordinance should not occur until a plan has been adopted, legal review, and proper procedures followed.

The Implementation Mechanism Inventory Chart is included to help Commissions evaluate existing or potential methods which will implement a directed growth management strategy. The mechanisms are categorized under six general areas: regulatory, coordination and cooperation, administrative, taxation, compensatory, and capital improvement programming. The chart, designed to serve as a checklist, may include mechanisms appropriate to not all counties or not under county control; additional techniques may certainly be added or considered.

# IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>REGULATORY</u>						
- Agricultural Land Preservation Ordinance						
- Zoning Ordinance						
- Farms Exempt						
- Exclusive Agricultural Districts						
- Large Lot Requirements						
- Zoning Permits						
- Zoning Map						
- Conditional Zoning						
- Environmentally Sensitive Land Standards						
- Down Zoning						
- Variance Procedure and Criteria						
- Rezoning Procedure and Criteria						
- Subdivision Ordinance						
- Right-to-Farm Ordinance						
- Building Code, Permits and Inspections						
- Energy Conservation Code						
- Septic System Standards						
- Water Well Standards						

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

# IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>COORDINATION AND COOPERATION</u>						
- County Comprehensive Land Preservation and Use Plan						
- Regional Plan						
- Community Plans						
- Fringe Annexation/ De-Annexation Review and Agreements Committee						
- State and Federal Impacts						
- Land Preservation Foundations						
- Environmental Task Force Committee Established						
- Specific Area Sector Planning						
- Special Districts						
- Agricultural Land Evaluation and Site Assessment (LESA) System						
- Environmentally Significant Land Resources Inventory						
- Voluntarily Established Agricultural Land Preservation Areas						

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

# IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>ADMINISTRATIVE</u>						
- Procedure Guidelines						
- Technical Committee Review						
- Negotiation and Consultation						
- Inspection and Enforcement						
- Compliance Criteria Standards and Checklists						
- Education						
- Citizen Awareness						
<u>COMPENSATORY</u>						
- Eminent Domain						
- Land Banking						
- Transfer of Development Rights						
- Easement Acquisition						
- Condemnation Mutually Beneficial						
- Covenants						
- Donation						
- Public Land Purchase						
- Voluntary Land Trusts						

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

# IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>TAXATION</u>						
- General Policies						
- State Agricultural Preferential Assessment						
- State Variable for Deferred Taxation						
- State Restrictive Agreement Taxation						
- Federal Income Tax Credits						
- State Differential Appraisal for Inheritance and Estate Taxation						
- State Natural Resource Tax Exemption (Slough Bill)						

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

# IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>CAPITAL IMPROVEMENT PROGRAM</u>						
- Short and Long Range Plans, Including:						
- Public Water Systems						
- Public Sewer Systems						
- New or Improved Roads and Bridges						
- Other Public Projects						
- Present Facility Status Analysis						
- Scheduling, Timing, Location and Sequence of Facilities						
- Capital Improvement Budget						
- Commission Review						
- Special Districts						*

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

The Commission should review the mechanisms and recommend the methods that the county should adopt and recommend revisions of the existing techniques, if necessary. A finding of the recommended methods should only include a review of each appropriate method and how and why the county should adopt it. Development of a prescribed method would be premature without a plan and Supervisor commitment.

#### Summary - The Report

The Written Findings of Factors can now be presented in a document report form. The report format could include: title, purpose, names of Commission members, documentation of the hearing and other meetings, the procedure, information gathered and used, analysis based upon the factor checklist, existing or proposed goals, policy and implementation methods, and recommendations and summary. A copy of the report should be given to each Commission member and staff person, a copy to each member of the Board of Supervisors, the County Auditor and a sufficient number for citizen review.

An additional copy should be transmitted to the Department of Soil Conservation, as agent of the Interagency Resource Council, at the following address:

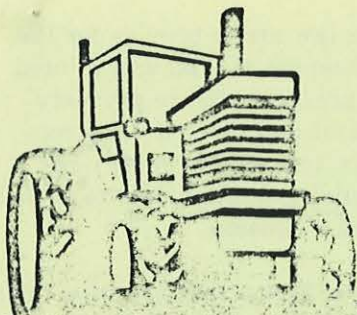
James B. Gulliford, Director  
Iowa Department of Soil Conservation  
Wallace State Office Building  
Des Moines, Iowa 50319



## APPENDIX







# Iowa Land Use Law Explained

Senate File 2218

## Introduction

Imagine a strip of farmland one and a half miles wide stretching across America from coast to coast. This represents three million acres—the amount of farmland that is lost to urban development each year in the United States. These figures come from the National Agricultural Land Study published in September 1981 by the Regional Science Research Institute of Amherst, Massachusetts.

The same study indicated that one-third of this land is prime agricultural land. The remaining two million acres is less valuable but still productive agricultural land. The total annual loss of agricultural land averages 12 square miles every day.

Concern for this problem is mounting. Thoughtful individuals are raising questions about what America's land use policy should be. In many states, interested citizens and public officials are seeking ways to preserve agricultural land.

In Iowa the figures are not as alarming. In fact, the Census of Agriculture actually shows a slight (1.6%) increase in the amount of Iowa farmland in 1978 as compared with the amount of Iowa farmland in 1974. This increase may be attributable to draining of wetlands or the clearing of wooded areas. In other parts of the state, highly productive farmland is being lost to urban development, highways, and other non-agricultural uses.

In an effort to draw attention to this situation, to gather information about land use change, and to provide tools for preserving agricultural land, the sixty-ninth Iowa General Assembly passed Senate File 2218 which was signed into law on May 14, 1982. This legislation seeks the cooperation of counties, land owners, and interested citizens in establishing a process for preserving agricultural land. Counties are asked to inventory agricultural land. Land owners may form protected agricultural areas. Citizens may become involved, attend meetings, and comment at public hearings.

In addition to developing maps and reports, local governments and interested citizens are urged to examine current local land use patterns and policies and ask questions like these: What are the essential characteristics of our county? Are current practices and policies directing our area in the ways we want it to go? What new directions such as encouraging compact urban development, directing growth to existing cities, and protecting prime agricultural land should be considered?

If counties begin by setting forth some general directions on which there is local consensus, the process of land use planning should proceed more smoothly.

The new Iowa land use legislation has four basic elements:

1. It creates county land preservation and use commissions.
2. It requires county land-use inventories.
3. It gives counties the option of developing land use plans and policies.
4. It gives farmers the right to form agricultural areas.

Each county is to create a land preservation and use commission with members representing the county, the cities, the Soil Conservation Commission, and the Extension Council. This body is responsible for implementing the inventory and planning provisions of S.F. 2218.

The land use inventory will include information on land use for agriculture, public facilities, open space, and other purposes. Further, land that has been converted from agricultural use to other uses since 1960 must be identified. A number of state agencies are directed to assist the counties in putting together their land use inventories. The inventory is to be completed by January 1, 1984.



The next step is for each county land preservation and use commission to prepare a county land use plan or a list of findings indicating methods of preserving agricultural land; providing for recreational areas, forests, wetlands, streams, lakes, and aquifers; providing for housing, commercial and industrial needs; promoting energy conservation; and promoting wildlife habitat. The commission is asked to hold at least one public hearing and then to submit the plan or findings to each county board of supervisors by Sept. 1, 1984.

An additional element of S.F. 2218 allows owners of farmland to submit proposals to the county board of supervisors for the creation of agricultural areas. Agricultural areas must be 500 acres or more and all land owners must consent. Once an agricultural area has been formed, farmers within the area receive benefits such as protection from special tax assessments.

These are the primary elements of the Iowa land use legislation. A more detailed explanation follows. The new law may be found in Chapter 1245, 1982 Iowa Acts, or Chapter 93A of the Iowa Code. If you do not have access to the Iowa Code in a library, courthouse, city hall, or law office, you may obtain a copy of S.F. 2218 by contacting the Iowa Secretary of State, Capitol Building, Des Moines, Iowa 50319; telephone (515) 281-5864.

## **Explanation of S.F. 2218, Section by Section**

**Section 1.** This section indicates the placement of Senate File 2218 within the code of the state of Iowa, Chapter 93A, Code 1981. Material previously contained in Chapter 93A, creating and directing the temporary land use commissions, had expired and is hereby removed from Iowa law.

**Section 2. Purpose.** The purpose of this act is to preserve agriculture as an important part of the economy of Iowa. In order to continue the state's role as a major producer of food, fiber, and livestock, local governments and citizens may:

1. Create county land preservation and use plans and policies.
2. Adopt agricultural land preservation ordinances.
3. Establish agricultural areas.

Policy development is encouraged. Communities are urged to consider local conditions and changes over time and to develop public policies that will help to protect agricultural land.

Other purposes of this law are to provide for the orderly use and development of land and related natural resources, to preserve private property rights, to protect natural and historic resources and fragile ecosystems, to conserve energy resources, to promote wildlife habitat, and to protect soil from wind and water erosion.

**Section 3. Definitions.** Terms that are used in the act are defined.

1. *Agricultural area* means an area meeting the qualifications of section 7 of this Act and designated under section 8 of this Act.
2. *County board* means the county board of supervisors.
3. *County commission* means the county land preservation and use commission.
4. *Farm* means the land, buildings, and machinery used in the commercial production of farm products.
5. *Farm operation* means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stands for farm markets; the creation of noise, odor, dust, fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
6. *Farm products* means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products which supply people with food, feed, fiber, or fur.
7. *Nuisance* means a public or private nuisance as defined either by statute, administrative rule, ordinance, or the common law.
8. *Nuisance action or proceeding* means an action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.
9. *Farmland* means those parcels of land suitable for the production of farm products.

## **Section 4. County Land Preservation and Use Commissions Established.**

1. In each county a county land preservation and use commission is created composed of the following members:



a. One member appointed by and from the County Agricultural Extension Council.

b. Two members appointed by the District Soil Conservation Board of Commissioners, one of whom must be a member of the board and one of whom must be a person who is not a commissioner, but is actively operating a farm in the county.

c. One member appointed by the board of supervisors from the residents of the county who may be a member of the board.

d. One member appointed by and from a convention of the mayors and council persons of the cities of the county. If a participating city contains 50 percent or more of the total population of the participating cities, that city may appoint the member appointed under this paragraph.

However, if a city contains more than 50 percent of the population of a county which has a population exceeding 50,000 persons, that city shall not participate in the convention of mayors and councilpersons. The members appointed under paragraph d shall be one member appointed by and from the mayor and councilpersons of that city and one member appointed by and from the convention of mayors and councilpersons. The member appointed under paragraph c shall be a resident of the county engaged in actual farming operations appointed by the board of supervisors.

2. The county commission shall meet and organize by the election of a chairperson and vice chairperson from among its members by October 1, 1982. A majority of the members of the county commission constitutes a quorum. Concurrence of a quorum is required to determine any matter relating to its official duties.

3. The Iowa Cooperative Extension Service shall provide county commissions with technical, informational, and clerical assistance.

4. A vacancy in the county commission shall be filled in the same manner as the appointment of the member whose position is vacant. The term of a county commissioner is four years. However, in the initial appointments to the county commission, the members appointed under paragraphs a and b of subsection 1 shall be appointed to terms of two years. Members may be appointed to succeed themselves.

If a member was appointed by *and from* an organization (County Extension Council, Soil Conservation Commission, etc.), and that member retires from the organization, that member must also be replaced on the county land preservation and use commission.

**Section 5. County Inventories.** Each county is required to compile a land use inventory covering its incorporated areas, and the areas within the boundaries of its cities which are taxed as agricultural land. The inventory is to be completed by January 1, 1984.

If the data are available, the county inventory is to include:

- a. The land available and used for agricultural purposes by soil suitability classifications or land capacity classification.
- b. The land used for public facilities (park, schools, government buildings, historical sites).
- c. The land used for private open space (woodlands, wetlands, and water bodies).
- d. The land used for other uses (commercial, industrial including mineral extraction, residential, and transportation).
- e. The lands which have been converted from agricultural use to residential use, commercial or industrial use, or public facilities since around 1960. If data are not available for the year 1960, counties should use data from as close to 1960 as possible.

This information is to be provided in narrative and map form. In addition, the county commission shall provide a cartographic display contrasting present land uses in the county with land uses in 1960 based on the best available information. These data may be available from land use inventories or aerial photographs prepared around 1960. Historic land use information might also be obtained through interviews with long-term county residents.

The display showing current and 1960 land use need only include areas in agriculture, private open spaces, public facilities, commercial, industrial, residential, and transportation uses.

The following state agencies shall, upon request, provide the county commissions any pertinent land use information available to assist in the compiling of the county land use inventories:

Department of Agriculture  
Wallace State Office Building  
Des Moines, Iowa 50319  
(515) 281-5321

Office of Planning and Programming  
523 E. 12th Street  
Des Moines, Iowa 50319  
(515) 281-3711

Department of Soil Conservation  
Wallace State Office Building  
Des Moines, Iowa 50319  
(515) 281-5851

State Conservation Commission  
Wallace State Office Building  
Des Moines, Iowa 50319  
(515) 281-5145

Iowa Natural Resource Council  
Wallace State Office Building  
Des Moines, Iowa 50319  
(515) 281-8690

Department of Environmental Quality  
Wallace State Office Building  
Des Moines, Iowa 50319  
(515) 281-5913

Iowa Geographical Survey  
123 N. Capitol Street  
Iowa City, Iowa 52243  
(319) 338-1173

Cooperative Extension Service  
Contact your local Cooperative Extension Office, or  
Room 291, College of Design  
Iowa State University  
Ames, Iowa 50011  
(515) 294-8707

Iowa Development Commission  
250 Jewett Building  
914 Grand Ave.  
Des Moines, Iowa 50319  
(515) 281-3251

Department of Transportation  
800 Lincoln Way  
Ames, Iowa 50010  
(515) 239-1101

State Archeologist  
Eastlawn Building  
Iowa City, Iowa 52242  
(319) 353-5175

State Historical Department  
26 East Market  
Iowa City, Iowa 52242  
(319) 338-5471

More information on what is available from these  
agencies can be obtained by contacting:

Chairman  
Interagency Resource Council  
% Iowa Geological Survey  
123 N. Capitol Street  
Iowa City, Iowa 52243  
(319) 338-1173

Within 30 days of completion, one copy of the  
inventory should be submitted to the Interagency  
Resource Council.

#### Section 6. County Land Preservation and Use Plan.

1. By September 1, 1984, after at least one public  
hearing, a county commission shall propose to the  
county board a county land use plan for the  
unincorporated areas in the county, or it shall  
transmit to the county board the county land use  
inventory together with a set of written findings  
on the following factors considered by the county  
commissions.

a. Methods of preserving agricultural lands for  
agricultural production.

b. Methods of preserving and providing for recrea-  
tional areas, forests, wetlands, streams, lakes, and  
aquifers.

c. Methods of providing for housing, commercial,  
industrial, transportation, and recreational  
needs.

d. Methods to promote the efficient use and  
conservation of energy resources.

e. Methods to promote the creation and mainte-  
nance of wildlife habitat.

f. Methods of implementing the plan, if adopted,  
including a formal countywide system to allow  
variances from the county plan that incorporates  
the examination of alternative land uses and a  
public hearing on such alternatives.

g. Methods of encouraging the voluntary forma-  
tion of agricultural areas by the owners of  
farmland.

h. Methods of considering the platting of subdivi-  
sions and its effect upon the availability of  
farmland.

2. Upon receipt of the inventory and findings, the  
county board may direct the county commission to  
prepare a county land use plan for the considera-  
tion of the county board.

3. Upon receipt of a plan, the county board may  
refer the plan back to the county commission for  
modification, reject the plan, or adopt the plan  
either as originally submitted or as modified.

If the plan is approved by the county board, it  
shall be the land use policy of the county and shall  
be administered and enforced by the county in the  
unincorporated areas. The county commission shall  
review the county plan periodically for the purpose

of considering amendments to it. If the commission proposes amendments to the plan, it shall forward the proposal to the county board, which may refer the amendments back to the commission for modification or reject or adopt the amendments.

4. Within 30 days after the completion of the county land use inventory or any county land use plan or set of written findings, the county commission shall transmit one copy of each to the Interagency Resource Council.

**Section 7. Creation of Agricultural Areas.** An owner of farmland may submit a proposal to the county board for the creation of an agricultural area within the county. An agricultural area, at its creation, shall include at least 500 acres of farmland; however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance (see Section 15). The proposal shall include a description of the proposed area, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of the city. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this

section, the use of the land in agricultural areas is limited to farm operations.

1. The following shall be permitted in an agricultural area:

a. Residences constructed for occupation by a person engaged in farming or in a family farm operation. Nonconforming pre-existing residences may be continued in residential use.

b. Property of a telephone company, city utility, or public utility.

2. The county board of supervisors may permit any use not listed in subsection 1 in an agricultural area only if it finds all of the following:

a. The use is not inconsistent with the purposes set forth in this act.

b. The use does not interfere seriously with farm operations within the area.

c. The use does not materially alter the stability of the overall land use pattern in the area.

Below is a copy of the petition that was used to create the first agricultural area.

### Petition For Agricultural Area

- Whereas,** Iowa possesses 25 percent of the nation's Grade A farm land and is a national leader in agricultural production; and
- Whereas,** between 1945 and 1969 Iowa lost agricultural land equal to two and one-half Iowa counties and, since that time, continues to lose an estimated 18,000 acres of agricultural land each year to development; and
- Whereas,** the continuing excessive loss of agricultural land threatens Iowa's agriculture, economy and our ability to feed the nation and our way of life; and
- Whereas,** the General Assembly enacted and Governor Ray signed into law Senate File 2218 which recognizes the importance of preserving the state's supply of agricultural land and provides citizens with the tools needed to protect it; and
- Whereas,** the formation of agricultural areas, in which farmers and land owners voluntarily restrict the use of their land for agricultural purposes only, is one such tool; and
- Whereas,** the undersigned farmers and land owners are committed to preserving agricultural land in Muscatine County by becoming the first group of farmers to propose the creation of an agricultural area in the state of Iowa.

**Now, Therefore,** be it resolved that WE the undersigned do petition the Muscatine County Board of Supervisors to create an agricultural area, as described by the boundaries and map which are attached hereto marked Exhibits A and B and by this reference made a part hereof; that further, WE, the undersigned, do this pursuant to Senate File 2218, Section 7, Acts of the 69th General Assembly, 1982 Regular Session; that further, WE the undersigned, do hereby consent to the inclusion of the above described lands in said agricultural area.

WE, furthermore, urge farmers throughout the state to act similarly to preserve agricultural land.

In Testimony Whereof, I hereunto subscribe my name. Done at Township 76 Hall this 17th day of July in the year of our Lord one thousand nine hundred eighty-two

Annalee Thode

Donnelly B. Lyons

John M. Cashman

Agnes C. Lyons

Dean C. Eckelberger

Donald Eckelberger

Lynda L. Eckelberger

Barbara M. Eckelberger

Robert Eckel

Shirley S. Eckel

Edward Fanning

Frances A. Fanning

To join an "established" agricultural area, a landowner must simply follow the same procedure as the initial participants. However, there would be no acre minimum.

**Section 8. Duties of County Board.** The board of supervisors will:

1. Publish a notice within 30 days from receipt of the petition providing an explanation, declaring that all documents are available for public scrutiny, and noting the date, time, and place of the hearing.

2. Hold a public hearing within 45 days from receipt of the petition.

3. Adopt or modify within 60 days from receipt of the petition. (Modifications could include adding land from other interested landowners and/or excluding land inconsistent with the purposes of agricultural areas.)

**Section 9. Filing Requirement.** The board of supervisors will file a legal description of properties with the county auditor and place it on record in the office of the county recorder.

**Section 10. Withdrawal.** Withdrawal from an agricultural area is limited as follows:

- Once an agricultural area is established, the participants cannot withdraw land for three years.
- After three years, an owner may apply for withdrawal by filing a request with the board of supervisors that provides:
  - A legal description of the land involved.
  - A statement of reasons for withdrawal. The board of supervisors is to deny or approve the request within 60 days.
- After six years, an owner may withdraw by filing a notice of withdrawal with the board of supervisors which includes a legal definition of the land to be withdrawn.
- The board of supervisors must notify the county auditor and recorder of changes in the legal description of the agricultural areas.
- An agricultural area shall continue to exist even if it is smaller than 500 acres after a land withdrawal.

**Section 11. Special Tax Assessments.**

Agricultural land within an agricultural area is protected from special tax assessment such as sewer, water, lights, or nonfarm drainage improvements unless the benefit assessments or special

assessments were imposed prior to the formation of the agricultural area, or unless the service is provided to the landowner on the same basis as others having the service.

**Section 12. Incentives for Agricultural Land Preservation.**

1. *Nuisance restriction.* A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. The subsection does not apply if the nuisance results from the negligent operation of the farm or farm operation. This subsection does not apply to actions or proceedings arising from injury or damage to person or property caused by the farm or farm operation before the creation of the agricultural area. This subsection does not affect or defeat the right of a person to recover damages for injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land.

2. *Water priority.* In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the Iowa Natural Resource Council shall give priority to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

**Section 13. State Regulations.** Subsequent state agency rules will not be considered discriminatory if they are less restrictive concerning farm operations inside agricultural areas.

**Section 14. State Interagency Resource Council.** The Interagency Resource Council is instructed to assist the counties in carrying out their responsibilities in these ways.

1. Gather information.
2. Receive the county inventories and compile a statewide summary for the general assembly.
3. Distribute information beneficial to the county commissions.
4. Disseminate beneficial information or procedures developed by one or more counties or other counties.
5. Receive and maintain a record of individual county plans.



**Section 15. Agricultural Land Preservation Ordinance.** If a county adopts an agricultural land preservation ordinance, farms and farm operations that are subject to the agricultural land preservation ordinance shall be subject to the same use restrictions and incentives created for agricultural areas.

**Section 16.** Section 358A.2, Code 1981 Supplement, is amended to read as follows:

358.2 Farms Exempt. *Except to the extent required to implement section 15 of this act*, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river or stream.

**Section 17.** Section 358.5, unnumbered paragraph 1, Code 1981 Supplement, is amended to read as follows:

*The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to*


*secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision to transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.*

**Section 18. Preservation of Agricultural Land.** Amends Section 414.3, code 1981, in order to include language to preserve agricultural land, protect soil, and encourage efficient urban development patterns in the list of public purposes that may be served by city zoning regulations.

**Section 19. New Subsection.** Section 472.3, code 1981, is amended so that if land within an agricultural area is condemned by the state, a statement must disclose if any of the land is class I or class II land, and if it is, that the condemnation of this land is reasonably necessary.

**Section 20.** This act has no effect on zoning ordinances.

File code. CRD 2-2. Land Use

 and justice for all

The Iowa Cooperative Extension Service's programs and policies are consistent with pertinent federal and state laws and regulations on non-discrimination regarding race, color, national origin, religion, sex, age, and handicap.

Cooperative Extension Service, Iowa State University of Science and Technology and the United States Department of Agriculture cooperating. Robert L. Crom, director, Ames, Iowa. Distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914.

ISUP 64-A3-925

## APPENDIX EXPLANATION

Enclosed as part of this Guidebook you will find four documents that provide additional information for a county desiring to continue the land use planning process to either develop or revise a County Land Preservation and Use Plan. The information could also be used by the county to reevaluate their existing plan or examine various techniques that are available to implement it.

First, Appendix I, is the pamphlet Iowa Land Use Law Explained: Senate File 2218, 1983, prepared by Stu Huntington, the present Iowa State University Cooperative Extension Service Community Planning and Development Specialist. The pamphlet offers a detailed explanation of the Act. The information helps acquaint a person with the specific provisions and requirements of the Act, a logical starting place.

Second, Appendix II, is also a pamphlet, entitled Iowa County Zoning Law Explained: Chapter 358A, Iowa Code, 1973, which was prepared by the previous Iowa State University Cooperative Extension Service Community Planning and Development Specialist, Burl A. Parks. A revision of the pamphlet will be available in January from the Publications Distribution Center, Printing and Publication Building, Iowa State University, Ames, Iowa 50011 or telephone (515)294-5247. The pamphlet is helpful for any county desiring to create an Agricultural Land Preservation Ordinance or a Zoning Ordinance. Careful study is required so that adherence to the state enabling legislation to regulate the orderly use and development of land and related natural resources is done according to the proper legal procedures. It should be noted that the opportunity for counties to develop Agricultural Land Preservation Ordinances is authorized under this chapter, therefore, these ordinances are subject to the chapter's provisions and requirements.

Third, Appendix III, is an example of an Agricultural Land Preservation Ordinance that was developed by the preparer of this Guidebook, Larry Larsen. The model ordinance does meet the specific requirements of Chapters 93A and 358A, Code of Iowa. The model may be used to develop individual county ordinances, however, the author recommends careful study,

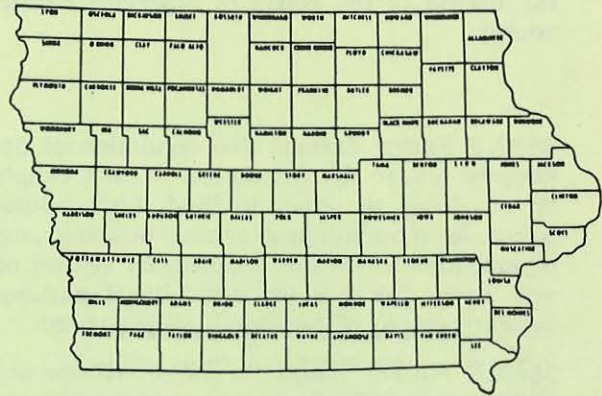
review and appropriate modification must be employed to tailor the ordinance for a specific county. The ordinance would naturally be required to be reviewed by the county's attorney and its citizens.

Fourth, Appendix IV, is part of a County Land Preservation and Use Plan. The Plan was prepared by Larsen and fellow staff members at the Iowa Northland Regional Council of Governments for the consideration of the Bremer County Planning and Zoning Commission, Land Preservation and Use Commission, and Board of Supervisors. The Plan was developed specifically to meet the desires of the Bremer County Board and Commission, that such Plan meet the provisions of Chapter 93A, Land Preservation and Use, Code of Iowa. The Plan elements or parts included for your information can be considered an example of a final implementation strategy designed to provide the methods of preserving, providing and implementing the various required land use factors found in the land use law. As of this writing, the Plan has not yet been adopted; final review of the implementation element, final overall review, public hearings, Commission's recommendation, approval and adoption is still needed.

Included in their entirety are the goals and objectives, growth management strategy, and implementation sections of the proposed Bremer County Land Preservation and Use Plan. Part of the administration section pertaining to amendments (variances) is also included. As previously stated this plan model may be used to develop parts of your county plan only after careful study, review, and appropriate modification is employed to draft a plan for your specific county's goals and desires.



# IOWA COUNTY ZONING LAW EXPLAINED



## CHAPTER 358 A

# IOWA CODE

Rural zoning is gaining wide acceptance in the United States. It was first used by rural governments to control rapidly growing urban development at the fringe of large urban centers. In recent years, however, rural zoning has been frequently used in totally rural areas where no large centers of population exist.

There are two principal reasons why rural areas are finding zoning useful. The first is the rapid growth of the nation's population, resulting in a growing demand for rural territory to support urban population. The second reason is the highly mobile character of today's people. Ease of transportation makes it possible for people to travel long distances to and from their place of employment. This results in a spread of urban development into the rural countryside. Large increases in population also result in an increasing demand for recreation and relaxation. People travel even greater distances seeking these goals.

Encroachment of urban uses and activities into the rural areas has created problems that have never before existed in these areas. Boards of supervisors are finding it necessary to employ zoning as a means of exercising some control over urban development. The higher intensity of land use requires more extensive public services and facilities. Schools are needed.

*Prepared by Burl A. Parks, extension community planning and development specialist.*

Health problems result. Better roads are needed to support heavier traffic demands. Firefighting equipment is needed, along with many other public facilities that were not previously needed for rural land use.

Zoning, our only means of controlling land use, has become a necessary tool of rural governments. Good zoning must be based on a comprehensive plan which affords the community an opportunity to evaluate present services and foresee future needs.

This pamphlet has been prepared as a resource for counties in Iowa that are contemplating the adoption of zoning. Each section of the Iowa County Zoning Enabling Act is explained in lay terms to provide county officials and citizens with a better understanding of the law.

The State Enabling Act provides a framework within which counties may adopt zoning. A great deal of freedom is permitted in drawing up regulations for local counties. Counties may devise their own ordinances in a form suitable to their own individual needs, but no local regulations may exceed the authority granted by the law.

This pamphlet is arranged so that the entire law, as enacted by the Iowa Legislature, is presented in the left-hand columns. A discussion in lay language of each section of the law appears in the right-hand columns, directly opposite the section being explained.



358A.1 *Where applicable.* The provisions of this chapter shall be applicable to any county of the state at the option of the board of supervisors of any such county.

358A.2 *Farms exempt.* No regulation or ordinance adopted under the provisions of this chapter shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures, or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used.

358A.3 *Powers.* Subject to the provisions of sections 358A.1 and 358A.2, the board of supervisors of any county is hereby empowered to regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and to regulate, restrict and prohibit the use for residential purposes of tents, trailers and portable or potentially portable structures; provided that such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city or town. The board of supervisors of any county may prescribe and charge a reasonable building permit fee, and upon receipt of an application containing all required information, in due form and properly executed, showing that the proposed structure will comply with all applicable regulations of the political subdivision in which it is to be located and upon payment of the required permit fee, the board of supervisors shall, within seven (7) days, issue a permit to the applicant.

358A.4 *Areas and Districts.* For any and all of said purposes the board of supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

358A.1 *The law provides that any county in Iowa may adopt zoning, but does not require that it do so. This decision is left to the discretion of the individual counties. If a county decides to zone, then the zoning regulations which are adopted must fall within the powers granted by this enabling act.*

358A.2 *Farm lands and buildings are specifically exempted from the provisions of any zoning regulation which may be adopted in the county. Even if a farm is zoned for residential, commercial or industrial purposes, it may still be farmed. No zoning provisions shall apply to any farm that is being farmed.*

358A.3 *If a county decides to adopt zoning, the board of supervisors may exercise any or all of the powers listed below. These powers are applicable only in areas outside the limits of cities and towns. Unincorporated villages would be subject to county zoning regulations.*

*The board of supervisors may regulate or restrict:*

1. *The height, number and size of structures or buildings to be placed on a lot.*
2. *The percent of a lot that may be occupied by buildings.*
3. *The size of yards, courts and other open spaces (width of side yard, depth of front or rear yards).*
4. *The density of population. This is accomplished by regulating the minimum size of lots.*
5. *The location and use of buildings, structures and land for purposes of trade, industry, residences or other purposes.*
6. *Tents, trailers or portable structures for residential purposes.*

*If it deems advisable, the board of supervisors may charge a fee for issuance of a permit for any of the above purposes. This does not apply in any way to agricultural land or buildings.*

358A.4 *Zoning districts of any size, shape or number may be established within the county. Such districts fall into three general categories: residential, commercial and industrial. Within each district, the construction, reconstruction, repair and use of buildings and the use of land may be governed by written regulations. The written regulations must apply equally throughout each district, but the regulations for each type of district may differ from those in another type of district. This means that residential district regulations must apply equally to all residential districts in the county, but the regulations for residential districts may differ from commercial district regulations which apply equally to all commercial districts. The entire county or any part of the county may be divided into zoning districts.*



## Law

358A.5 *Objectives.* Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street or highway; to secure safety from fire, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

358A.6 *Public Hearings.* The board of supervisors shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in a paper of general circulation in such county.

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

## Explanation

358A.5 *Zoning cannot be unreasonable or capricious and must be based on a study of the community so that reasonable regulations and districts can be developed for the community welfare. The goals of zoning, as outlined below, must be the basis for the zoning plan.*

*The goals of zoning are:*

1. *To lessen congestion in the street or highway.*
2. *To secure safety from fire, panic and other dangers.*
3. *To protect health and the general welfare.*
4. *To provide adequate light and air.*
5. *To prevent the overcrowding of land.*
6. *To avoid an undue concentration of population.*
7. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.*

*In preparing the regulations, due consideration must be given to:*

1. *The character of the area in the district and the suitability of the area for the uses proposed by zoning.*
2. *Conserving the value of buildings.*
3. *Encouraging the most appropriate use of land throughout the county.*

358A.6 *The board of supervisors determines where the boundaries of districts shall be located and the form and content of the regulations which apply to each district. The board shall also provide the method whereby changes and amendments to the regulations and district boundaries may be made.*

*The board must hold a public hearing before any part of the zoning regulations or zoning districts becomes effective. Any citizen, organization or firm may attend the hearing to express views concerning the zoning ordinance.*

*A notice must be published in a newspaper of general circulation in the county stating the time and place of the hearing. The hearing cannot be held until at least 15 days after publication of the notice.*

358A.7 *Changes in the location of district boundaries or in the written regulations may be made from time to time. The responsibility for making such changes is vested in the board of supervisors. If the owners of 20 percent of the land in the area to be rezoned oppose the change, or if the owners of 20 percent of the land within 500 feet of the boundary of the proposed change oppose the change, a favorable vote of at least 60 percent of all the members of the board of supervisors is required before the change can be made effective.*

*Any changes in the boundaries of districts or in the written text of the zoning ordinance must be preceded by a public hearing in the same manner as prescribed for adopting the zoning ordinance.*

## Law

358A.8 *Commission appointed.* In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, to be known as the county zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications.

358A.9 *Administrative officer.* The board of supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances so adopted by the board of supervisors. Such administrative officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county, and the board of supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

358A.10 *Board of adjustment.* The board of supervisors shall provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this chapter shall provide that the said board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules therein contained, and provide that any property owner aggrieved by the action of the board of supervisors in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners.

## Explanation

358A.8 Although the power to adopt county zoning is vested in the board of supervisors, the board can adopt only those zoning ordinances prepared by a zoning commission. The zoning commission is appointed by the board of supervisors and may have an unlimited membership. The zoning commission usually has 5 to 9 members, with 7 being a frequent number. Only residents of the county may serve on the zoning commission of that county.

The commission is charged with the responsibility of preparing the ordinance and recommending the boundaries and location of various districts. The commission must hold a public hearing on the proposed ordinance before submitting a final draft to the board of supervisors, which must also hold a public hearing before the ordinance may be approved.

It is suggested that the members of the commission be appointed for 5-year terms and that the appointments be staggered so that all the terms do not expire the same year. After the ordinance has been adopted, the commission should recommend to the board of supervisors any amendments, supplements or changes to the ordinance.

358A.9 The board of supervisors is required to appoint a zoning administrator to enforce the zoning ordinance. The appointee may be a person already employed by the county or any other governmental subdivision in the county, such as a city or township. In many cases the county engineer is appointed zoning administrator. The board is authorized to determine how much salary, if any, is to be established for this service. If a salary is authorized it shall be paid from the county general fund.

The zoning administrator usually is charged with the following responsibilities:

1. To issue permits for urban uses and collect any fees which may be established for said permits.
2. To carry out administrative duties for the zoning commission and board of supervisors.
3. To enforce the ordinance and stop all violations.
4. To explain the ordinance when citizens desire information on zoning.

358A.10 A board of adjustment is provided for because it is impossible to write an ordinance that will fit all cases when hundreds of parcels of land are involved. The purpose of the board of adjustment is to alleviate cases of hardship which are created by a literal enforcement of the law and to provide a method for citizens to be heard when they disagree with the interpretation and application of zoning as it affects their property.



## Law

358A.11 *Membership of board.* The board of adjustment shall consist of five members each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

358A.12 *Rules and regulations.* The board shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

358A.13 *Appeals to board.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

358A.14 *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

## Explanation

358A.11 *The board of supervisors appoints members to the board of adjustment as provided in this section. The terms of the members are staggered so that only one term may expire in any given year. This provides a continuity to the board of adjustment.*

358A.12 *Because cases heard by the board of adjustment may be appealed to the civil courts, it is essential that complete records of all proceedings be kept. The rules of procedure must be adopted and followed, and all evidence must be carefully documented. The vote of each member in each case must be recorded. These records must be filed immediately in the office of the board of adjustment.*

358A.13 *The right of appeal is unlimited. However, the board frequently receives appeals over which it has no jurisdiction. When an appeal is made to the board, all records involving the case must be transferred to the board from the office of the zoning administrator. The appellant must state in his appeal on what grounds the appeal is made. The board shall establish the time limit within which an appeal must be filed.*

358A.14 *When an appeal is filed with the board, no further action may be taken in the proceedings until the board has rendered a decision. If, however, waiting for a decision from the board might be perilous to life or property, corrective action may be taken unless restrained by an order from the board or a court of record.*

## Law

358A.15 *Powers of board.* The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

358A.16 *Decision.* In exercising the above mentioned powers such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

358A.17 *Vote required.* The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to affect any variation in such ordinance.

358A.18 *Petition to court.* Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

## Explanation

358A.15 *The board of adjustment has three basic powers as outlined in this section. These powers are as follows:*

1. *If a citizen feels there is an error in the action of the enforcing officer, he may request a decision from the board of adjustment. The board may decide against the applicant, in favor of the applicant or may modify the decision of the enforcing officer. The board's decision is final.*

2. *The zoning ordinance may state that certain exceptions to the ordinance may be granted by the board. An example of such an exception is the location of a building or premises for use by a public service corporation such as a water, gas or power company when the board believes it to be necessary for the public welfare.*

3. *If unusual conditions or circumstances cause a hardship when the provisions of zoning are applied, the board is permitted to vary the law so that a reasonable use of the property is allowed. Such conditions or circumstances might result from extreme topography or the shape of the property. For example, if zoning requires that a building be set back 50 feet from the street, but such a requirement would place the building in a ravine, the board may reduce the requirement so that a reasonable buildable site is available on the lot.*

358A.16 *The board of adjustment has full and final authority in its decisions. The only recourse from a decision of the board is through the courts. Decisions of the board of adjustment do not require approval of the board of supervisors. The board of adjustment is separate and distinct from the zoning commission and should not be confused with it. In rendering a decision, the board may approve the request, deny it or modify it.*

358A.17 *The vote of at least three members of the board is required to reach a decision. This means that if only three of the five members of the board are present, the favorable vote of all three is required to approve an appeal.*

358A.18 *Any disagreement with a decision of the board may be appealed to the civil courts. A petition to the court must be filed within 30 days after the decision of the board. This petition shall declare that the decision of the board was illegal and shall specify the grounds on which the decision was found to be illegal. If a petition is not filed within 30 days, the courts have no authority to hear the case and the board's decision shall stand.*

## Law

358A.19 *Review by court.* Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

358A.20 *Record Advanced.* The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

358A.21 *Trial to court.* If upon the hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

358A.22 *Precedence.* All issues in any proceedings under the foregoing sections shall have preference over all other civil actions and proceedings.

358A.23 *Restraining Order.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this chapter of any ordinance or other regulation made under authority conferred thereby, the board of supervisors, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

## Explanation

358A.19 *Upon the filing of a petition by an aggrieved party, the court may require the board of adjustment to forward all records pertaining to the case to the court for review. The appellant must present his case within 10 days, but this period may be extended by the court. Such an appeal shall not act as a stay on proceedings based on the decision of the board. The court may grant a staying order, however, if the appellant requests and can show adequate cause for issuing the restraining order.*

358A.20 *The board of adjustment is not required to forward to the court its original record of the appeal but must submit certified or sworn copies. These copies of the record must contain all facts and evidence pertaining to the case and evidence showing the grounds upon which the decision was based.*

358A.21 *The court's hearing shall be considered a new hearing. The court may require testimony or may appoint a referee to take evidence. The referee shall report his finding of fact to the court and any conclusions of the law which may be established by the referee. Such fact and conclusions shall be made a part of the court proceedings. The court may reverse, approve or modify the board's decision.*

*No court costs may be assessed against the board unless it is apparent that the board acted with negligence, in bad faith or with malice in rendering its decision.*

358A.22 *A petition of appeal concerning a decision of the board shall have priority over all other civil actions and proceedings before the courts.*

358A.23 *Power is granted to the board of supervisors to stop, prevent or correct violations of the zoning ordinance. The supervisors may take any appropriate action, including prosecution, against any violators of the ordinance.*

## Law

358A.24 *Conflict with other regulations.* Wherever the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

358A.25 *Plumbing code enforced.* Subject to the provisions of sections 358A.1 and 358A.2, the board of supervisors of any county is further authorized to adopt regulations to provide that every dwelling, whether now or hereafter erected within the county but outside the corporate limits of any city or town which shall develop a private water supply or install a pressure water system or install sanitary house drains, shall comply with the recommendations of the state department of health on minimum requirements as set out in the state plumbing code in regard to such development or installation. Any such regulation may be enforced in the same manner as any other regulation adopted under this chapter.

358A.26 *Penalty.* In addition to any other remedy granted herein, the violation on any regulation, restriction, or boundary adopted under this chapter or the occupancy or the use of any structure erected, altered or maintained in violation of this chapter shall constitute a misdemeanor. Such occupancy or use shall be deemed a continuing violation and may be the subject of repeated prosecutions if so continued. Every person convicted of a misdemeanor, by reason of violations hereinabove set forth, shall be punished by a fine of not more than one hundred dollars or by imprisonment of not more than thirty days.

## Explanation

358A.24 *When the zoning ordinance requires higher standards than other local statutes or regulations, the provisions of the zoning ordinance shall apply. When other local laws or regulations require higher standards than zoning, such regulations and laws shall apply. Deed restrictions are private and enforceable only through civil action. Deed restrictions have no effect upon zoning regulations.*

358A.25 *Any county at the option of the board of supervisors may require that the water supply system and plumbing for existing or future dwellings meet minimum requirements of the state plumbing code. Farms are exempt from this regulation. This regulation applies only if such services are to be provided by decision of the owner. The supervisors cannot require that sewer and water be installed but can require compliance with the regulations if the owner decides to install them.*

358A.26 *Any violation of any part of the zoning ordinance is a misdemeanor. If a violation is continued it is subject to repeated prosecution. Violators, if convicted, are subject to a fine of up to \$100 per violation or by imprisonment of not more than 30 days.*

AGRICULTURAL LAND PRESERVATION ORDINANCE  
FOR  
\_\_\_\_\_  
COUNTY, IOWA  
(Unincorporated Areas)

EFFECTIVE: \_\_\_\_\_, 19\_\_





AGRICULTURAL LAND PRESERVATION ORDINANCE

FOR

\_\_\_\_\_ COUNTY, IOWA

(Unincorporated Areas)

EFFECTIVE DATE: \_\_\_\_\_, 19\_\_

PASSED AND ADOPTED BY

THE \_\_\_\_\_ COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_, 19\_\_

and

\_\_\_\_\_, 19\_\_

RECOMMENDATION PASSED AND ADOPTED BY

THE \_\_\_\_\_ COUNTY LAND PRESERVATION AND USE COMMISSION

\_\_\_\_\_, 19\_\_

and

\_\_\_\_\_, 19\_\_





ADOPTION OF THE \_\_\_\_\_ COUNTY  
AGRICULTURAL LAND PRESERVATION ORDINANCE

WHEREAS, Chapter 358A, Code of Iowa, 1983, as amended, empowers the Board of Supervisors to enact an Agricultural Land Preservation Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Supervisors deems it necessary to provide for the orderly use and development of land and related natural resources, for the purpose of promoting the health, safety, morals, and general welfare of the County, to enact such an Ordinance; and

WHEREAS, the Board of Supervisors appointed a County Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and

WHEREAS, the County Commission has divided the unincorporated area into districts and has prepared regulations pertaining to the districts in accordance with the Land Preservation and Use Plan of \_\_\_\_\_ County; and

WHEREAS, the County Commission gave reasonable consideration among other things, to the need to protect the agricultural land for future agricultural protection, to guide future urban growth to areas of adequate public facilities, to protect environmentally sensitive lands, to base the Ordinance on the general character of the districts and their peculiar suitability for particular uses, with a view for most appropriate use of land throughout the County, and protecting private property rights balanced with the promotion of the health, safety, and general welfare of the County and its inhabitants; and

WHEREAS, the County Commission has made both a preliminary and follow-up report and held public hearings thereon, and submitted its final report to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has given due public notice and held two public hearings to hear comments; and

WHEREAS, all requirements of Chapter 358A, Code of Iowa, 1983, as amended, with regard to the procedure of adopting a County Agricultural Land Preservation Ordinance have been met; and

WHEREAS, all requirements of Chapter 93A, Code of Iowa, 1983, as amended, with regard to the use restrictions of the agricultural districts have been met.

NOW THEREFORE BE IT RESOLVED by the \_\_\_\_\_ County Board of Supervisors as follows:

Section 1. The \_\_\_\_\_ County Board of Supervisors hereby adopts the \_\_\_\_\_ County Agricultural Land Preservation Ordinance as recommended by the Commission.

Section 2. The Board of Supervisors repeals the existing ordinance, effective \_\_\_\_\_, 19\_\_\_\_, and all amendments thereto (if applicable).

Section 3. The \_\_\_\_\_ County Zoning Ordinance shall become effective \_\_\_\_\_, 19\_\_\_\_, when published in the \_\_\_\_\_ (official County newspapers).

Section 4. This resolution shall take effect: \_\_\_\_\_, 19\_\_\_\_.

## TABLE OF CONTENTS

Effective Date

Resolution of the Board of Supervisors

		<u>Page</u>
ARTICLE	I. GENERAL	
Section	1 Title	1
	2 Purpose and Objectives	1
	3 Authority	4
	4 Jurisdiction	5
	5 Interpretation of Standards	5
	6 Special Exemptions	5
	7 Relationship to Land Preservation and Use Plan	6
	8 Iowa Open Meetings Law	6
	9 Scope	7
ARTICLE	II. DEFINITIONS	
Section	1 Definitions, General	8
	2 Definitions, Listings	8
ARTICLE	III. ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND OFFICIAL MAPS	
Section	1 Intent	14
	2 Official District Maps and Boundaries	14
	3 Establishment of Districts	16
ARTICLE	IV. USE REGULATION OF THE AGRICULTURAL DISTRICT	
Section	1 Intent	17
	2 Principal Permitted Uses	17
	3 Accessory Permitted Uses	18
ARTICLE	V. USE REGULATION OF THE "NA" NON-AGRICULTURAL DISTRICT	
Section	1 Intent	19
	2 Principal Permitted Uses	19
	3 Accessory Permitted Uses	20
ARTICLE	VI. AMENDMENT PROVISION PROCEDURES	
Section	1 Intent	21
	2 County Initiated Amendments	21
	3 Individual Request for Amendment	23

ARTICLE VII. NONCONFORMING USE PROVISIONS

Section	1	Intent	27
	2	Nonconforming Use of Land	27
	3	Nonconforming Use of Structures	28
	4	Nonconforming Structures	29
	5	Normal Repairs and Maintenance	29
	6	Certification of Nonconforming Uses	29

ARTICLE VIII. BOARD OF ADJUSTMENT

Section	1	Intent	30
	2	Membership	30
	3	Rules and Meetings	30
	4	Powers, Duties and Considerations	31
	5	Conditions for Granting Variances	33
	6	General Procedures	34
	7	Filing Fee	36

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

Section	1	Intent	37
	2	County Administrative Officer	37
	3	County Land Preservation and Use Commission	38
	4	County Technical Committee	39
	5	County Board of Adjustment	39
	6	Compliance Permits	39
	7	Enforcement	41

ARTICLE X. MISCELLANEOUS PROVISIONS

Section	1	Severability	44
	2	Relationship to Other Laws	44
	3	Effective Date	45

ARTICLE I.  
GENERAL

Including: Title, Purpose and Objectives, Authority, Jurisdiction, Interpretation of Standards, Special Exemptions, Relationship to Land Preservation and Use Plan, Iowa Open Meetings Law, and Scope.

SECTION 1. TITLE

This Ordinance shall be known and may be cited and referred to as the "\_\_\_\_\_ County, Iowa, Agricultural Land Preservation Ordinance" or "the Ordinance".

SECTION 2. PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with the \_\_\_\_\_ County Land Preservation and Use Plan, adopted \_\_\_\_\_, 19\_\_, and as specifically permitted and authorized in Chapters 358A, County Planning and Zoning and 93A Land Preservation and Use, Code of Iowa, 1983, as amended.

This Ordinance is intended and designed to meet the specific objectives of Chapter 358A.5, Code of Iowa, 1983, as amended:

To preserve the availability of agricultural land;  
To consider the protection of soil from wind and water erosion;  
To encourage efficient urban development patterns;  
To lessen congestion in the street or highway;  
To secure safety from fire, flood, panic, and other dangers;  
To protect health and the general welfare;  
To provide adequate light and air;  
To prevent the overcrowding of land;  
To avoid undue concentrations of population;  
To promote the conservation of energy resources;  
To promote reasonable access to solar energy; and  
To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

This Ordinance is intended and designed to meet the specific purpose of Chapter 93A.1, Code of Iowa, 1983, as amended:

To provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures;

To preserve the availability and use of agricultural land for agricultural production;

To provide for the orderly use and development of land and related natural resources in \_\_\_\_\_ County, Iowa, for residential, commercial, industrial, recreational, and other purposes;

To preserve private property rights;

To protect significant natural and historic resources and fragile ecosystems of the state and county including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas;

To promote the efficient use and conservation of energy resources;

To promote the creation and maintenance of wildlife habitat; and

To consider the protection of soil from wind and water erosion.

This is accomplished through a process that emphasizes the participation of citizens and local governments for the creation of the \_\_\_\_\_ County Land Preservation and Plan and Policies, the adoption of this \_\_\_\_\_ County Agricultural Land Preservation Ordinance and encouraging the voluntary formation of agricultural areas in which substantial agricultural activities are encouraged, so that land inside those areas shall be conserved for the production of food, fiber and livestock,

thus assuring the preservation of agriculture as a major factor in the economy of \_\_\_\_\_ County, Iowa.

Furthermore, this Ordinance is intended and designed to meet the specific use restrictions of the Agricultural District of Chapter 93A.6, Code of Iowa, 1983, as amended. Therefore, the incentives for agricultural land preservation, Sections 93A.10, 93A.11, 93A.12 and Section 472.3, Subsection 6, Code of Iowa, 1983, as amended, shall apply to farms and farm operations:

- Limitation on power of certain public agencies to impose public benefit assessments or special assessments. A political subdivision or a benefitted district providing public services such as sewer, water, lights or for nonfarm drainage shall not impose benefit assessments or special assessments on land used primarily for agricultural production within an agricultural area on the basis of frontage, acreage, or value, unless the benefit assessments or special assessments were imposed prior to the formation of the agricultural area, or unless the service is provided to the landowner on the same basis as others having the service.

- Nuisance restriction. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. This subsection does not apply to actions or proceedings arising from injury or damage to person or property caused by the farm or farm operation before the creation of the agricultural area. This subsection does not affect or defeat the right of a person to recover damages for injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land.

- Water priority. In the application for a permit to divert, store, or withdraw water and in the allocation of available water

resources under a water permit system, the Iowa Department of Air, Water and Waste Management shall give priority to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

- State regulation. In order to accomplish the purposes set forth in Section 93A.1, a rule adopted by a state agency after July 1, 1982, which would restrict or regulate farms or farm operations may contain standards which are less restrictive for farms or farm operations inside an agricultural area than for farms or farm operations outside such an area. A rule containing such a discrimination shall not for the fact of such discrimination alone be found or held to be unreasonable, arbitrary, capricious, beyond the authority delegated to the agency, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

- Application for condemnation. If the damages are to be paid by the state and the land to be condemned is within an agricultural area as provided in Chapter 93A, a statement disclosing whether any of that land is classified as Class I or Class II land under the United States Department of Agriculture Soil Conservation Service Land Capability Classification System contained in the Agriculture Handbook Number 210, 1961 edition and, if so classified, stating that the Class I or Class II land is reasonably necessary for the work of internal improvement for which condemnation is sought.

### SECTION 3. AUTHORITY

The \_\_\_\_\_ County, Iowa, Board of Supervisors shall have the authority to regulate for the orderly use and development of land and related natural resources in accordance with the provisions of Chapters 358A and 93A, Code of Iowa, 1983, as amended.



#### SECTION 4. JURISDICTION

The authority to regulate for the orderly use and development of land and related natural resources shall be exercised to all land within \_\_\_\_\_ County, Iowa, lying outside of the corporate limits of any city.

#### SECTION 5. INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

#### SECTION 6. SPECIAL EXEMPTIONS

##### 6.1 Farms Exemption

In accordance with the provisions of Chapter 358A.2, Code of Iowa, 1983, no regulation or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used:

6.11 Application. It shall be the responsibility of any person or group claiming that property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

6.12 Limitation. This exemption shall not apply to any structure, buildings, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream.

6.13 Voluntary Compliance. It shall be the policy to seek voluntary compliance of the provisions of this Ordinance.

6.14 Determination. Administrative Officer shall complete a review and made a determination whether the use and property qualifies for the exemption.

6.2 Utility Exemption

No regulation or restriction adopted under the provisions of this Ordinance shall be construed to control the type or location of distributing equipment and structures of utility companies, including but not limited to poles, towers, wires, gas mains, cables, or any other similar distributing or operating equipment of a telephone, power, gas and railroad company. Said uses are regulated by the Iowa Commerce Commission.

SECTION 7. RELATIONSHIP TO LAND PRESERVATION AND USE PLAN

That the enactment, amendment and administration of this Ordinance be accomplished with due consideration of the purposes and objectives of the \_\_\_\_\_ County Land Preservation and Use Plan as adopted and amended from time-to-time by the Board of Supervisors. The Plan shall serve as a guide for the future development of \_\_\_\_\_ County and the basis for the enactment of this Ordinance.

SECTION 8. IOWA OPEN MEETINGS LAW

The Commission and Board, public bodies, are subject to the terms, regulations and restrictions of the Iowa Open Meetings Law, Chapter 28A of the Code of Iowa as amended. Wherever in these ordinances a conflict appears between the Ordinance and the open meetings law, the open meetings law shall control.

SECTION 9. SCOPE

From and after the effective date of this Ordinance, no structure may be erected, constructed, enlarged, reconstructed or altered, and no structure or land may be used or occupied for any purpose nor in any manner which is not in conformity with this Ordinance.

## ARTICLE II. DEFINITIONS

### SECTION 1. DEFINITIONS, GENERAL

For the purpose of this Ordinance, certain terms and phrases shall be deemed to have the meaning ascribed to them in this section. Words in the singular number include the plural, those in the plural number include the singular. Words in the present tense include the past and future tenses, and the future, the present tense. The masculine gender shall include the feminine and neuter genders. The word "shall" is mandatory, while the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

### SECTION 2. DEFINITIONS, LISTINGS

- ( 1) Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate or the principal use or structure.
- ( 2) Administrative Officer: The individual designated by this Ordinance to administer the Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the "Administrator".
- ( 3) Agricultural Area: An area meeting the qualifications of Section 93A.6 and designated under Section 93A.7, Code of Iowa, 1983, as amended.
- ( 4) Agricultural Use: The land, structure, or use, while so used, are primarily adapted by reason of nature and area for farmland, farms, farm operations, and farm dwellings;

and the necessary accessory uses for treating or storing the farm products; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activity. For purposes of this Ordinance and its implementation, this definition includes private open space, including but not limited to, woodlands, wetlands, native and open prairies, surface waters and wildlife habitats.

- ( 5) Amendment: The act or process to change or modify the provisions found in this Ordinance.
- ( 6) Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
- ( 7) Compliance Permit: Written statement issued by the Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
- ( 8) County Board: The County Board of Supervisors of \_\_\_\_\_ County, Iowa.
- ( 9) County Board of Adjustment: The County Board of Adjustment of \_\_\_\_\_ County, Iowa.
- (10) County Commission: The County Land Preservation and Use Commission of \_\_\_\_\_ County, Iowa.
- (11) County Technical Committee: The County Technical Committee of \_\_\_\_\_ County, Iowa.
- (12) Development: Any man made change to alter the existing land use of a parcel of land including but not limited to buildings, structures or site improvements.

- (13) District: A geographic section or sections of the county within which the use of is controlled by this Ordinance.
- (14) District Map: The map or maps incorporated into this Ordinance and made a part thereof which designate various districts.
- (15) Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin or trailer.
- (16) Farm: The land, buildings, and machinery used in the commercial production of farm products.
- (17) Farmland: Those parcels of land suitable for the production of farm products.
- (18) Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.
- (19) Farm Products: Those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal or plant or animal product which supplies the people with food, feed, fiber, or fur.



- (20) Livestock: Cattle, horses, sheep, swine, poultry or any other animal or fowl which are being produced primarily for commercial purposes.
- (21) Lot: For the purposes of this Ordinance, a lot is a parcel of land at least sufficient size to meet minimum requirements for use and may consist of:
- (a) A single lot of record;
  - (b) A portion of a lot of record;
  - (c) A combination of complete lots of record; or complete lots of record and portions of lots of record; or of portions of lots of record;
  - (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.
- (22) New Construction: Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.
- (23) Non-Agricultural Use: The land, structure or use, while so used, for residential, commercial, transportation, public facilities, industrial, utilities, communications, services, cultural, entertainment, recreational, non-agricultural resource production and extraction, and institutional. For purposes of this Ordinance and its implementation, this definition includes agricultural related commercial retail stores, industries and service firms, including but not limited to, grain elevators and usual accessory structures, veterinary clinics, agricultural retail/service outlets, dairy retail stores, fish markets, alcohol processing plants, locker plant and storage, farm implement sales and service establishments, farm equipment manufacture and assembly, creameries, bulk storage and pumping of agricultural

chemicals and fertilizers, hide tanning, livestock sale and auction barns, the manufacture and wholesale of fertilizers, rendering or its products, refining and wholesale storage, slaughter houses, meat packing and processing plants, stock yards, agricultural seed processing and storage, and saw mills, planing mill, including manufacture of wood products.

- (24) Nonconforming Use: The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the use regulations of the district in which it is situated.
- (25) Principal Use: The main use of land or structures as distinguished from an accessory use.
- (26) Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
- (27) Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures includes buildings, mobile homes, billboards, and poster panels.
- (28) Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

- (29) Variance: A divergence from the Ordinance where such a change will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship

ARTICLE III.  
ESTABLISHMENT OF DISTRICTS, BOUNDARIES, AND OFFICIAL MAPS

SECTION 1. INTENT

For the purpose of this Ordinance, the unincorporated area of \_\_\_\_\_ County, Iowa, is hereby divided into two districts. These districts are established as a manner of policy to better guide and plan land use changes.

SECTION 2. OFFICIAL DISTRICT MAPS AND BOUNDARIES

2.1 Adoption of Maps. To implement the intent of this Article, \_\_\_\_\_ County, Iowa, is hereby divided into districts as shown on the OFFICIAL DISTRICT MAPS OF \_\_\_\_\_ COUNTY, IOWA, which together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Ordinance.

2.2 Certification. Each of the Official District Maps of \_\_\_\_\_ County shall be certified by the signature of the Chairman of the \_\_\_\_\_ County, Iowa, Board of Supervisors and attested by the \_\_\_\_\_ County Auditor. The Official District Maps shall be on file and available for public inspection in the office of the Administrative Officer.

2.3 Description of the Official District Maps. The aerial photographs utilized to compile the \_\_\_\_\_ County Land Use Inventory, 19\_\_\_\_, shall be certified as the Official District Maps and will be scribed with:

2.31 The Map's Title

2.32 Certification

2.33 Location

2.34 Scale

2.35 North Point

2.36 Date Adopted and Subsequent Amendments

- 2.37 The Boundary Lines and Classification of Each District and
- 2.38 Any Explanatory Notations or Other Matter Deemed Necessary for the Understanding of the Map
- 2.4 Delineation of Agricultural District Lands and Added Lands. It is the intent of this Ordinance that every part of the area regulated be included in one of the districts established. Any land located now or in the future not shown to be included in the Non-Agricultural District on the Official District Maps of \_\_\_\_\_ County, Iowa, shall be deemed to be in the Agricultural District.
- 2.5 Interpretation of Maps. The precise location of the district boundary shown on the Official District Map shall be determined by the Administrative Officer by the use of the scale appearing on the maps. Any person contesting the location of a district boundary shall be given an opportunity to appeal to the \_\_\_\_\_ County Board of Adjustment the Administrative Officer's interpretation.
- 2.6 Amendments. If by amendment to this Ordinance, the boundary of a Non-Agricultural District as shown on the Official District Map, or any other matter shown thereon, is changed by action of the County Board of Supervisors, such change shall be promptly indicated on the Official District Maps of \_\_\_\_\_ County, Iowa, by the Administrative Officer, together with the date of passage of the amendment and sufficient written description to give a precise understanding of the change.
- 2.7 Damaged or Destroyed District Maps. The Board of Supervisors may from time-to-time adopt a new Official District Map(s) which may supersede the prior Official District Map(s), in the event that the Official District Map(s) becomes damaged or destroyed; or for purposes of clarity

due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original ordinance or any subsequent amendment thereof.

### SECTION 3. ESTABLISHMENT OF DISTRICTS

For the intent of this Article and Ordinance, the unincorporated area of \_\_\_\_\_ County, Iowa, is hereby classified into two districts and said districts shall be known as:

Map

<u>Symbol</u>	<u>District Classification</u>
NA	Non-Agricultural
None	Agricultural



ARTICLE IV.  
USE REGULATION OF THE AGRICULTURAL DISTRICT

SECTION 1. INTENT

The Agricultural District is intended and designed to serve the agricultural community and protect agricultural land and operations from encroachment of non-agricultural uses. Furthermore, in accordance with the objectives and purposes of Chapters 358A and 93A, Code of Iowa, 1983, as amended, it is the intent of the Ordinance and this Article to preserve the availability of agricultural land for continued agricultural production. This district is not intended for non-agricultural uses, unless identified as preexisting residential dwellings.

SECTION 2. PRINCIPAL PERMITTED USES

Only the use of structures or land listed in this section shall be permitted as a principal permitted use in the Agricultural District, including:

- 2.1 Farm operations, farms and farmland.
- 2.2 Dwellings constructed for occupation by a person engaged in farming or in a family farm operation.
- 2.3 Preexisting residential dwellings.
- 2.4 Property of a telephone company, city or public utility or pipeline company.
- 2.5 Except to the extent required to implement this Ordinance, any use not listed in this section for the Agricultural District may be permitted by the County Board of Supervisors' decision to approve an individual request for an amendment to reclassify the area to "NA" Non-Agricultural District, in accordance with Article V, Section 2 and Article VI, Section 3 of this Ordinance.

### SECTION 3. ACCESSORY PERMITTED USES

Only the uses of land or structures customarily incidental and subordinate to one of the principal permitted uses listed as a principal permitted use of the Agricultural District.

ARTICLE V.  
USE REGULATION OF THE "NA" NON-AGRICULTURAL DISTRICT

SECTION 1. INTENT

The "NA" Non-Agricultural District is intended and designed to provide for the orderly use and development of non-agricultural land and related natural resources.

SECTION 2. PRINCIPAL PERMITTED USES

2.1 Any principal permitted use not listed in Article IV, Use Regulation of the Agricultural District, of this Ordinance, may be permitted by the County Board of Supervisors in accordance with the provisions of Article VI, Section 3, of this Ordinance, and only if they find all of the following:

2.11 The use is not inconsistent with the purposes set forth in this Ordinance;

2.12 The use does not interfere seriously with farm operations within the area;

2.13 The use does not materially alter the stability of the overall land use pattern in the area; and

2.14 The use is consistent with the specific policies for such uses of the \_\_\_\_\_ County Land Preservation and Use Plan, which is the basis of this Ordinance.

2.2 Any principal permitted use listed in Article IV, Use Regulation of the Agricultural District.

### SECTION 3. ACCESSORY PERMITTED USES

Only the uses of land or structures customarily incidental and subordinate to the approved principal permitted uses in the "NA" Non-Agricultural District.

ARTICLE VI.  
AMENDMENT PROVISION PROCEDURES

SECTION 1. INTENT

Whenever the public necessity, convenience, general welfare or good land use practice requires the regulations and boundaries contained herewith may from time to time be amended, supplemented, changed, modified or repealed. This Article shall provide for the form of application, procedure, public hearing, public notifications, protests and fees for amendments to the text and Official District Maps of this Ordinance.

SECTION 2. COUNTY INITIATED AMENDMENTS

2.1 Intent. The County Board of Supervisors may from time-to-time on its own action or upon the recommendation from the County Commission, after proper prescribed procedures, public hearing(s), public notifications, consideration of protests, and the receipt of the recommendation of the County Commission amend, supplement or change the boundaries and regulations contained herein or subsequently established.

2.2 Form of Application. Said amendment shall be in written or map form specifying the existing and proposed provisions and shall be available for public inspection in the office of the Administrative Officer.

2.3 General Provisions. The following procedure shall suffice as the manner in which county action amendments shall proceed:

2.31 Request of amendment is submitted by or to and filed with the Administrative Officer.

- 2.32 Public notification stating the purpose, time and place of the Commission's public hearing is published in a paper of general circulation in the county and public notice posted in a public place at least fifteen (15) days prior to the hearing.
- 2.33 Commission conducts public hearing to solicit public opinion, comments and the consideration of protests upon the amendment.
- 2.34 Commission makes appropriate amendments, supplements, changes or modifications of the amendment and recommends their decision.
- 2.35 The County Board receives and places on file the Commission's recommendation and authorizes the County Auditor to submit public notification.
- 2.36 Public notification stating the purpose, time and place of the County's Board's public hearing(s) is published in a paper of general circulation in the county and public notice posted in a public place at least fifteen (15) days prior to the hearing.
- 2.37 Board conducts public hearing(s) to consider the Commission's recommendation, public opinion, comments and the consideration of protests upon the request for amendment.
- 2.38 The Board renders their decision to approve, deny, amend, supplement, change or modify the amendment.



2.39 The County Auditor submits amendment to a paper of general circulation in the county for official public notification. The date of publication is to be considered the effective date of the amendment.

2.3(10) The Administrative Officer files and makes the appropriate amendments to the \_\_\_\_\_ County, Iowa, Agricultural Land Preservation Ordinance.

### SECTION 3. INDIVIDUAL REQUEST FOR AMENDMENT

3.1 Intent. The County Board of Supervisors may upon the request of an individual, after proper prescribed application of forms, procedures, public hearing(s), public and property notifications, consideration of protests, and receipt of the report of the Administrative Officer and County Technical Committee, amend, supplement or change the boundaries and regulations contained herein or subsequently established.

#### 3.2 Form of Application

3.21 Said request of amendment shall be in a written form and filed with and available for public inspection at the office of the Administrative Officer.

3.22 Requests are required to be signed and verified by the owners of at least fifty (50) percent of the area (if more than one property owner) of all the real estate included within the boundaries of said tract to be redistricted.

3.23 Said request for amendment shall contain:

- (1) Legal description of the real estate requested;
- (2) The existing classification and proposed classification;
- (3) A statement of intended use;
- (4) "Sketch" map of proposed site development;
- (5) The disruption expected to be incurred on the area's present setting;
- (6) Methods to be implemented to lessen the severity of said disruption; and
- (7) Signature and date.

3.3 General Provisions. The following procedure shall suffice as the manner in which individual requests for amendment shall proceed:

3.31 Request of amendment is submitted to and filed with the Administrative Officer.

3.32 The Administrative Officer, upon receipt of all required information, shall meet with the County Technical Committee and formulate their report. Said report shall be submitted to the County Board of Supervisors within twenty-one (21) days from date of filing.

- 3.33 The County Board receives and places on file the Committee's report and authorizes County Auditor to submit public notification of public hearing(s) to consider the request to be held after fifteen (15) days and not more than thirty (30) days.
- 3.34 The Administrative Officer shall provide proper notification of the request by mail to landowners of record within five hundred (500) feet of said requested property boundary lines. Said notice shall state the purpose, time and place of the County Board's hearing(s).
- 3.35 Public notification stating the purpose, time and place of the County Board's public hearing(s) is published in a paper of general circulation in the county and public notice posted in a public place at least fifteen (15) days prior to the hearing.
- 3.36 Board conducts public hearing(s) to consider the Committee's Report, public opinion, comments and the consideration of protests upon the request for amendment.
- 3.37 In case, however, a protest be presented, duly signed by the owners of twenty (20) percent or more, either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such request shall not become effective except by the favorable vote of at least sixty (60) percent of all members of the Board of Supervisors.

- 3.38 The Board renders their decision to approve or deny the request of amendment.
- 3.39 The Administrative Officer files and makes the appropriate amendments to the Official District Maps of \_\_\_\_\_ County, Iowa, and/or the text of the Agricultural Land Preservation Ordinance.
- 3.4 Fee. To defray administrative costs of processing of requests for amendment a fee of fifty dollars (\$50) shall be paid by the individual to \_\_\_\_\_ County, Iowa.

ARTICLE VII.  
NONCONFORMING USE PROVISIONS

SECTION 1. INTENT

Within the districts established by this Ordinance, or amendments that may later be adopted, there exist structures, buildings, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

- 1.1 It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- 1.2 To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made.

SECTION 2. NONCONFORMING USE OF LAND

The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 2.1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land

than was occupied at the effective date of adoption or amendment of this Ordinance.

- 2.2 If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Board of Supervisors.

### SECTION 3. NONCONFORMING USE OF STRUCTURES

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 3.1 No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, or structurally altered.
- 3.2 Any nonconforming use of a structure may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.
- 3.3 When a nonconforming use of a structure, building or premises is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Board of Supervisors.

#### SECTION 4. NONCONFORMING STRUCTURES

Where a nonconforming structure exists at the effective date of adoption or amendment of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.1 No such structure may be enlarged or altered in a way which increases its nonconformity.
- 4.2 Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

#### SECTION 5. NORMAL REPAIRS AND MAINTENANCE

All nonconforming structures may be repaired for normal maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Said maintenance or restoring shall not be valued at sixty (60) percent or more of the structure's value prior to construction.

#### SECTION 6. CERTIFICATION OF NONCONFORMING USES

All nonconforming uses and structures shall be recorded and identified in the official nonconforming use file maintained by the Administrative Officer. The file shall include, but not limited to, the property location and identification and the current use of the structure or land. Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was legally established prior to the effective date of this Ordinance.

ARTICLE VIII.  
BOARD OF ADJUSTMENT

SECTION 1. INTENT

The Board of Supervisors shall provide for the appointment of a Board of Adjustment, hereafter referred to in this specific Article by the word "Board". Pursuant to the authority of this Article shall provide that the said Board may, in appropriate cases, and subject to appropriate conditions and safeguards, make variances to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules therein contained, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition said Board direct to modify regulations and restrictions as applied to such property owners.

SECTION 2. MEMBERSHIP

The Board shall consist of five (5) members, who shall reside within the county, a majority shall reside outside the corporate limits of any city, appointed by the Board of Supervisors. When the Board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Thence forth terms shall be for five (5) years, and vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The Board of Supervisors shall have the power to remove any member of the Board for cause upon written charges and after public hearing.

SECTION 3. RULES - MEETINGS

The Board shall adopt rules of procedure in accordance with the provisions of this Ordinance. The Board shall elect its own chairman at the first meeting of the calendar year, who shall serve for one year. Meetings will be established by the rules



and shall be open to the public. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Three (3) members present shall constitute a quorum. The Board shall keep minutes of the proceedings showing the vote of each member upon each question, and all such material and related documents shall be immediately filed in the office of the Administrative Officer and shall be a public record.

#### SECTION 4. POWERS, DUTIES, AND CONSIDERATIONS

The Board shall have the following powers and it shall be its duty:

4.1 To hear and decide appeals of interpretation where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance or of any supplement or amendment:

4.11 Appeals of interpretation may be taken by any person, or by any officer, department, board or commission of the county aggrieved by such interpretation. Said appeal shall be taken within a reasonable time, as provided by the Board's rules and shall specify the grounds for appeal. The Administrative Officer shall forward the appeal and all related papers which constitute the record upon which the appeal was taken to the Board.

4.12 Appeals of interpretation may relate to district boundary line location, the use of the building or premises, and other similar matters.

4.2 To authorize, upon appeal, such variance(s) from the terms of this Ordinance as will not be contrary to the

public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance be observed and substantial justice be done.

4.21 Appeals for a variance may be made by the landowner, potential buyer or developer, or operator/manager of land, who has applied for a permit and been denied because the proposed development does not comply with the specific regulations of this Ordinance. The same appeals process is required for previously constructed structures which were built in violation of this Ordinance. Said appeal should state the specific variance requested and the reasons for which the appeal should be granted. The Administrative Officer shall forward the appeal and all related papers which constitute the record upon which this appeal was taken to the Board.

4.22 Before deciding on the variance appeal, the Board will hold a public hearing and shall determine if one of the three following instances has occurred:

- (1) When a building being occupied by a non-conforming use has been destroyed or damaged to more than sixty (60) percent of its value by fire, act of God, explosion, or riot, the Board may permit the reconstruction of such a building, when it is shown that the public needs require a continuation of the nonconforming use(s), and

that such continuation would not primarily permit a continuation of a monopoly.

(2) When because of an exceptional situation, topographic condition, surroundings, size, shape or other condition of a specific piece of property of record, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation, the Board may vary the application of the regulations imposed by this Ordinance subject to the restrictions in this Article.

(3) When the applicant for a variance can demonstrate that the hardship is a compelling force and not a perceived one, the hardship was created by this Ordinance and not the applicant, and the strict application of the Ordinance precludes its use for the purpose to which the land is reasonably adapted.

#### SECTION 5. CONDITIONS FOR GRANTING VARIANCES

No variation in the application of the provisions of this Ordinance shall be made in the instances specified above unless and until the Board shall be satisfied that granting the variance will not:

5.1 Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variance.

- 5.2 Impair the general purpose, spirit, and intent of the Comprehensive Plan and this Ordinance.
- 5.3 Impair an adequate supply of light, water, and air to adjacent property.
- 5.4 Increase the hazard from fire, flood, and other danger to said property.
- 5.5 Diminish the value of land and buildings elsewhere in the county.
- 5.6 Increase the congestion and traffic hazards on public roads.
- 5.7 Otherwise impair the public health, safety, and general welfare of the inhabitants of the county.
- 5.8 Afford relief that would be substantially more than the minimum necessary in the determination for granting a variance.

#### SECTION 6. GENERAL PROCEDURES

Upon receipt of an appeals/application form, the Administrative Officer will schedule the case for the next regular Board meeting.

- 6.1 Notification. The Administrative Officer shall publicize the public hearing stating the location of the property and a brief description of the nature of the application, and the time and place of the public hearing in the following manner:
  - 6.11 Notify all owners of property located within five hundred (500) feet in all directions from the property in question by common mail.

- 6.12 Notify the County Engineer, County Soil Conservationist, and County Sanitarian and allow them time to reply, if applicable.
- 6.2 Public Hearing. At the public hearing, any person may appear and testify either in person or by duly authorized person or attorney, or in writing. For all appeals and applications, the burden of proof rests with the applicant.
- 6.3 Voting. In exercising the powers of the Board, the concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse or affirm, wholly or partly, or modify or amend any appeal, or variance and impose such conditions that are deemed necessary to protect the public good. Every decision of a Board case will result in a written finds of fact which specifies the reasons for granting or denying an appeal.
- 6.4 Notification of Board's Decision. The Administrative Officer shall notify the applicant by forwarding a copy of the written findings of fact of the decision of the Board within fifteen (15) days of the decision.
- 6.5 Right to Appeal Decision. Any person or persons jointly or separately aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board, commission or commission member of the county may present to District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the decision of the Board.

SECTION 7. FILING FEE

The filing fee for all appeals and applications to the Board of Adjustment is fifty dollars (\$50), non-refundable.

ARTICLE IX.  
ADMINISTRATION AND ENFORCEMENT

SECTION 1. INTENT

It is the purpose of this Article to identify certain officers, commissions, boards or committees which will be required to administer and enforce this Ordinance; to define the duties and responsibilities of said individuals or agencies; and to set forth a procedural system for application of this Ordinance and its enforcement.

SECTION 2.                     COUNTY ADMINISTRATIVE OFFICER

The office of Administrative Officer is hereby established. The Board of Supervisors shall appoint an Administrative Officer. Said Officer shall do, or cause to be done the following:

- 2.1       Process and issue all required permits and make and maintain records thereof;
- 2.2       Process all applications for requests for amendments, variances, and appeals to ensure compliance with this Ordinance and make and maintain records thereof;
- 2.3       Maintain permanent and current records of this Ordinance including, but not limited to, requests for amendments, variances and appeals, permits, district maps, and ordinance text;
- 2.4       Together with the County Technical Committee formulate their report for individual requests for Ordinance amendments;
- 2.5       Ensure that proper procedures are followed for public and property notifications, public hearings and that

official decisions and minutes are kept of Board of Adjustment and Commission meetings;

- 2.6 Conduct inspections, examinations and research of the use of structures and land to determine compliance with the terms of this Ordinance;
- 2.7 Determine and initiate action to correct violations of this Ordinance;
- 2.8 Charge and receive such reasonable fees, as set forth in this Ordinance;
- 2.9 Provide and maintain a public information service relative to all matters arising under his jurisdiction; and
- 2.10 Perform such other duties as are assigned by this Ordinance.

SECTION 3.                      COUNTY LAND PRESERVATION AND USE  
COMMISSION

The                      County Land Preservation and Use Commission is hereby established. The Commission shall be established in accordance with the provisions of Chapter 93A.3, and appointed in accordance with Chapter 358A.8, Code of Iowa, 1983, as amended. Said Commission shall do or cause to be done the following:

- 3.1 Shall prepare a County Land Preservation and Use Plan, which shall be the basis of this Ordinance;
- 3.2 Prepare a preliminary and final report for the formulation of this Ordinance to the Board of Supervisors; and



- 3.3 Periodically review or upon request, in accordance with Article VI of this Ordinance, review requests for county initiated Ordinance amendments and render their recommendations to the Board of Supervisors.

SECTION 4. COUNTY TECHNICAL COMMITTEE

The \_\_\_\_\_ County Technical Committee is hereby established. The Committee shall consist of the following or his/her representatives: The Administrative Officer of this Ordinance, the County Engineer, the County District Soil Conservationist, the County Sanitarian, and the Executive Director of the County Conservation Board. Said Committee shall do or cause to be done the following:

- 4.1 Assist the Administrative Officer in formulating a report to be submitted to the Board of Supervisors of their findings upon individual requests of Ordinance amendments, in accordance with Article VI of this Ordinance.

SECTION 5. COUNTY BOARD OF ADJUSTMENT

See Article VIII of this Ordinance.

SECTION 6. COMPLIANCE PERMITS

- 6.1 Compliance Permits Required. Permits shall be required in accordance with the following, except that no permit shall be required for farm or utility uses in accordance with Article I, Section 6 of this Ordinance.

- 6.11 No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Administrative Officer, stating that the use complies with the provisions of this Ordinance.

6.12 No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a permit is issued therefore by the Administrative Officer.

6.13 Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

6.14 In accordance with this section, permits shall be obtained from the Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Permits shall be issued to complying applicants within seven (7) days after application is made and appropriate records and copies of permits shall be maintained as a matter of public record.

6.15 A permit shall become null and void one (1) year after the date on which it is issued unless within such one (1) year period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

6.2 Compliance Permit Application Information. Applicants for a Compliance Permit shall be required to provide the following:

6.21 Legal description of the real estate requested;

6.22 Existing district classification;

- 6.23 Statement of intended use;
  - 6.24 "Sketch" map of proposed site development;
  - 6.25 Signature and date affixed of owner and developer; and
  - 6.26 Such information as may be deemed necessary to provide for the enforcement of this Ordinance.
- 6.3 Certification of Compliance Permits. The Administrative Officer shall affix his/her signature, date and determination of approval or denial directly onto the Compliance Permit Application Form. Such determination shall be governed by the following:
- 6.31 The Officer shall interpret this Ordinance strictly and according to standards set forth herein.
  - 6.32 The interpretation and application of this Ordinance, the provisions shall be held to be minimum requirements.
  - 6.33 Any decision of the Administrative Officer may be subject to appeal to the County Board of Adjustment, in accordance with Article VIII of this Ordinance.

## SECTION 7. ENFORCEMENT

The Administrative Officer appointed by the Board of Supervisors shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Board may direct.

- 7.1 Violations. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Board of Supervisors, the County Attorney, the Administrative Officer, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The county may also take other lawful action as is necessary to prevent or remedy any violation.
- 7.2 Notice in Writing. If the Administrative Officer finds any provision of this Ordinance violated, he shall notify in writing, the person responsible for such violation, indicating the nature of the violation, what provision was violated, and ordering the action necessary to correct it. He shall order illegal use of land to discontinue; to remove illegal building, structures, or parts thereof; to order illegal work to discontinue; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of this Ordinance.
- 7.3 Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the

provisions of this Ordinance shall, upon conviction, be found guilty of a simple misdemeanor and be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE X.  
MISCELLANEOUS PROVISIONS

SECTION 1. SEVERABILITY

This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings or structures shall not be affected hereby.

SECTION 2. RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Signature of Chairperson  
\_\_\_\_\_  
County Board of Supervisors

Roll Call Vote.

ATTEST:

\_\_\_\_\_  
Signature of Auditor  
\_\_\_\_\_  
County Auditor

Published in the \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.





PRELIMINARY DRAFT  
FOR REVIEW

BREMER COUNTY  
GOALS, ISSUES, OBJECTIVES, AND POLICY GUIDELINES



## I. Introduction and Purpose

The principal component of this Plan is a clearly defined statement that would express the desires and aspirations of the people of Bremer county as to what the future use of land in the unincorporated areas of the county should be. The Plan would endeavor to be effective by expressing policy guidelines that will help shape the future physical development of the county rather than attempting to show a rigid image of the future.

A utilized policy plan, such as this, should ensure that the following will occur: protection and preservation of agricultural lands and other limited natural resources, orderly and efficient growth, and the availability of adequate public facilities and services to all areas of the county.

Guidelines or policies would be used to help guide land use decisions. The policies would help officials to relate individual land use decision requests to a system of comprehensive policies. The policies would provide a rationale for decisions relating to land uses. In addition to assisting county officials, the adoption and use of land use policies as decision guidelines would also help to make the entire land use decision process more visible and understandable for the general public.

The adoption of policies encourages and facilitates citizen involvement by shifting attention from details and specific proposals to the more essential characteristics of the future community. Use of the policies would help to ensure that decisions affecting future development of the county will be made from a common reference point.

After discussion of the various alternate policies, the selected policies, adopted by the Board of Supervisors as part of this Plan, will be followed by specific actions or further decisions designated to carry out policy. Adoption of the policies does not commit the county to any specific recommendation, but adoption does commit the county to actions that are consistent with the policy guidelines.





The guidelines approach to policy planning would allow flexibility through continual update and revision rather than establishment of specified requirements in ordinance form which do not reflect change. Caution, however, must be exercised when considering change of policies; identifying change and its foundation must be based on sound continuing research and re-evaluation of community goals and philosophy. Specifically, the policy guidelines assist public officials, farmers, property owners, builders, and developers in understanding the plan and predicting how change in land use should occur to minimize possible future deleterious consequences for all of Bremer County. Furthermore, this section shall be developed to be in accordance with the intent, purpose, and specific requirements of the County Land Use Act of 1982 for County Land Preservation and Use Plans.

The organization and format of this section shall be as follows:

A. Introduction and Purpose

B. General Goals of the County

- General statements of the purpose and the direction toward which the various resources of the county will be directed. These general declarations express the desires, aspirations, and philosophy of the county to what the future use of land in the unincorporated areas should be.

C. Specific Factor or Issue Statements

- A brief and concise description of a land use factor, need, problem or issue

1. Objective

- To provide a course of action to attain a desired goal, need or to resolve a specific problem or issue.

A. Policy Guidelines - Implementation/Planning

Specific, well-defined courses of action intended as criteria to provide fair, consistent, and rational basis for the land use decision-making process and/or

Specific, well-defined courses of action intended as criteria for use in formulation of land use controls, such as updating the plan, changes to the land use and subdivision ordinances and the establishment of other studies.

B. Commentary/Rationale/Concerns

At appropriate points of this section, as well as in other sections of the plan, an explanation of the various issues, objectives or policy guidelines will be presented to clarify and to relate specific courses of action to the county goals.

## II. Major Goals of Bremer County

The following goals are broad and general statements that express the desires, aspirations, and philosophy of the people of Bremer County as to what the future use of land in the unincorporated areas of the county shall be.

- A. To ensure that policy development, implementation, and local land use controls shall be developed, administered, and enforced by local governmental officials, commissions, and boards.
- B. To ensure the protection of agricultural operations and the preservation of the productivity, availability, and use of agricultural lands for the continued production of food and fiber, thus assuring the maintenance of agriculture as the major factor in the economy of Bremer County.
- C. To ensure timely, orderly, and efficient transition, and development of appropriate land and resources, while maintaining the public welfare of the citizens of Bremer County.
- D. To ensure the maintenance and improvement of the environmental quality of the soil, air, water, and land for all residents, present and future living in Bremer County.
- E. To ensure the protection of and conservation of the land and other natural resources, which are the basis of the rural community, economy and lifestyle of Bremer County.
- F. To ensure cooperation and communication among the county and other units and agencies of local, regional, state and federal government and the general public to improve the quality of life of present and future residents of Bremer County.

III. Specific Issue Statements, Objectives, Policy Guidelines, and  
Commentary/Rationale/Concerns

The following subsection outline represents an index of the specific issue statements addressed in this plan in which objectives and policy guidelines have been formulated. The issues have been identified as the issues or factors historically demanding or concerning the use of land in rural Bremer County. The subsection specifically addresses the land use issues or factors found in Chapter 93A, Code of Iowa, 1983, as amended for County Land Preservation and Use Plans.

Therefore, the following subsection offers methods providing for:

- A. The enhancing of citizen involvement and attaining a balance between private and public property rights.
- B. The coordination and cooperation of an effective growth management strategy.
- C. Agricultural land use needs.
- D. The encouragement of voluntary formation of agricultural areas by the owners of farmland.
- E. General development siting and standards criteria.
- F. Rural residential needs.
- G. Urban/suburban residential needs.
- H. The consideration of the platting of subdivisions and its effect upon the availability of farmland.
- I. Commercial/manufacturing needs.
- J. Transportation needs.



K. Mineral extraction needs.

L. Various housing needs.

M. Public facilities and service needs, including:

1. General rural facilities and services
  2. Transportation systems
  3. Utilities
  4. Recreational needs and facilities
  5. Schools and educational facilities
  6. Fire and police protection
  7. Social and health services
  8. County governmental services
  9. Water and sanitary sewage disposal systems
  10. Storm drainage systems
- Key facilities including:
11. Solid and waste disposal facilities
  12. Airports
  13. Shopping centers
  14. Facilities for energy generation

N. Maintaining or enhancing environmental quality.

O. The protection of the natural processes of environmentally sensitive lands:

1. Floodplains
2. Excessive slopes
3. Erosion hazard soils
4. Aquifer recharge areas
5. Surface waters
6. Poor bearing capacity soils

P. The preservation of environmentally significant and natural lands:

1. Prime agricultural soils
2. Wetlands
3. Native prairies
4. Woodlands
5. Wildlife habitat
6. Surface waters

Q. The promotion of the creation and maintenance of wildlife habitat.

R. The promotion of the efficient use and the conservation of energy resources.

### III. SPECIFIC ISSUE STATEMENTS, OBJECTIVES, POLICY GUIDELINES AND COMMENTARY/RATIONALE/CONCERNS

- A. **ISSUE:** To provide methods of enhancing citizen involvement and achieve a balance between the property rights of an individual citizen and the rights of the general public.

Objective #1: To develop a citizen involvement policy that ensures the opportunity for citizens to be involved in all phases of the land use planning process.

Objective #2: To achieve a balance between the property rights of the individual citizen and the rights of the general public.

#### Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County that:

1. All Plan preparation meetings conducted by the Bremer County Land Preservation and Use Commission and Bremer County Planning and Zoning Commission and all subsequent revision or amendment meetings will be publicized and open to the public;
2. Press releases shall be prepared in advance of public information meetings conducted by the planning commissions;
3. Effective communication between citizens and the planning commissions and elected officials will be encouraged;
4. Citizens shall have the opportunity to be involved in and to influence all phases of the planning process;
5. Information pertaining to the Plan and the planning process shall be available in an understandable form;

6. Newsletters, mailings, newspaper, radio and television announcements may be developed to stimulate citizen involvement;
7. Various educational institutions, agencies, clubs, and special interests will be encouraged to review and recommend changes to the Plan; and
8. The planning commissions and public bodies shall be held subject to the terms and regulations of the Iowa Open Meeting Law, Chapter 28A, Code of Iowa, 1983, as amended.
9. To develop uniform interpretation, administration, enforcement, amendment, and variance procedures for the Plan and ordinances;
10. To encourage the philosophy that land is a finite resource and not a commodity, mindful of the fact that all citizens are truly the stewards of the land, and that the use, quality and care of the land is of primary importance to each present and future resident;
11. To ensure that the Plan and implementing ordinance provisions, as they are applied constitutionally, do not become a "taking" under the fifth and fourteenth amendments to the U.S. Constitution; and
12. To ensure that policy development, implementation, and land use controls be developed, administered, and enforced by the unit of government closest to the citizen--the local officials, commissions, and the Board of Supervisors.

- B. ISSUE: Methods of providing for coordination and cooperation of an effective growth management strategy.

To be submitted as part of the Growth Management Strategy:  
Planned Course of Action section.

C. ISSUE: Methods of providing for agricultural land use needs.

Objective #1: To recognize agricultural land of highly productive soils as a finite and the principal natural resource of the county.

Objective #2: To encourage the preservation of the productivity, availability, and use of agricultural lands for the continued production of food and fiber.

Objective #3: To discourage development on productive agricultural land that might hinder the ability of the agricultural community to maintain and expand its level of activity and to remain economically viable.

Objective #4: To recognize agriculture as the key element in the county's economic and social base.

Objective #5: To recognize that the preservation of agricultural lands and areas is appropriate and vital to the public interest.

Objective #6: To recognize that conflicts with agricultural operations are certain to occur where non-farm residences and uses are indiscriminately located in farming areas.

Objective #7: To discourage land speculation in areas of productive agricultural soils.

Objective #8: To ensure preservation and protection of viable agricultural lands and operations by only allowing the limited conversion of agricultural land to those uses of justified need and which will not adversely affect the productivity of adjacent agricultural lands.

Objective #9: To encourage the stewardship of the soil so that productivity of agricultural land should be maintained, preserved,

and improved by use of good conservation methods and new technology.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Promote and protect agriculture as the primary use of land in rural Bremer County and to inform the public of the benefits of such policy;
2. Identify agricultural land of prime, state and local significance by utilizing the Agricultural Land Evaluation and Site Assessment (LESA) system land evaluation criteria;
3. Provide a fair and equitable evaluation of requests for non-farm land

use changes, which will accurately assess the viability of the land and area for continued agricultural use by utilizing the Agricultural Land Evaluation and Site Assessment (LESA) system;

4. Disapprove requests for non-farm land use changes that have a total of \_\_\_\_\_ or more system points for assessing farm land conversion of the LESA system, unless there is an overriding public need to convert such lands, based upon receipt adequate supporting data, evidence that existing development areas cannot accommodate such use or finding of extenuating circumstances;
5. Reduce the loss of agricultural resources by limiting the circumstances for which agricultural operations, using accepted agricultural practices, may be deemed to be a nuisance. A warning will be issued to new non-farm dwelling landowners that their property is located within an area where land is

used for commercial agricultural production. This may subject them to inconvenience, discomfort, and the possibility of injury or health-related problems--all in accordance with the Bremer County Right-to-Farm Ordinance;

6. Separate or sufficiently buffer agricultural lands and operations from other land uses to the maximum extent feasible;
7. Continue adherence to stated exclusive agricultural zoning provisions of the Bremer County Zoning Ordinance, said provisions include:
  - The nearly exclusive agricultural uses permitted in the "A-1" and "A-2" Agricultural Districts;
  - Utilize the minimum lot area requirement to permit only large lot (35 acres) development of dwellings in the "A-1" Agricultural District;
  - Recognize the freedom to farm intent of the agricultural exemption (Section II of Bremer County Zoning Ordinance and Chapter 358A.2 Code of Iowa, 1983) by not construing ordinance provisions to apply to land and structures which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used.
8. Not extend capital improvements into agricultural areas in such a way that these areas would be subject to development pressures;



9. Encourage the protection of soil from wind and water erosion.

Commentary:

Soil erosion is a major problem in Bremer County for two major reasons:

- It represents a gradual depletion of the quality and productivity of the agricultural land resource base; and
- Has a major detrimental environmental impact on the county's surface water quality.

The soil erosion problem can be resolved by:

- The utilization of available guidance from agencies that provide expertise on conservation management techniques, such as, the conservation guidelines provided by the Soil Conservation Service;
- Promote appropriate research; and
- Ultimate adoption of farming techniques and construction methods designed to minimize soil erosion.

The resolution of the problem will aid in the ultimate conclusion of four other related problems:

- Erosion and depletion of soil productivity;
- Poor stream quality due to high turbidity levels;
- Siltation of roadside culverts and river impoundments; and
- Addition extent of flooding due to siltation of stream channels.

All of these problem areas are costly, in terms of economic and environmental impact, and require large public expenditure to clean up.

Furthermore, it shall be the policy of Bremer County to assist in the resolution of the problem by:

- Promoting and supporting state and federal legislation which develops soil erosion education programs;
- Utilizing appropriate county employees and staff to provide technical assistance;
- Promoting and supporting local watershed efforts for areas of severe erosion problems;
- Promoting and supporting federal legislation that requires that acceptable conservation farming practices should be a requirement for participation in federal farm programs and for receiving government assistance;
- Recognizing that the majority of the responsibility for soil erosion control in Bremer County rests with individual land owners through cooperative programs of the Conservation and Conservancy Districts assisted by the State Department of Soil Conservation, the Federal Soil Conservation Service, the Federal Agricultural Stabilization and Conservation Service, and the Iowa State Cooperative Extension Service;
- Promoting and supporting the strengthening of implementation techniques in existing soil conservation laws which would mandate application of conservation farming methods or practices which would result in equal to or less than the allowable soil loss limits as established by state law; and

- Promoting and supporting the Bremer County Soil Conservation District's long-range resource programs and plan, which outlines management goals, land resources information, and procedures and responsibilities for carrying out cooperative conservation projects on all agricultural lands.
10. Encourage all levels of government and their agencies to consider the impacts which their programs and projects may have on maintaining the availability and use of agricultural land and provide methods to minimize such impacts.
  11. Encourage the shifting of the use of marginal or fragile agricultural lands from soil erosive row crop practices to soil stabilizing agricultural uses such as permanent pasture, productive woodlands, permanent cover crops or vegetation, orchards, etc.

- D. ISSUE: Provide methods of encouraging the voluntary formation of agricultural land preservation areas by the owners of farmland.

Objective: To encourage the voluntary formation of agricultural land preservation areas by the owners of farmland.

Policy Guidelines - Implementation/Planning

It shall be the policy of Bremer County to:

1. Approve the creation of voluntary agricultural land preservation areas meeting the specific provisions and procedures of the County Land Use Act of 1982;
2. Promote and support the formation of such areas by informing farmland owners and farm organizations of the benefits and the incentives of such creation;
3. Recognize the creation of such areas as an encouraged method of voluntarily preserving the productivity, availability, and use of agricultural lands for the continued production of food and fiber; and
4. Recognize, promote, support, and approve such areas as a viable method of meeting the intent of the County Land Use Act of 1982 to provide local citizens and governments the means by which agricultural land may be protected from non-agricultural development pressures.

- E. ISSUE: Provide methods for general development location standards.

Objective #1: To encourage the majority of future residential, commercial, and industrial growth to occur within the existing cities where adequate public services can be provided.

Objective #2: To assure that the other development locate on marginal agricultural land exhibiting stable environmental conditions and not adversely impacting environmentally significant areas.

Objective #3: To discourage non-agricultural development from locating on agricultural lands when in conflict with efficient farming practices and operations.

Objective #4: To ensure compatibility with other goals, objectives, and policy guidelines of this plan for specific land uses and non-agricultural development.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Encourage residential, commercial, and industrial growth to locate within cities where adequate public services can be provided;
2. That development appropriate to rural Bremer County shall follow the following guidelines for new development in the rural area:
  - a. The LESA System assessment indicates that the site is not located in a viable agricultural area or is not a viable agricultural use parcel;

- b. The proposed use and site exhibits stable environmental conditions, including:
  - (1) Suitable soil potentials for desired use;
  - (2) Not prone to flood hazard;
  - (3) Depth to bedrock is not a negative factor;
  - (4) Adequate drainage is or can be provided;
  - (5) Can provide adequate protection of aquifer recharge of groundwater and surface waters;
  - (6) Can be developed upon the site's erosion hazard soils or excessive slopes;
  - (7) Can be developed to minimize the disruption of natural character of the site and area;
  - (8) Can be developed to minimize disruption to significant wildlife habitats, wetlands, native and open prairies, forest lands and other natural lands or environmentally significant lands;
- c. Can be developed in proximity to adequately constructed roads;
- d. Can be developed where public and/or private facilities are provided or planned, including water supply, sanitary sewer disposal systems, public utilities and services, schools and parks;
- e. Near existing residential, commercial or employment centers, so as to not encourage urban sprawl and unplanned scattered development;
- f. Can be developed where it is least disruptive to existing agricultural lands and operations;
- g. Can be developed where it can be sufficiently buffered to minimize potential nuisances and conflicts;
- h. Can be developed in an efficient and compact manner;

- i. That there has been established a recognized or justified need, an overriding public need, evidence that other development areas cannot accommodate such use or finding of extenuating circumstances;
- j. Where it can be developed supportive of energy conservation;
- k. Where it can be developed in such a manner to meet the viable concerns of adjacent land owners and citizens.

F. ISSUE: Provide methods for providing for rural residential needs.

Commentary:

Residential development that is not managed and directed toward suitable areas is usually the first and major contributor to negative sprawl and unplanned development impacts. The seemingly minimal impacts of a single dwelling is quickly intensified when collectively assessed. The growth management strategy and supporting goals and objectives adequately assess sprawl impacts and a program to mitigate such impacts. Growth management in Bremer County does not mean "no growth". Bremer County desires to provide limited, low-density rural residential opportunities in the unincorporated areas on non-viable agricultural land and areas for individual households whose needs are not addressed by land use opportunities within incorporated areas. Some non-farm households in Bremer County desire rural residential "country living" opportunities, which are not available within the county's towns and cities for raising large gardens, keeping some livestock and horses, enjoying a lifestyle of limited self sufficiency and dependency upon the land. The objectives of this issue are to provide rural residential land use while minimizing impacts on agricultural activities and the cost of providing public services in Bremer County.

The following applicable residential definitions are necessary to clarify county intent and provide equitable application to plan and ordinance provisions:

Rural Residential - A single-family dwelling unit developed in conjunction or compatible with agriculture at a low density where public utilities are not available, where on-site facilities must be used, and is not part of a residential subdivision.

Urban/Suburban Residential - Single, two, multi-family or mixed residential dwelling units, developed within subdivisions at moderate



density as an orderly expansion of existing development, where public utilities are available or may be extended.

Objective #1: To encourage efficient urban development patterns so that the majority of the residential development occurs within the existing cities where adequate public services can be provided.

Objective #2: To provide limited, low-density rural residential opportunities in the unincorporated areas of Bremer County on non-viable agricultural lands for individual single-family dwellings that are in conjunction with and/or compatible with agricultural activities and operations in the area.

Objective #3: To ensure rural residential development is compatible with the objectives and policy guidelines of the general development location standards and other provisions of this plan.

Objective #4: To ensure rural residential development can be free from minimal environmental and public health hazards and incompatible uses and conflicts.

#### Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. That rural residential development requests shall meet the guidelines for general development location standards;
2. That rural residential development requests shall be upon a minimum area sufficient to provide proper placement of a dwelling, related accessory structures, water well, septic system and additional area for a new septic system, that is substantially bounded by natural or man-made features, such as: Wooded or permanent vegetation areas, railroads, public roads or surface waters, which buffer the parcel from agricultural lands;

3. To encourage that where rural residential requests of significant amounts of natural vegetation exists that minimal disruption of the site should occur, for the purposes of:
  - Erosion control;
  - Maintenance of existing wildlife habitat; and
  - Protecting the natural landscape for the benefit of all residents.
4. To encourage that rural residential requests demonstrate productive use of such lands for raising large gardens, keeping some livestock/horses, enjoying a lifestyle of limited self-sufficiency, and dependency upon the land, or enhancing the rural character of an area.

- G. ISSUE: To provide methods of providing for urban/suburban residential needs.

Commentary:

Refer to commentary offered for the issue of providing for rural residential needs and growth management strategy.

Objective #1: To encourage efficient urban/suburban residential development patterns.

Objective #2: To discourage urban/suburban residential development in unincorporated areas of the county.

Objective #3: To encourage urban/suburban residential development be directed toward existing cities and towns that have adequate land zoned for such use which can be served conveniently and economically by the availability of essential public facilities and services such as schools, parks, water and sanitary sewer systems, storm water drainage, roads and fire protection.

Objective #4: To encourage the maximum development potential of existing platted subdivisions currently zoned for urban/suburban residential use, except for areas experiencing water and/or wastewater disposal problems.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. To seek coordination and cooperation, as outlined in the Growth Management Section, with the cities and towns of the county to implement effective policies to provide for urban/suburban residential development within incorporated boundaries.

2. To discourage urban/suburban residential development to occur outside incorporated areas or existing approved areas.
3. That requests for urban/suburban residential development be approved only as an orderly expansion of existing residential development, which can be served conveniently and economically by the availability of essential public utilities, facilities and services such as schools, parks, water and sanitary sewer systems, storm water drainage, roads, and fire protection.
4. That urban/suburban residential development be approved as an orderly expansion of existing development with essential utilities, facilities, and service; such requests shall also meet the guidelines for general development location standards.
5. That within areas zoned "R-1" Residential and "R-2" Residential Districts for urban/suburban residential development be encouraged to be utilized for maximum use of existing subdivisions, existing lots, defined as lots of record, established prior to the effective date of the Bremer County Zoning Ordinance, October 31, 1975, shall be allowed to be developed for applicable uses utilizing existing sewer and water facilities or a septic system and well, subject to the provisions of the County Residential On-Site Sewage Treatment Ordinance.

- H. ISSUE: Provide methods of considering the platting of subdivisions and its affect upon the availability of farm land.

Objective #1: To develop additional general design requirements for the new development of subdivisions in agricultural areas of the unincorporated county currently zoned for subdivisions.

Objective #2: To identify criteria for consideration of rezoning and platting for new subdivisions which may affect the availability of farmland.

Objective #3: To encourage subdivision residential development be directed toward existing cities and towns that have adequate land zoned for such use which can be served conveniently and economically by the availability of essential public facilities and services such as schools, parks, water and sanitary sewer systems, storm water drainage, roads, and fire protection.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. To review the subdivision ordinance and possibly amend the design standards section to include requirements for agricultural operation buffer zones. Such amendment could include, but not limited to, standards for fencing requirements, open space buffer zones, drainage tile impacts, and the enclosure of the right-to-farm warning notice within the deed of dedication.
2. To discourage residential subdivisions to occur outside incorporated areas or existing approved areas.
3. That if land is rezoned for subdivision development that sufficient land shall be available to be used for an open space buffer zone and be substantially bounded by natural or man-made

features, such as wooded or permanent vegetation areas, railroads, public roads or surface waters, which buffer the subdivision from agricultural lands and operations.

- I. ISSUE: Provide methods of providing for commercial/industrial needs.

Objective #1: To recognize commercial and industrial development as important; which will promote a fiscally sound and balanced economy by encouraging the attraction, retention and expansion of industries and businesses to provide a healthy tax base and employment opportunities.

Objective #2: To recognize that commercial and industrial development has differential impacts on surrounding properties and the county; consideration shall be given to those impacts during the project review of the county.

Objective #3: To encourage the location of commercial and industrial development into compatible attractive and efficient industrial parks and commercial centers within existing cities and towns that have adequate land zoned for such use.

Objective #4: To protect the health, safety, and general welfare of individuals and the county by ensuring that development project reviews shall consider site characteristics, standards and appropriate conditions and follow standard review procedures.

#### Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. To establish a hierarchial classification of commercial and industrial uses identifying differential impacts on surrounding properties and the county, environmental protection requirements, compatibility with the area, availability of essential public facilities and services, site specific factors and need.
2. To implement a system based upon the classification of commercial and industrial uses which shall offer the local officials and

citizens an opportunity to review new, expanded, redeveloped or modified commercial/industrial uses. The system standards shall reflect both the need to protect the residents of the community from adverse environmental and safety factors and the desire to minimize the effects of performance control standards upon the operation of and the costs of operating an activity.

3. To direct non-neighborhood commercial, non-agricultural related industry and activities not dependent upon site specific factors into compatible, attractive and efficient industrial parks and commercial centers within existing cities and towns that have adequate land zoned for such use.
4. That commercial and industrial development within the unincorporated areas of the county should provide for only neighborhood, agricultural-related, and site specific business needs.
5. That certain commercial and industrial development which by their very nature must be located in sparsely populated areas, near the agricultural community, near existing neighborhoods, or upon a specific site; those activities may be located in rural areas provided:
  - That the development meets the guidelines for general development location standards;
  - That the development does not impede the traffic flow upon roads and intersections;
  - That the development can be clustered with or provide future cluster for other development served by controlled access and frontage roads, rather than strip development that is an inefficient use of land and a traffic hazard;



- That the development is accessible to needed public transportation systems for roads, railroads, and/or air-ports; and
  - That the development can receive Bremer County Health Department approval for water, sewage disposal, and waste disposal needs.
6. To approve requests for redevelopment of existing commercial and industrial facilities, if not found detrimental to the area.

J. ISSUE: To develop methods of providing for transportation needs.

Objective #1: To maintain and improve the county's extensive road system at a level adequate to serve the needs of different areas of the county and the entire county.

Objective #2: To encourage the development of the system that provides for the safe, economical, efficient, and convenient movement of people and goods.

Objective #3: To recognize that increasing demands on county government for transportation system improvements require that limited financial resources be used wisely.

Objective #4: To communicate local views and concerns on system improvements to the Iowa Department of Transportation.

Objective #5: To encourage system improvements by the county and state governments be consistent with the goals, objectives, and policies of this Plan.

Objective #6: To encourage the development and the use of public transportation systems, including the regional transit and other alternate multi-modal systems to improve the mobility for elderly, handicapped and other disadvantaged persons.

Objective #7: To utilize and preserve all existing transportation system corridors for present and future system use and modes of transportation, to the extent possible.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. That priority and budget decisions of the Board of Supervisors and County Engineer for the improvements of the system be

consistent with the goals, objectives, and policy guidelines of the Growth Management section of this plan.

2. To coordinate transportation improvements with other jurisdictions which may be affected, such as cities within the county, bordering counties, and cities and the state.
3. For the County Engineer and County Board of Supervisors to consider this plan in making priority and budget decisions.
4. To develop mechanisms to utilize the Planning and Zoning Commission and staff to collect information on citizen views of county, state, and federal transportation systems needs and communicate this information to the Engineer, County Supervisors, and state officials.
5. That state highway planning should reflect the priorities and constraints identified in this land use plan and the county's capital improvement program.
6. To seek opportunities to communicate local views prior to the design hearing stage of any project by enabling Commission and citizens to have the opportunity to comment on the proposed county and state public works program at a public hearing.
7. To monitor the plans and proposals of state, regional, and federal agencies for potential impacts upon the transportation system and adjacent uses.
8. To become aware of and utilize the Iowa Intergovernmental Review process for review of initial proposals for state and federal projects that would impact the transportation system.

9. To support the Regional Transit Authority Program's goals and objectives to offer needed county residents the opportunity to be served by a public transportation service system.
10. That all new construction of highways or other transportation system shall be confined to established transportation corridors, when feasible.
11. To maintain railway abandonment corridors as future corridors for present and future system uses and modes of transportation.

K. ISSUE: To develop methods of providing for mineral extraction needs.

Objective #1: To provide for current usage and development for future mineral deposits both known and which may be discovered in the future, in such a way as to be compatible with adjacent land uses.

Objective #2: To identify mineral deposit areas and reserve sufficient areas for extraction purposes for present and future needs.

Objective #3: To ensure that adequate public facilities and utilities are available to serve the mining operation and existing adjacent land uses.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Review requests for new or the expansion of existing mining operations, when adequate information is available to demonstrate the projected need, the adequacy of public facilities and utilities, the assessment of development impacts, and that sufficient buffering from incompatible land uses can be obtained.
2. Employ existing county personnel and technical persons to adequately identify future areas of mineral deposits which may be feasibly mined and reserve such areas.
3. Review requests for new or the expansion of existing mining operations by utilizing and considering the impacts of the siting of limestone quarries.

L. ISSUE: Develop methods of providing for various housing needs.

Objective #1: To insure that adequate housing is available throughout the county and the county's cities to satisfy the needs of different family income levels and life style choices.

Objective #2: To insure that housing development within the county is in harmony with the goals, objectives, and policy guidelines for urban/suburban, residential, rural residential, special needs, growth management strategy, and general development siting and standards criteria.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Base housing allocation on projected population change, employment, housing needs and conditions, available sites, level of services and public facilities, number of people expected to reside and existing housing.
2. Continue to use the Uniform Building Code and other construction codes to insure safe, healthy, livable structures.
3. Encourage the cities within the county and region to improve the quality of their existing neighborhoods, and to increase the availability for low and moderate income households.
4. Continue to support the Regional Housing Authority to help satisfy county and regional housing issues.

- M. ISSUE: Develop methods of providing for public facilities and services.

Commentary:

The following applicable public facilities and services definitions are necessary to clarify county intent and provide equitable application to Plan and Ordinance provisions:

Rural Facilities and Services: The facilities and services which Bremer County determines to be suitable and appropriate solely for the needs of rural residents and land uses, including transportation system(s), utilities for natural gas supply, telephone communication and electricity, recreational needs and facilities, schools, fire and police protection, social and health services, and county governmental services.

Urban Facilities and Services: The facilities and services which Bremer County and its communities determine to be suitable and appropriate for the needs of urban residents and land uses, including the facilities and services offered to rural residents and, public sanitary sewage disposal systems, public water systems and storm drainage systems.

Key Facility: Any public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to solid waste facilities, major airports, educational, cultural and public buildings, major new transportation system facilities, parks, major recreational facilities and major facilities for the development, generation or transmission of energy.

The plan format is changed for this specific section. The section will address specific facilities and services and offer broad objectives to each. No attempt will be made to formulate policy guidelines for planning and implementation. It is understood that when

facilities and services expansion or a key facility is proposed the decisions are only made after a comprehensive study of the issues, impacts, concerns and future affects is formulated.

1. General Rural Facilities and Services.

Objective #1: To plan and develop a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban and rural development.

Objective #2: That rural development shall be guided and supported by types and levels of rural facilities and services appropriate for, but limited to, the rural areas to be served.

Objective #3: That key facilities shall provide a justified public need that will substantially benefit the social well being, the environment, and the economy of the residents of the county and region.

Objective #4: That providing for both rural and urban facilities and services should be coordinated with the policy for Growth Management Strategy section found in this plan.

Objective #5: That providing for rural facilities and services should be based upon the following, but not limited to, factors:

1. The time required to provide the service;
2. Reliability of service;
3. Financial cost; and
4. Levels of services needed and desired.

Objective #6: That capital improvement programming and budgeting should be utilized to establish priorities, achieve desired types and levels of public facilities and services in rural areas.



2. Transportation Systems.

See transportation needs issue and section.

3. Utilities for natural gas supply, telephone communication, and electricity.

Objective #1: That utility lines, distribution infrastructure and facilities should be located on or adjacent to existing public or private right-of-ways, corridors, and easements to avoid dividing existing parcels.

Objective #2: That utilities should be designed so that impact on adjacent land use is minimized and buffered when necessary.

Objective #3: That the development and use of alternative sources of energy (i.e., wind, solar) is encouraged.

Objective #4: That land should be made available for the transmission of the utilities integrated into a planned network that recognizes the intent of this plan.

4. Recreational needs and facilities.

Objective #1: To recognize that the Park, Recreation and Open Space Plan for Bremer County contains goals, objectives and guidelines, that are consistent with state and federal goals for recreational needs and facilities.

Objective #2: To support the findings of the Park Plan which analyzed existing and potential recreation and open space areas; the present and future needs of the residents of the county and how those needs can most appropriately be met.

Objective #3: To satisfy the recreational needs of the citizens of the county and visitors by planning: (1) in coordination with private enterprise, (2) in appropriate proportions, and (3) in such quantity, quality and location as is consistent with the availability of resources to meet such needs.

Objective #4: That recreational facilities and lands shall be planned for and set aside through a cooperation and coordination plan that is mutually acceptable with private developers, the County Conservation Board and staff, the Board of Supervisors, the Planning and Zoning Commission and when applicable community recreation and park commissions and officials.

5. Schools and Educational Facilities.

Objective: To encourage the county and its communities to coordinate with individual community school districts compatible planning which will site educational facilities in areas with the greatest potential for development served by other urban facilities and services.

6. Fire and Police Protection.

Objective #1: To recognize that the County Sheriff's Department is responsible for law enforcement in all unincorporated parts of the county, a relatively large geographic area.

Objective #2: To recognize the ability of the county and the cities to provide adequate protection to residents is limited by available funds and the dispersed nature of residences throughout the county.

Objective #3: That provisions should be made for adequate fire protection and inter-community cooperation.

Objective #4: To ensure that developments of major impact should be designed and located so that increased demand for fire and police protection services are minimized.

7. Social and Health Services.

Objective: To encourage the location of hospitals, clinics, child care centers, activity centers, social service offices and other social service facilities within the communities of the county served by other urban facilities and services.

8. County Governmental Services.

Objective: To encourage the location of centralized county governmental service offices within the communities of the county served by other urban facilities and services and accessible to the general public.

9. Water and Sanitary Sewage Disposal Systems.

Objective #1: To encourage water and sanitary sewage disposal systems within existing communities for the needs of urban residents in the most efficient and equitable manner consistent with sound environmental and growth management strategy goals, objectives and policy guidelines.

Objective #2: To ensure that systems should be designed to accommodate the projected need and to protect the public health, but should not be a catalyst creating unnecessary development and the conversion of agricultural land.

Objective #3: To encourage annexation of those areas which can most economically be served from existing and proposed water and sanitary sewage disposal systems.

Objective #4: To ensure that water and sanitary sewage disposal systems, including septic systems, meet County Health Department regulations and the highest environmental standards for the location, design and operation of such facilities.

Objective #5: To identify present and future areas experiencing water and sanitary sewage disposal problems and not allow continued development until the problems are solved.

Objective #6: To develop a phased, long range program of water and sanitary sewage system services to promote compact, contiguous and planned growth.

10. Storm Drainage Systems.

Objective #1: To encourage internal storm drainage systems only within existing communities for the needs of urban residents in the most efficient and equitable manner consistent with sound environmental and growth management strategy goals, objectives and policy guidelines.

Objective #2: To encourage appropriate soil conservation methods on private properties to lessen the siltation of the existing county ditch drainage system.

11. Key Facility: Solid and Hazardous Waste Disposal Facility.

Objective #1: To encourage the county, through intergovernmental cooperation and citizen participation, to establish a solid waste disposal plan which would address source reduction, the feasibility of alternatives to landfill disposal or wastes, integration of recovery practices, realistic recycling activities, generation of energy from the combustion of non-reusable solid wastes, location and site standards, and ultimate environmental protection measures and responsibilities.

12. Key Facility: Airports.

Objective: To encourage a system of airports within the county and region that will provide adequate facilities to serve both commercial and private aviation operations and needs, compatible with surrounding land uses.

13. Key Facility: Shopping Centers.

Objective: To encourage major shopping centers to locate within the county's communities where they may be served by other urban facilities and services.

14. Key Facility: Facilities for the Development, Generation or Transmission of Energy

Objective #1: To encourage major facilities to locate within or near the county's communities where they may be served by other urban facilities and services.

Objective #2: To encourage the investigation of the costs, resource conservation potential and environmental hazards of alternative fuel and energy generation sources.

Commentary:

The review of other key facilities should begin with a consensus of the county and community objectives that address the issue, impacts, concerns of such a use.

- N. ISSUE: Develop methods of maintaining or enhancing environmental quality.

Objective #1: To maintain and improve the quality of the air, water, soil, and land resources of the county.

Objective #2: To fully utilize the environmental review mechanisms of county, regional, state and federal agencies to insure that all public and private development will not, (1) exceed the carrying capacity of the land or resource, (2) degrade such lands, or (3) threaten the availability of the resource.

Objective #3: To establish development suitability guidelines and standards based upon the value, function, and physical constraints of the land and soil for new development.

Objective #4: To recognize the special advantages granted and limitations imposed by natural systems and to provide natural resource information and analysis for land use planning decision-making.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Support the efforts of the Iowa Department of Water, Air, and Waste Management to enforce and adopt environmental quality standards and plans.
2. Insure that new land uses in the unincorporated area take appropriate measures to control air, land, soil, and water quality impacts.
3. Minimize the environmental impact of activities which are directly and indirectly related to new construction, including

the removal of vegetation, the cutting of trees, alterations to drainageways, grading, and filling.

4. Provide and utilize environmental information found in this Plan, the Soil Survey, and the Flood Hazard Study to enable adequate evaluation of proposed development.
5. Prohibit land uses which would have a negative environmental impact that could not be eliminated or minimized.
6. Maintain or improve air, land, soil, and water quality through thoughtful consideration of various land use impacts and appropriate control measures to minimize their affect upon the environment.
7. Discourage the use of individual septic systems in favor of the centralized municipal sewage disposal system, however, if an individual septic system is the only alternative, such system shall comply with the requirements of the Residential On-Site Sewage Treatment Ordinance of the county.
8. Encourage soil conservation practices and sufficient buffering of agricultural lands so that this major contributor of non-point pollution, soil erosion and sedimentation, would maintain the present quality of the water, soil and land.
9. Establish a task force to review the environment and develop a management program to detail the respective implementation roles and responsibilities for carrying out this goal of the Plan. The program should manage land conservation and development activities in a manner that adequately reflects the county's desires for a quality environment, healthy economy, and is consistent with state environmental quality statutes, rules, standards and implementation plan.

- O. ISSUE: Methods of protecting the natural processes of environmentally sensitive lands.

Commentary:

The following applicable environmentally sensitive land definition is necessary to clarify county intent and provide equitable application to plan and ordinance provisions.

Environmentally Sensitive Lands. "Critical" or "natural hazard" lands, where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property; or an area where long term interest is of local significance. These lands include floodplains, surface waters, aquifer recharge areas, excessive slopes, erosion hazard soils, and poor bearing capacity soils.

Objective #1: To recognize and to maintain the natural processes of land, as land undergoes change for man's use by identifying the functions of the land which provide important public benefits, then designing appropriate methods to protect those functions.

Objective #2: To recognize the public benefits arrived by the protection of the natural functions land, which include:

- Protection of public safety by avoiding or reducing the risks of natural hazards;
- Protection of public water resources and its quality in our streams, lakes, rivers, and aquifers;
- Protection of public and private economic capital from increased expenditures and loss of property value due to lack of appropriate knowledge or environmental degradation; and



- Protection and preservation of important productive lands and renewable resources.

Objective #3: To insure that developers of environmentally sensitive lands shall take the necessary precautions to protect such lands from degradation.

Objective #4: To recognize the limitations imposed by environmentally sensitive lands and provide information and analysis for land use planning decision-making.

#### Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Identify environmentally sensitive lands and their functions, as specified in the Environmentally Sensitive Land Identification table found in the Natural Resources Inventory - Environmentally Sensitive Area section of this plan.
2. Ensure that developments subject to damage or that could result in loss of life shall not be located in sensitive areas without appropriate safeguards.
3. Encourage low density non-structural open space uses that are least subject to loss of life and property damage in flood hazard areas.
4. Support local programs in response to flooding, and floodplain development problems should be continued with a deliberate well reasoned approach, which gives attention to preserving future choices.
5. Ensure that future development in known flood hazard areas should satisfy two major objectives:

- a. To show a need for the development in that area and to insure that the development will be protected from flood damage one foot above the 100-year flood elevation.
  - b. To insure development activity will not add substantially (raise the base flood elevation more than one-tenth of one foot) to the flood elevation.
6. Enforce local floodplain management regulations meeting the regulatory requirements of the Federal Emergency Management Agency and the State Department of Water, Air, and Waste Management at a minimum. Additional provisions and more demanding standards are appropriate in many circumstances.
7. Enforce floodplain management regulations so that continued eligibility for inexpensive flood insurance, under the National Flood Insurance Program administered by the Federal Emergency Management Agency, is available for county residents.
8. Review proposals for development of environmentally sensitive land by existing appropriate area technical personnel including the Zoning Administrator, Sanitarian, District Soil Conservationist, Engineer, and state personnel from the Department of Water, Air, and Waste Management.
9. Take into account the following during the review of proposed environmentally sensitive land development:
  - The demonstrated need to locate in such area;
  - The function/value of the area;
  - The limitation of density and intensity by the degree of sensitivity;
  - The impact on the county and surrounding area;
  - The degree of sensitivity and the limitations on uses imposed by such lands; and

- The beneficial impact on such lands and the environment from letting such functions naturally occur or not to occur.

P. ISSUE: Methods of preserving environmentally significant lands.

Commentary:

The following applicable environmentally significant land definition is necessary to clarify county intent and provide equitable application to plan and ordinance provisions.

Environmentally Significant Lands - "Fragile" lands, where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural or scientific lands, aesthetic values, or natural systems of local significance; "renewable resource" lands, where uncontrolled or incompatible development which could result in the loss or reduction of continued long-range productivity could endanger future water, food and fiber of more than local concern; and areas of unique natural beauty. These lands include prime agricultural soils, wetlands, native prairie, woodlands, surface and sub-surface waters, significant habitats of flora and fauna, and areas of historical, geological and archaeological significance.

Objective #1: To discourage development of significant lands of greatest agricultural and environmental value.

Objective #2: To protect and preserve the natural character of significant lands for utilization and enjoyment by present and future citizens.

Objective #3: To protect significant lands where substantial evidence indicates that uncontrolled or incompatible development of conflicting uses have been identified, the economic, social, environmental consequences of such uses shall be determined and methods developed to minimize the impact and exploitation.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County:

1. Support the development of an inventory to identify and determine the status of significant lands within the county.
2. Apply the applicable objectives and policy guidelines for agricultural land use needs for the significant prime agricultural soil lands.
3. Implement the Iowa Property Tax Natural Resource Exemption and Assessment Law, Chapter 427.1, Code of Iowa, 1983, (Slough Bill) to reward private stewardship of environmentally significant lands.
4. Encourage public awareness of the importance of preserving environmentally significant lands.
5. Utilize any state or federal programs aimed at providing aid to the county for acquiring lands which could be deemed as environmentally significant.
6. Support the involvement of private, non-profit organizations and trusts in the acquisition of environmentally significant land.
7. Promote other methods for the preservation of environmentally significant lands through private stewardship.
8. Recognize the Wapsipinicon River as the county's most significant environmental resource that shall be protected for existing and future citizens. This policy may be implemented by following the suggested implementation guidelines:
  - a. The continued recognition and enforcement of limiting development within the Wapsipinicon River floodplain.

- b. To encourage the participation by county officials and citizens to cooperate with the Iowa Conservation Commission (ICC) in developing a research management master plan program for the Wapsipinicon River to be included within the State Protected Water Areas (PWA) program.

Components of the management program which involve private property will be developed jointly by the landowners and ICC. After both parties concur on how the area will be managed, an agreement will be established so that their respective responsibilities are clearly defined and understood. These agreements may quite often merely entail landowners maintaining the existing land uses on their property.

The following guidelines will be used to manage protected water areas:

- (1) Utilization of sound agricultural practices to minimize soil erosion, particularly on areas immediately adjacent to lakes, rivers, and marshes;
- (2) Maintenance of all woodlands, with any timber harvests accomplished according to a professional forester plan;
- (3) Provision of only those recreation facilities and opportunities which do not detract from the area's natural and scenic qualities;
- (4) Private property will not be open for public recreation unless an agreed-upon public access easement states otherwise;

- (5) Residential land uses should be limited to low density, single-family housing, and located in a manner which is sensitive to the natural environment;
  - (6) Exclusion of commercial and industrial land uses; and
  - (7) Minimization of road and utility road rights-of-way.
- c. Greenbelts will be encouraged along the Wapsipinicon River and its major tributaries, as well as other streams.
  - d. A special effort will be made to inform the public of the public values and benefits of preserving the environmental significant area, the Wapsi, and the necessity in meeting the values and objectives of the plan.
  - e. The development of areas adjacent to the Wapsipinicon shall be restricted. A program to preserve this natural feature, using appropriate techniques such as scenic easements, purchase, tax advantages, federal and state grants-in-aid programs and so forth should be studied further and developed.

- Q. ISSUE: Provide methods to promote the creation and maintenance of wildlife habitat.

Objective #1: To recognize the needs of wildlife, a renewable resource which is subject to management by man, which includes preservation of suitable lands for adequate food, water, cover and reproduction, and the control of disseminating factors.

Objective #2: To promote and support continued research, education and awareness programs to acquaint the public with the basic needs of wildlife.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Discourage the development of environmentally significant lands which contain and support significant wildlife habitats and corridors.
2. Support programs such as the "Slough Bill" and actively promote new programs and develop incentives; support the Conservation Board's programs such as acquisition, roadside vegetation management, greenbelt development, habitat plantings and awareness programs; establish programs that directly involve the rural landowner; and promote governmental and private cooperation between conservation, zoning, conservation groups and agricultural organizations.



- R. ISSUE: Methods to promote the efficient use and the conservation of energy resources.

Objective #1: To support and actively pursue programs to promote energy conservations and to encourage the use of alternative forms of energy (solar, water and wind sources), and to encourage the construction of energy efficient buildings.

Objective #2: To recognize the three basic ways in which to plan land development to conserve energy: (1) an effective growth management strategy in which less energy is needed for transportation and services, (2) use community, subdivision, site and building design to properly utilize natural heating and cooling systems, and (3) support education to stress the issue's importance.

Policy Guidelines - Implementation/Planning:

It shall be the policy of Bremer County to:

1. Limit development in the unincorporated area, where energy costs for transportation and services are high.
2. Review the subdivision and zoning ordinances to encourage energy conserving land development and local energy production.
3. Use the permit process and other incentives to influence the orientation and landscaping of buildings in order to take advantage of natural heating and cooling.
4. Review the building code to upgrade insulation standards and other aspects of construction that affect energy use.
5. Encourage the upgrading of existing buildings and energy-efficient new construction.

6. Work with the Iowa Energy Policy Council and other groups to increase public awareness of energy conservation options; groups would include: farmers, homeowners, realtors, builders, architects, and lenders.

PRELIMINARY DRAFT  
FOR REVIEW

BREMER COUNTY  
GROWTH MANAGEMENT STRATEGY:  
THE PLANNED COURSE OF ACTION





## GROWTH MANAGEMENT STRATEGY: THE PLANNED COURSE OF ACTION

The aspirations of the citizens of Bremer County have been expressed, discussed and selected by the preliminary approval of the Plan's Goals, Objectives and Policy Statement section by the County Land Preservation and Use Commission. The alternatives have been examined and a directed growth approach has been determined to be desirable.

One of the goals of the county is to ensure timely, orderly and efficient transition and development of appropriate land and resources. The growth management strategy will fulfill the need for an interrelated system and geographical application of planning and implementation techniques or mechanisms to achieve that goal. The strategy will influence rural development in the direction of the county's goals. The rural land use issues of Bremer County have been addressed throughout the plan particularly the issues found in Chapter 93A.6, Iowa Code, 1983. In addition, this section will establish a policy of review and evaluation to guide new development toward the most suitable locations and away from other less suitable areas.

The strategy involves a system of priority areas for rural and urban development which supports the growth pattern and provides a mechanism for managing growth in accordance with this plan's goals. Priorities are based upon the concept of development suitability and revitalization of the county's communities' central business districts and established neighborhoods. By the communities providing for the majority of the development within their city limits, it is believed that environmentally sensitive and significant lands can be protected, that overall energy consumption can be decreased, that the fiscal solvency of the county and its cities can be balanced, that housing costs be lowered, and viable agricultural lands and operations preserved.

This section identifies two service areas--rural and urban and special areas, then subdividing each into functional development areas or classifications. They are as follows:

### Urban Service Area

1. Downtown and Surrounding Mixed-Use Area
2. Established Older Neighborhoods: Includes developed residential, employment and commercial areas.
3. Urban Growth Area: Includes undeveloped or new partially developing areas, primarily residential.

### Rural Service Area

4. Present and Future Development Activity Areas: Includes primarily moderate-density residential subdivisions.
5. Future Development Activity Areas: Includes minimal existing uses other than agricultural or open space. The areas, because of existing platting, zoning district classification or other characteristics, may be developed for primarily low and moderate density residential subdivisions.





6. General Rural Use Area: Includes agricultural, open spaces and scattered rural residential and minimum other development.

#### Special Area(s)

7. Environmentally Sensitive Lands: Includes floodplains, surface waters, aquifer recharge areas, excessive slopes, erosion hazard soils and poor bearing capacity soils.
8. Environmentally Significant Lands: Which include viable agricultural land and soils, wetlands, native prairie, woodlands, wildlife habitat, and surface waters.

This section discusses and identifies the functional area according to their development suitability and establishes objectives and policy statements for growth within each. The development that occurs in these areas can now be directed by linking the development with the planned extension of capital improvements over the period of this plan. Specifically, the functional areas in Bremer County are: (See Map \_\_\_\_.)

Urban Service Areas can be defined as the area most logical for urban growth because of existing or planned public service and utility extension. The intent of this area is to accommodate urban growth in areas where the basic services and public utilities can be efficiently and economically provided to the taxpayer. The urban service area boundary is placed on the existing city limits boundary. Adjustments can be approved and encouraged upon the mutual consent of the community and the county to annex.

#### 1. & 2. Downtown and Older Established Neighborhoods

Each of the Bremer County incorporated communities of Denver, Frederika, Janesville, Plainfield, Readlyn, Sumner, Tripoli, and Waverly support a central business district and surrounding existing residential areas. The downtown and surrounding mixed use areas include commercial activities, warehousing and some industrial plants, also various commerce, governmental, and professional offices.

These areas are relatively small and well defined with few unoccupied parcels appropriate for new construction. The re-establishment of new uses of vacant buildings is encouraged. In some communities exist a mixed-use area surrounding the downtown which is less intensively utilized, less specialized in purpose and is less well-defined. This area has the potential for greater opportunities for redevelopment and reuse, which may serve potentially conflicting land uses that cannot locate in other areas of the community and county. Throughout some of the communities, particularly along the major highways, are located business or industrial areas which provide for employment and activity centers requiring urban service area facilities.

The older established neighborhoods include all existing subdivisions and residential areas within the communities. This area is projected to accommodate a minimal share of the new population for the county. Any new development that does occur should be subject to the city plan and regulations to ensure that it is compatible with the character of the existing neighborhood. Vacant developable land should be inventoried.

3. Urban Growth Area - The Bremer County Land Use Inventory tells us that within the communities of the county, except for Readlyn, 5,652 acres or 53.5 percent of the total incorporated area is taxed as agricultural, which is less than viable because it should be deemed suited for development, or if not, it should be dis-incorporated. This area includes all partially developed subdivisions and vacant land within each city or town. This area is projected to accommodate the largest share of anticipated growth and development in the county throughout the planning period; this development must be scheduled, timed and sequenced in an orderly fashion. The service area boundary should be adjusted by the individual communities to reflect their plan and its goals.

Rural Service Areas include all land within Bremer County outside the urban service area boundary, for the purposes of this plan the city limit boundary.

The majority of urban activities are discouraged from locating in the rural service area. This is essential to preserve the underlying economy of Bremer County--agriculture and other plan goals. This area will not receive the full range of urban services except in the Present and Future Development Activity Areas, when deemed appropriate.

4. Present and Future Development Activity Areas include the following geographic areas: (See Map \_\_\_\_.)

The Denver Hills Corridor, the Highway 218 South Corridor and the Cedar River North Corridor. These areas are or will continue to be predominantly residential in character. They are not considered eligible to receive major public investments for urban services which are necessary to accommodate the other non-residential development uses. Specific areas within corridors, such as the Cedar River North Corridor for the future Hormel Plant, should be identified and services planned. These three areas could, in time, be free standing small activity areas with a predetermined, limited range of facilities and services.

This concept gives recognition to the existence of many established subdivisions and developments in the rural service area and provides for their continued use in a fashion that is manageable and compatible with the rural character of the surrounding lands.

The boundary is not a specific line, however, the areas were identified as existing residential development of eight units or more per quarter/quarter section (approximately 40 acres) and major key



facilities, which are nearly geographically contiguous. The following is a detailed analysis of the Denver Hills Corridor, the Cedar River North Corridor and the Highway 218 South Corridor Present and Future Development Activity Areas.

#### Denver Hills Corridor -

The Denver Hills growth area is immediately west of Denver extending to the Cedar River. It is a heavily wooded "paha" region with many scattered rural residences and subdivisions located throughout. Most of the larger parcels in this area have been broken into smaller tracts or subdivided. This area is heavily populated by persons commuting to the Waverly and Waterloo/Cedar Falls metro areas who wish to experience "country living".

#### 1. Physical Features

- A. Ecosystem: This area was originally an upland forest interspersed with areas of prairie. Currently this area is a mixture of woodlands and areas used for agriculture.
- B. Soils: Seaton-Fayette Association - These soils have a CSR ranging from 28 on steep, severely eroded areas to 85 on more level benches. Due to the extreme slope throughout much of the area, the potential for agricultural production is low. The slope of these soils is between 2 and 30 percent. Erosion is most severe on steep slopes. Drainage for these soils is adequate.
- C. Surface Geology/Bedrock: The surface geology is an area of eolian deposited material eroded to form "pahas". The bedrock in this area is the Devonian Cedar Valley Limestone.
- D. Aquifer/Aquifer Recharge Zone: The main aquifer for this area is the Devonian Cedar Valley Limestone. The aquifers are recharged by stream infiltration.
- E. Drainage Basin: The drainage basin of this area is to several streams, then to the Cedar River.
- F. Flood Prone: This area has a low possibility of flooding occurring on the uplands. Flash flooding will occur along streams and drainageways.
- G. Unique Features: The "paha" region is the only area within the region providing such extreme relief. A "paha" is a loess capped hill elongated as ridges or elliptical hills.

#### 2. Services

- A. Sewer and Water Systems: A high concentration of individual systems which could lead to water quality and quantity problems.

- B. Fire Protection: Fire protection is provided by the Denver volunteer fire department.
- C. Police: Police protection is under the jurisdiction of the County Sheriff.
- D. Schools: School systems in this area are Denver, Waverly-Shell Rock, and Janesville school districts.
- E. Utilities: Utility services are provided by Iowa Power Company, Iowa Public Service, and Waverly Municipal Power.
- F. Transportation: There is one county road (C-50) which bisects the area. The remainder of the roads providing access to this area are county gravel roads.

#### Cedar River North Corridor -

The Cedar River Growth Area is located north of Waverly adjacent to the water course of the Cedar River. It is a heavily wooded area composed of both bottomland and upland forest species. There are a large number of scattered residential lots along with unoccupied platted subdivisions which give this area a high potential for future development. The corridor also includes the proposed Hormel Plant site.

#### 1. Physical Features

- A. Ecosystem: Wooded riverbottom and adjacent uplands interspersed with areas of cropland.
- B. Soils: The soils of this area are composed of two associations: the Waukegan-Hayfield, Marshan-Spillville Association, and the Lamont-Hagener-Port Byron Association. These soils have CSR's ranging from 15 to 79. The slopes are 0 to 14 percent. The potential for agricultural production is low in the riverbottoms and higher on the adjacent uplands where the CSR's are also higher. Soil erosion is present especially during wet flood periods. Soil drainage in this area is poor due to a high seasonal water table.
- C. Surface Geology/Bedrock: The surface geology is of alluvial origin with some areas of sinkhole development. The bedrock is Devonian Cedar Valley Limestone.
- D. Aquifer/Aquifer Recharge Zone: Major bedrock aquifer is Devonian Cedar Valley Limestone overlain by an alluvial aquifer. The sinkholes are uncontrolled aquifer recharge zones. The alluvial soils and stream infiltration recharge the subsurface aquifer.

- E. Drainage Basin: The drainage basin for this area is directly to the Cedar River.
- F. Flood Prone: This area adjacent to the river, according to FEMA Flood Hazard maps, is prone to flooding.
- G. Unique Features: The presence of sinkholes makes this area susceptible to groundwater contamination. This is one of the remaining major stretches of the Cedar River relatively unchanged by man's activities.

## 2. Services

- A. Sewer and Water Systems: A high concentration of individual systems which could lead to water quality and quantity problems.
- B. Fire Protection: Fire protection is provided by the Waverly and Plainfield Fire Departments.
- C. Police: Police protection is under the jurisdiction of the County Sheriff.
- D. Schools: School systems in this area are the Plainfield and Waverly-Shell Rock school districts.
- E. Utilities: Utility services are provided by Iowa Public Service and the Butler County REC.
- F. Transportation: There is a lack of direct access to hard surfaced roads. The area is served almost exclusively by county gravel roads.

## Highway 218 South Corridor -

The 218 Growth Area extends south of Waverly along U.S. Highway 218 to the county line. It is an agricultural area with bottomland forest adjacent to the Cedar River. There are several areas of scattered residential subdivision development, primarily along the watercourse.

## 1. Physical Features

- A. Ecosystem: Cropland interspersed with floodplain woodland.
- B. Soils: The area is mainly composed of two soil associations: the Kenyon-Clyde-Floyd association and Waukegan-Hayfield-Marshan-Spillville association. These soils have CSR's ranging from 40 to 80. The slopes in this area are 0-9 percent. The potential for agricultural production in this area is high due to the soils and topography. Erosion of these soils is moderate. Soil drainage is moderate to severe.

- C. Surface Geology/Bedrock: The surface geology is of glacial and alluvial origin with areas of sinkhole development. The bedrock is Devonian Cedar Valley Limestone.
- D. Aquifer/Aquifer Recharge Zone: Major bedrock aquifer is the Devonian Cedar Valley Limestone overlain by alluvial aquifers. The sinkhole formations are uncontrolled aquifer recharge zones. The alluvial soils and stream infiltration charge the subsurface aquifer.
- E. Drainage Basin: The drainage basin of this area is the Cedar River.
- F. Flood Prone: According to FEMA Flood Hazard maps, the areas adjacent to the river are subject to flooding.
- G. Unique Features: The presence of sinkholes makes this area susceptible to groundwater contamination. The presence of large areas of ag land makes this area less desirable for development.

## 2. Services

- A. Sewer and Water Systems: A concentration of individual systems which could lead to water quality and quantity problems.
- B. Fire Protection: Fire protection is provided by the Waverly and Janesville Fire Departments.
- C. Police: Police protection is under the jurisdiction of the County Sheriff.
- D. Schools: School systems in this area are Janesville and Waverly-Shell Rock school districts.
- E. Utilities: Utility services are provided by Iowa Public Service and the Waverly Municipal Power Company.
- F. Transportation: Highway 218, as well as a limited number of paved county roads, serves the area.

## 5. Future Development Activity Areas include the following geographic areas: (See Map \_\_\_\_.)

The Shell Rock River Corridor and the Wapsipinicon River Corridor areas could possibly be developed predominantly residential in character. Presently minimal uses other than agricultural or open space do exist in these corridors; but because of existing platting, zoning district classification or other established characteristics, the corridors should be inventoried and monitored closely. Facilities and services should not be extended nor planned unless development pressure requires review.

Recognition is given to the potential for many subdivision residences and seasonal cabins and provides for the mechanism for continuous planning that can manage that development and be compatible with the natural character to the surrounding lands.

The boundary is not a specific line, however, the areas were identified as potential residential development of eight units or more per quarter/quarter section (approximately 40 acres) or planned major key facilities. The following is a detailed analysis of the Shell Rock River Corridor and Wapsipinicon River Corridor Future Development Activity Areas.

#### Wapsipinicon River Corridor -

The Wapsipinicon River Corridor extends the entire length of the Wapsipinicon River's course through Bremer County. Scattered platted subdivisions and small parcels are located along the Wapsi. Most of these parcels are undeveloped due to limited road access but the potential for development does exist. This area is heavily wooded and relatively undisturbed by man.

#### 1. Natural Features

- A. Ecosystem: Riverbottom woodland interspersed with wetlands.
- B. Soils: The major soil association of this area is the Waukegan-Hayfield-Marshan-Spillville association. These soils have a CSR ranging from 40 to 79. The slope of the area is 0-9 percent. The potential for agricultural production is low due to drainage and flooding. Both surface and soil drainage are poor. Erosion is a minor problem.
- C. Surface Geology/Bedrock: The surface geology is alluvial in nature. The bedrock is composed of Silurian, Ordovician, and Devonian carbonate rock.
- D. Aquifer/Aquifer Recharge Zone: The major aquifer in the area is alluvial; the Devonian Wapsipinicon Formation is also utilized. The wetlands and alluvial soils provide recharge zones for the subsurface aquifers.
- E. Drainage Basin: The drainage basin for this area is the Wapsipinicon River.
- F. Flood Prone: According to FEMA Flood Hazard maps, this area is prone to flooding.
- G. Unique Features: The Wapsi in Bremer County is one of the last undisturbed sections of the river. The Wapsi has been cited as Iowa's best example of an Iowan Surface River according to the Iowa Conservation Commission's Protected Waters Areas Study.

## 2. Services

- A. Sewer and Water Systems: A high concentration of individual systems which could lead to water quality and quantity problems.
- B. Fire Protection: Fire protection is provided by the Frederika, Sumner, Tripoli, Denver, and Oran fire departments.
- C. Police: Police protection is under the jurisdiction of the County Sheriff.
- D. Schools: School systems in this area are Dunkerton, Wapsi Valley, Tripoli, and Sumner school districts.
- E. Utilities: Utility services are provided by Iowa Public Service Company, Iowa Power Company and Butler County REC.
- F. Transportation: This area is bisected at intervals by county paved roads, but much of the area has little or no access to the road system.

## Shell Rock River Corridor -

The Shell Rock River Corridor is located in southwest Bremer County along the Shell Rock River. It is an agricultural area interspersed with woodlands adjacent to the river. There are several potential areas for further residential subdivision development which have already been subdivided or broken into small parcels.

### 1. Natural Features

- A. Ecosystem: Agricultural fields interspersed with woodlands.
- B. Soils: The two major associations in this area are the Waukegan-Hayfield-Marshan-Spillville association and Lamont-Hagener-Port Byron association. These soils have a CSR ranging from 15 to 95. The slope of the area is 0-14 percent. The potential for agricultural production is high. Erosion of the soil is moderate. Soil drainage is affected by a high seasonal water table.
- C. Surface Geology/Bedrock: The surface geology is alluvial and glacial in origin. The bedrock in this area is the Devonian Cedar Valley Limestone.
- D. Aquifer/Aquifer Recharge Zone: The major aquifers in this area are the Cedar Valley Limestone overlain by alluvial aquifers. The alluvial soils and stream infiltration recharge the subsurface aquifers.

- E. Drainage Basin: The drainage basin for this area is the Shell Rock River.
- F. Flood Prone: According to FEMA Flood Hazard maps, the areas adjacent to the river are prone to flooding.
- G. Unique Features: This area is heavily used by agriculture.

## 2. Services

- A. Sewer and Water Systems: A high concentration of individual systems which could lead to water quality and quantity problems. Septic systems could be hindered by a high water table and rapid permeability.
- B. Fire Protection: Fire protection is provided by the Waverly and Janesville fire departments.
- C. Police: Police protection is under the jurisdiction of the County Sheriff.
- D. Schools: School systems in this area are Waverly-Shell Rock and Janesville school districts.
- E. Utilities: Utility services are provided by Iowa Public Service.
- F. Transportation: The area is served entirely by county gravel roads.

## 6. General Rural Use Areas

General rural use areas include the remaining bulk of the rural area and contain a variety of uses including agricultural, woodland, private open spaces, public parks, and scattered large tract residential dwellings. It also contains extensive areas that are environmentally sensitive and significant which are not suitable for agricultural and especially not suited for residential or other development.

For the most part, land in this category is presented zoned "A-1", Agricultural and exists wholly in the rural service area. However, not all land in the rural service area is in this category. Some land has already been rezoned to more intensive zoning district, usually on an individual parcel basis.

The agricultural zone substantially restricts land use in this area. Single family residences are permitted to a density of one unit per 35 acres. All other residential, commercial and industrial uses are prohibited. Since this land is outside of the urban service area, it is not planned for development at the present time nor for the planning period. It is intended to be open space and agricultural land. For this reason, the permissible density for residential development should be retained at one unit per 35 acres, with the

exception of the farm residence and other single, appropriate rural residences. The density for residential uses is appropriate in this area because it permits rural character residences that consume substantial amounts of land and which require a relatively low level of facilities and services beyond the urban service area line--which is consistent with county policies and objectives and consistent with the permanent agricultural use of this land.

### Special Areas

7. Environmentally Sensitive Lands include floodplains, surface waters, aquifer recharge areas, excessive slopes, and erosion hazard and poor bearing capacity soils. These lands can easily be identified by using the Environmentally Sensitive Land table (Table \_\_) found in the Natural Resources Inventory Background section. A description of these lands and the methods available to minimize the potential for their disruption is included in the Environmental Sensitive section.
8. Environmentally Significant Lands include viable agricultural land and soils, wetlands, native prairie, woodlands, wildlife habitats and surface waters. The viable agricultural lands can be identified by using the Agricultural Land Evaluation and Site Assessment (LESA) system. Wetlands and other significant lands must be identified in a proposed inventory of the land's quantity and quality. A description of these lands and the methods available to preserve and protect them is included in the Environmentally Significant section.

### OBJECTIVES AND POLICY STATEMENTS

The following objectives are developed for each functional planning area in order to translate the goals contained herein into statements of plan policy, direction and implementation for achieving the goals and for ensuring that Bremer County continues to be a good place to live and that agricultural land remains in relative abundance. The policies are measurable public and private guidelines to be fully considered and evaluated in allocating resources, making public improvements, directing growth and carrying out development programs. Contrary to the Goals section of this plan, the Objectives and Policy Guidelines are categorized by functional planning area so as to be consistent with the plan implementation strategies found later in this plan.

#### Urban Service Areas

##### Objectives:

1. Promote and protect the quality, identity and appearance of existing residential and non-residential areas where essential and adequate public facilities and services exist.
2. Promote and improve the quality, identity and appearance of residential and non-residential areas by adding essential public and private facilities and services where these are non-existent or inadequate.



3. Encourage new development to be compact and contiguous to developed areas, where possible.
4. Encourage medium and high density residential and higher intensity non-residential uses that are compatible with existing or proposed developed areas.
5. Acquire or reserve adequate land for public facilities and utilities in advance of development or redevelopment.
6. Plan and program the installation of all essential public facilities and utilities to reasonably coincide with the occurrence of development.
7. Reduce the capital costs of public facilities and utilities while maintaining an adequate level of service.
8. Promote the most effective utilization of all public facilities.

#### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to identify the present urban service area boundary as the city limit boundary, which shall be recognized and approved by the mutual consent of the community and the county, and to annex the additional area when deemed necessary and appropriate.
2. It shall be the policy of Bremer County to review the urban service area boundary upon review of the plan at 12 year intervals.
3. It shall be the policy of Bremer County to seek cooperation of the county's communities to support and implement similar objectives and policies.

#### Downtown and Older Established Neighborhoods

##### Objectives:

1. Improve the distinct identity, appearance and development characteristics in the downtown area as the focus of county and local business, commerce, governmental administration, cultural and recreational activities.
2. Encourage an increase in various uses downtown by restoration, redevelopment and infill development wherever it is compatible with surrounding land use.
3. Promote the quality, identity and appearance of older established neighborhoods, which serve as major concentrations of higher density residential and higher intensity non-residential activities.
4. Assure an increase in quality and quantity of essential public facilities and services and public transportation within the older established neighborhoods to encourage the implementation of this plan.

#### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to encourage the county's communities to consider:
  - The infilling of residential development on vacant parcels in existing neighborhoods shall be encouraged with proper consideration for the effect on surrounding areas.
  - That housing rehabilitation efforts shall be encouraged and expanded through rehabilitation and other techniques as may be appropriate.
  - Existing private and public investment so that the housing stock shall be protected in existing stable neighborhoods.
  - The revitalization of neighborhood commercial areas shall be promoted.
  - The increase of opportunities and incentives shall be considered to maintain appropriate development of the downtown area and to help ensure that the downtown continues as a focus for government, commerce, business and culture.
  - The increase of housing opportunities, especially low and moderate income, shall be promoted in the downtown area and older established neighborhoods and urban growth areas.
  - The revitalization and redevelopment in specific parts of the downtown areas, older established neighborhoods, and other selected areas shall be encouraged.
  - That public Capital Improvements shall be provided, as necessary, to support and encourage development opportunities in the downtown and older established neighborhood areas.

#### Urban Growth Areas

##### Objective:

1. To assure that there shall be an adequate supply of land for development to accommodate anticipated annual growth.

#### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to encourage the county's communities to consider:
  - That development patterns should be orderly, timed and sequenced; they shall emphasize reasonable, compact growth to achieve land, energy and public fiscal resource efficiency and the greatest possible diversity in housing types and costs; and development shall be encouraged in areas that are best suited by virtue of their contiguous location, availability and adequacy of public facilities, public services and utilities.

- That Capital Improvements Program should be encouraged so that the provision of all public facilities necessary to support development are provided in a timely fashion, and utilized as the basis for: emphasizing growth and development opportunities in the urban growth areas and correcting existing deficiencies in downtown and existing neighborhoods.
- That flexible capital improvement funding should be utilized to support strategic development efforts as may be appropriate.
- That development in the urban growth area should be permitted in accordance with the availability and adequacy of essential public facilities and services such as schools, parks, sanitary sewers and storm water drainage, roads and fire protection.
- That public capital improvements should be scheduled for urban growth areas that provide for increased densities and intensities of use without adverse effects on adjacent areas.
- That urban growth areas should be designated at locations where increased residential densities and non-residential land uses can best be accommodated without adversely impacting surrounding neighborhoods.
- That increased densities in urban growth areas shall be considered appropriate when proposals include provisions for buffering, transitional uses, high quality design and site development planning such that potentially adverse social, environmental and visual effects are minimized.

#### Rural Service Areas

##### Objectives:

1. Maintain the rural characteristics of land outside the urban service areas and prevent any additional future development activity areas.
2. Recognize the existence of established developments in the rural area, and allow appropriate uses to the maximum extent possible compatible with the rural characteristics of the surrounding land.

##### Policy Guidelines - Implementation Planning:

1. It shall be the policy of Bremer County to not extend capital improvements in such a way that rural areas are subjected to development pressure.
2. It shall be the policy of Bremer County that rural agricultural areas outside the urban service areas and present and future development activity areas shall be protected through the use of exclusive agricultural rural zoning.

3. It shall be the policy of Bremer County that limited and very low density residential development opportunities shall be available in rural agricultural areas.
4. It shall be the policy of Bremer County that limited purpose development shall only be permitted in the present and future development activity areas where public facilities and services may be made available in an efficient and timely manner.

#### Present and Future Development Activity Areas

##### Objectives:

1. To recognize the existence of established developments and encourage appropriate infill to the maximum extent possible compatible with the rural characteristics of the surrounding land.
2. To begin the subarea planning process for the Denver Hills, Cedar River North, and Highway 218 South corridors as an appropriate means of refinement and amendment to this plan.

##### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County that the capital improvements program shall be coordinated so that appropriate public facilities necessary to support development are provided in a timely fashion, and utilized as the basis for emphasizing infill, growth and development opportunities.
2. It shall be the policy of Bremer County that public capital improvements be scheduled for these areas that provide for the projected densities and intensities of use without adverse effects on adjacent areas.
3. It shall be the policy of Bremer County that new development in these areas shall be considered appropriate upon connection to community water and sewer system or a cost-sharing basis between the community, county and developer.

#### Future Development Activity Areas

##### Objectives:

1. To recognize the future potential of the Shell Rock River and Wapsipinicon River corridors for future inclusion of such areas as a present and future development activity areas when densities are increased.
2. To encourage a more appropriate use, open space preservation, upon these environmentally sensitive lands.

##### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to designate such areas future development activity areas when potential densities are increased to eight

(8) units or more per quarter/quarter section and are geographically contiguous.

2. It shall be the policy of Bremer County to investigate the feasibility of applying down zoning, subdivision vacation, tax exemptions and modifications and the public purchase of development rights to these areas.
3. It shall be the policy of Bremer County to ensure that septic systems in this area are properly constructed, located, operated and maintained, in order not to contribute to the degradation of ground and surface waters.

#### General Rural Use Areas

##### Objectives:

1. To recognize that the primary use of the area is for continued agricultural food and fiber production.
2. To ensure the protection of and conservation of land and other natural resources which are the basis of the rural character, community, economy and lifestyle of this area and Bremer County.
3. To provide limited and low density single residential and other development opportunities in the general rural use areas.

##### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to utilize the objectives and policy guidelines found in the Goals section for the land use issue of providing for agricultural land use needs as policy for this area.
2. It shall be the policy of Bremer County to not extend capital improvements in such a way that the general rural areas are subjected to developed pressure.
3. It shall be the policy of Bremer County that the general rural areas shall be protected through the use of the exclusive "A-1" Agricultural Zoning District.
4. It shall be the policy of Bremer County to provide limited and low density single residential and other development opportunities in the general rural use areas upon a fair and equitable evaluation, which will stress the request's viability of the land and area for continued agriculture use by utilizing the Agricultural Land Evaluation and Site Assessment (LESA) system and the goals and policies of this plan.
5. It shall be the policy of Bremer County that limited single purpose development shall only be permitted in this area where public facilities and services can be available in an efficient and timely manner. This development would be deemed appropriate to the goals of this plan and shall not be considered as "spot zoning".

## Special Areas: Environmentally Sensitive and Significant Lands

### Objective:

1. That development shall not be permitted upon designated environmentally sensitive or significant lands. In unique situations, limited development may be allowed through the utilization of techniques or methods which have been proven to protect the environment, while serving the development needs.

### Policy Guidelines - Implementation/Planning:

1. It shall be the policy of Bremer County to utilize the objectives and policy guidelines found in the Goals section of this plan for the land use issues of providing for the protection of the natural processes of environmentally sensitive lands and providing for the preservation of environmentally significant lands.

PRELIMINARY DRAFT  
FOR REVIEW

BREMER COUNTY  
IMPLEMENTATION





## IMPLEMENTATION

This Plan has evolved through a systematic process of evaluating the past and present conditions, existing problems, the formulation of goals, objective and policy statements, and the evaluating of various alternatives for land use management and the final selection of a directed growth management strategy. This plan serves the county's decision framework for guiding and coordinating the projected growth and development. The next step in the planning process is timely implementation of the most important concepts of the Plan.

### Techniques

In order to implement the Plan, a number of existing techniques need to be improved for continued use. New techniques will be investigated to determine if they can assist to carry out the goals of the county.

The interrelated nature of planning activities is integral to the implementation of the direct growth management strategy. Subsequent techniques, plans, and studies will further develop and refine this Plan.

The Bremer County Growth Management Strategy Implementation Mechanism Inventory Chart (See Table \_\_\_\_.) is included to evaluate existing or potential methods which will implement this directed growth plan. The chart, designed to serve as a checklist, will assist the county to develop a timetable, establish priorities, and can be used to continue to "actively" plan for the county's land resources.

The Planning and Zoning Commission is directed to consult with the Board of Supervisors to begin the process to develop strategy. It would be advantageous for the Commission to request the approval of the Board to proceed with the revision or development of a specific technique. The Commission would then develop, assess, analyze, and recommend appropriate action to the Board of Supervisors for the implementation of the mechanism.

The techniques are categorized under six general areas: regulatory, coordination and cooperation, administrative, taxation, compensatory, and capital improvement programming.

Regulatory includes the continued use of, the development of, or the revision of ordinances (zoning and subdivision), standards and codes. The overall purpose of these regulations is to assure the reasonable appropriateness of type, quality, quantity of any proposed development. To be studied are ordinance or existing ordinance revisions that will address environmental concerns, adequate facilities, and other development concerns.

Coordination and cooperation will seek to continue the utilization of community, regional and the county's plan. Consistency between plans, regulations and the county actions will be required. Cooperation will be sought between the cities and the county to review de-annexations and annexation proposals and the availability of public services to those specific areas. Identification of land preservation foundations, and state and federal land use impacts (See Appendix.) will be studied. Specific area sectors and special districts plans are to be developed to assess public facility needs and other





problems of the present and future development activity centers. The Commission could serve as an Environmental Task Force Committee to begin to develop guidelines to draw the logical connection between water, air and soil quality to land use decisions. The Agricultural Land Evaluation and Site Assessment (LESA) System can be used to identify viable agricultural lands will be formulated.

Administrative techniques will stress developing checklists, guidelines and procedures to provide the public and the land use decision makers with simple, concise, and understandable information and methods.

Taxation and compensatory methods are identified. Some are available to be used at county discretion; others are beyond the control of the county and rely on state or federal regulations. Historically, Bremer and other similar counties have not used these techniques because of practicality or political considerations. The State Natural Resource Tax Exemption Law (Slough Bill) could be developed that would reward county residents to preserve environmentally significant lands. (See Appendix.)

Capital improvement programming will relate the staging, timing and location to the provision of adequate public facilities for the period of the plan. A capital improvement program should be addressed as part of this plan. The plan identifies those facilities and services which are essential to development, and the related level of service which should be available for growth to occur. The plan also indicates those areas with adequate levels of service and other areas where services and facilities are scheduled in the future. Through the staging plan, all construction activities are coordinated with regard to timing and functional relationships of various projects. Short and long range plans and the annual capital improvement program should be reviewed by the Planning and Zoning Commission to ensure that they are compatible with the county land use plan and its goals.

BREMER COUNTY GROWTH MANAGEMENT STRATEGY  
IMPLEMENTATION MECHANISM INVENTORY CHART

Table \_\_\_\_

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>REGULATORY</u>						
- Agricultural Land Preservation Ordinance				X		
- Zoning Ordinance		X			1985	
- Farms Exempt		X			1985	
- Exclusive Agricultural Districts		X			1985	
- Large Lot Requirements	X					
- Zoning Permits		X			1985	
- Zoning Map		X			1985	
- Conditional Zoning		X			1985	
- Environmentally Sensitive Land Standards		X			1985	
- Down Zoning		X			1985	
- Variance Procedure and Criteria		X			1985	
- Rezoning Procedure and Criteria		X			1985	
- Subdivision Ordinance	X					
- Right-to-Farm Ordinance			X		1985	
- Building Code, Permits and Inspections	X					
- Energy Conservation Code			X		1986	
- Septic System Standards	X					
- Water Well Standards			X		1986	

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

BREMER COUNTY GROWTH MANAGEMENT STRATEGY  
IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>COORDINATION AND COOPERATION</u>						
- County Comprehensive Land Preservation and Use Plan	X				1984	
- Regional Plan	X				-	
- Community Plans	X				-	
- Fringe Annexation/ De-Annexation Review and Agreements Committee			X		1985	
- State and Federal Impacts				X	-	
- Land Preservation Foundations				X	-	
- Environmental Task Force Committee Established			X		1985	
- Specific Area Sector Planning			X		1985	
- Special Districts				X	-	
- Agricultural Land Evaluation and Site Assessment (LESA) System			X		1985	
- Environmentally Significant Land Resources Inventory			X		1986	
- Voluntarily Established Agricultural Land Preservation Areas	X					

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

BREMER COUNTY GROWTH MANAGEMENT STRATEGY  
IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>ADMINISTRATIVE</u>						
- Procedure Guidelines		X			1985	
- Technical Committee Review			X		1985	
- Negotiation and Consultation		X			1985	
- Inspection and Enforcement	X				-	
- Compliance Criteria Standards and Checklists			X		1985	
- Education	X				-	
- Citizen Awareness	X				-	
<u>COMPENSATORY</u>						
- Eminent Domain	X				-	
- Land Banking				X	-	
- Transfer of Development Rights				X	-	
- Easement Acquisition	X				-	
- Condemnation Mutually Beneficial	X				-	
- Covenants	X				-	
- Donation	X				-	
- Public Land Purchase	X				-	
- Voluntary Land Trusts	X				-	

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

BREMER COUNTY GROWTH MANAGEMENT STRATEGY  
IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>TAXATION</u>						
- General Policies	X				-	
- State Agricultural Preferential Assessment	X				-	
- State Variable for Deferred Taxation				X	-	
- State Restrictive Agreement Taxation				X	-	
- Federal Income Tax Credits				X	-	
- State Differential Appraisal for Inheritance and Estate Taxation				X	-	
- State Natural Resource Tax Exemption (Slough Bill)			X		1985	

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable

BREMER COUNTY GROWTH MANAGEMENT STRATEGY  
IMPLEMENTATION MECHANISM INVENTORY CHART

Technique or Mechanism	County Status*				Tentative Timetable	Remarks
	1	2	3	4		
<u>CAPITAL IMPROVEMENT PROGRAM</u>						
- Short and Long Range Plans, Including:		?				
- Public Water Systems		?				
- Public Sewer Systems		?				
- New or Improved Roads and Bridges		?				
- Other Public Projects		?				
- Present Facility Status Analysis		?				
- Scheduling, Timing, Location and Sequence of Facilities		?				
- Capital Improvement Budget	X					
- Commission Review			X		1985	
- Special Districts	X					

\*County Status = (1) Existing; (2) Revision Necessary; (3) To Be Developed; and (4) Not Applicable



## Monitoring and Revision

Throughout the development of the Plan the need for accountability has been a recurring theme. Consequently, the plan provides for the careful and stringent assessment of the progress made toward its implementation. This section describes a system of appraisal of how well the plan's goals have been achieved and of the impact of the growth management process upon the county.

Monitoring and evaluation processes are usually hampered by insufficient data. This is sometimes due to the subjective nature of certain goals and objectives or to the intangible quality of certain features that might indicate progress toward implementation. In other cases, the collection and organization of indicative information may be prohibitively expensive or difficult to obtain. This section seeks to provide the means by which the effects of the Plan on the character of the county and on the provision of public services may be measured. It does not attempt to quantify subjective assessments of conditions.

### Reporting:

The Monitoring and Revision Time Schedule Diagram (See Table \_\_\_\_.) illustrates repetitive monitoring activities. The mainstay of the program will be a series of evaluative reports which are designed to help the county monitor and adjust its own performance and allow interested citizens to keep track of its progress.

During even-numbered years, beginning in 1986, the Planning and Zoning Department will be responsible for preparing interim reports for review by the Land Preservation and Use Commission, the Planning and Zoning Commission, and the Board. The reports will describe activities and functions in relation to the comprehensive plan. Interim reports will also contain: (1) descriptions of the indicators selected for monitoring and (2) descriptions of how the indicators will be collected, organized and evaluated.

During odd-numbered years, beginning in 1987, the Planning and Zoning Department will have the responsibility of preparing and presenting to the Planning Commissions and the Board a comprehensive report on the implementation of the plan. The comprehensive report will consist of two sections.

The first section will be a compilation of statements from all appropriate county departments and agencies. These statements shall specify: (1) the progress toward achieving the goals of the plan, as substantiated by recorded indicators and/or subjective education; (2) the impact of the plan on the provision of county services and on the functions of all related county departments; and (3) the programs and policies of the county which are specifically intended to achieve a goal or objective of the plan.

The second section will be an evaluation of the economic and land use impacts of the comprehensive plan. It will review changes in land use, growth patterns, demography and the provision of capital improvements.

Re-evaluation:

As indicated by the time schedule diagram, Table \_\_\_\_, the comprehensive plan and growth management system will be reviewed and re-evaluated every six years. To facilitate the review, the Planning and Zoning Department will generate at least three alternative growth sketches for the county. The alternatives should consider the social, demographic, physical and economic impacts of growth on the county.

The plan is based on the goals and objectives of this planning program. Another such program should fully redefine citizens' goals after 12 years, using the scope and detail of the original county plan as a model. This schedule will allow revised goals identification, to be completed by the end of the second standard six-year cycle of plan review. This second cycle should include re-identification of goals, development of new alternative growth options and a full re-evaluation of the existing growth management process.



## Present and Future Development Activity Area Planning

Prior to the next goals program, the monitoring and revision process will partly depend on area planning to refine and modify results of this plan. The primary objectives of area planning will be the development of specific plans tailored to the needs of each area. The program will be based on the premise of joint planning, or plans developed through the mutual cooperation of county staff and area residents. The resulting plans are intended to serve as guides for county decisions concerning housing, land use, zoning, transportation and other county facilities and services.

## Capital Improvements Programming

The Capital Improvement Program, or CIP, is the scheduling and coordination of public facility construction. The purpose of the CIP is the provision of adequate public services in conformance with the community goals and objectives established in the comprehensive plan.

### Capital Improvements and Induced Development:

Decisions concerning the location, capacity and timing of capital improvements constitute perhaps the single most important element in a program of growth management. The pace, pattern and fiscal impact of development depend, to a great extent, upon the provision of required public facilities, especially adequate roads and sewers. Development is made easier by public facility construction. Such development, however, can have serious adverse effects upon natural and urban environments.

In Bremer County, the spread of low density residential subdivisions into areas which are relatively unsuitable for urbanization has not been encouraged by the presence of highways, major streets and sewers. Provision of these facilities, partially or entirely at public cost, could increase the supply of economically developable land. If development is to be successfully directed to the most environmentally suitable locations and adverse impacts kept to a minimum, the capital improvements program must include a procedure for evaluating development and the associated effects induced by facility construction.

### Evaluating the Effects of Capital Improvements:

A systematic procedure for evaluating the capital improvements program and its possible land use ramifications should include: (1) a survey of existing land use, environmental and cultural characteristics; (2) an estimate of the supply of economically developable land and the impact the capital improvement will have on this supply; (3) an estimate of the demand for development of various kinds and the effect the proposed facility will have on that demand in terms of amenities, access and cost; and (4) an estimate of the consequences of expected land use changes in terms of natural and urban resources.

The results of this evaluation should be compared with the county goals and objectives listed in this plan and with relevant area plans. The Planning and Zoning Commission, with assistance from citizens, should provide

recommendations to the County Board of Supervisors for the development of CIP priorities.

#### Controlling the Impacts of Land Uses Through Facility Design:

Land development and subsequent environmental changes can be significantly controlled by guiding new development toward the most suitable environmental locations. Capacity, financing, access to and timing of capital projects can minimize adverse effects. Water, sewer and transportation facilities can be directed toward the most environmentally suitable growth areas and withheld from the most unsuitable.

#### Recapitulation of Growth Management Objectives:

The county should decline to extend services where development would be in conflict with plan general guidelines or the more specific policies delineated under each land use issue.

In summary, the county should only extend facilities and services to facilitate growth which: (1) promotes and maintains environmental quality; (2) provides fiscal efficiency and integrity; (3) conserves scarce resources; and (4) maintains or improves the level of utility service within Bremer County's existing area.

#### CONCLUSION

Implementation of the plan depends upon the cooperation among county and city policy and land use decision makers, their staffs, and citizens with the dedication and foresight of those who originally participated in this plan development, the Bremer County Land Preservation and Use Commission, the Planning and Zoning Commission and the Board of Supervisors. The County Growth Management Strategy Implementation Mechanism Inventory Chart (Table \_\_\_\_), which will provide the county with an overview of techniques available and the process to continue on a systematic course of action, a public review, monitoring and evaluation schedule is included to measure progress toward the selected growth pattern, county goals and the plan. This plan, therefore, is not a product but a part of a process in which the public will continue to be included to help decide the future of their county.



PRELIMINARY DRAFT  
FOR REVIEW

BREMER COUNTY  
ADMINISTRATION (PART OF)





### How Often Should the Comprehensive Plan Be Reviewed and Revised?

It is recommended that the comprehensive plan be carefully reviewed every six years to insure that the study data is brought up to current status. Possibly, the goals and policies will have to be updated at 12-year intervals. The review may be fairly simple if the county has not changed much in the period or it might be quite elaborate if the county has witnessed rapid growth or change. The following questions should be asked during the review process.

- Can we improve our goals, objectives, and policies?
- Have our population characteristics changed in the last three to five years? How will those changes affect our jurisdiction in the years to come?
- Have alternative land uses been examined and considered?
- Has the economy changed in our county for the better or worse? What long-term effect will these changes have on our jurisdiction?
- Has our natural environment been degraded or improved? Were our controls useful or should they be changed to meet our present needs?
- Where and what kind of development has been occurring? Is this the kind of development we want or do changes in this trend need to be made?
- How successful have we been in meeting our capital improvement program? What changes should be made to better meet our needs?

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It is a pleasure to have you here. I am sure you will find the atmosphere of the University of Chicago most congenial. The faculty is composed of some of the best minds in the world, and the students are equally distinguished. I hope you will find much to interest you here.

The University of Chicago is a place where the highest standards of scholarship are maintained. It is a place where the most advanced research is being carried on in every field of knowledge. I hope you will find much to interest you here.

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- How successful have we been in obtaining citizen participation? How may we better communicate with our fellow citizens?
- What impact have federal and state regulations and funding had on our county? How can we improve our working relationship with other levels of government to our benefit?
- Are we satisfactorily meeting the needs of our residents for transportation, recreation, and other public services?

The results of your review and revision may very well mean changes in the implementation methods including the zoning ordinance, subdivision regulations, or other developmental controls. The commission can easily make that determination and recommendations can be formulated.

The implementation section of this plan contains a system for reevaluating, reviewing, monitoring, and revising the plan. The following subsection will prescribe the proper procedure.

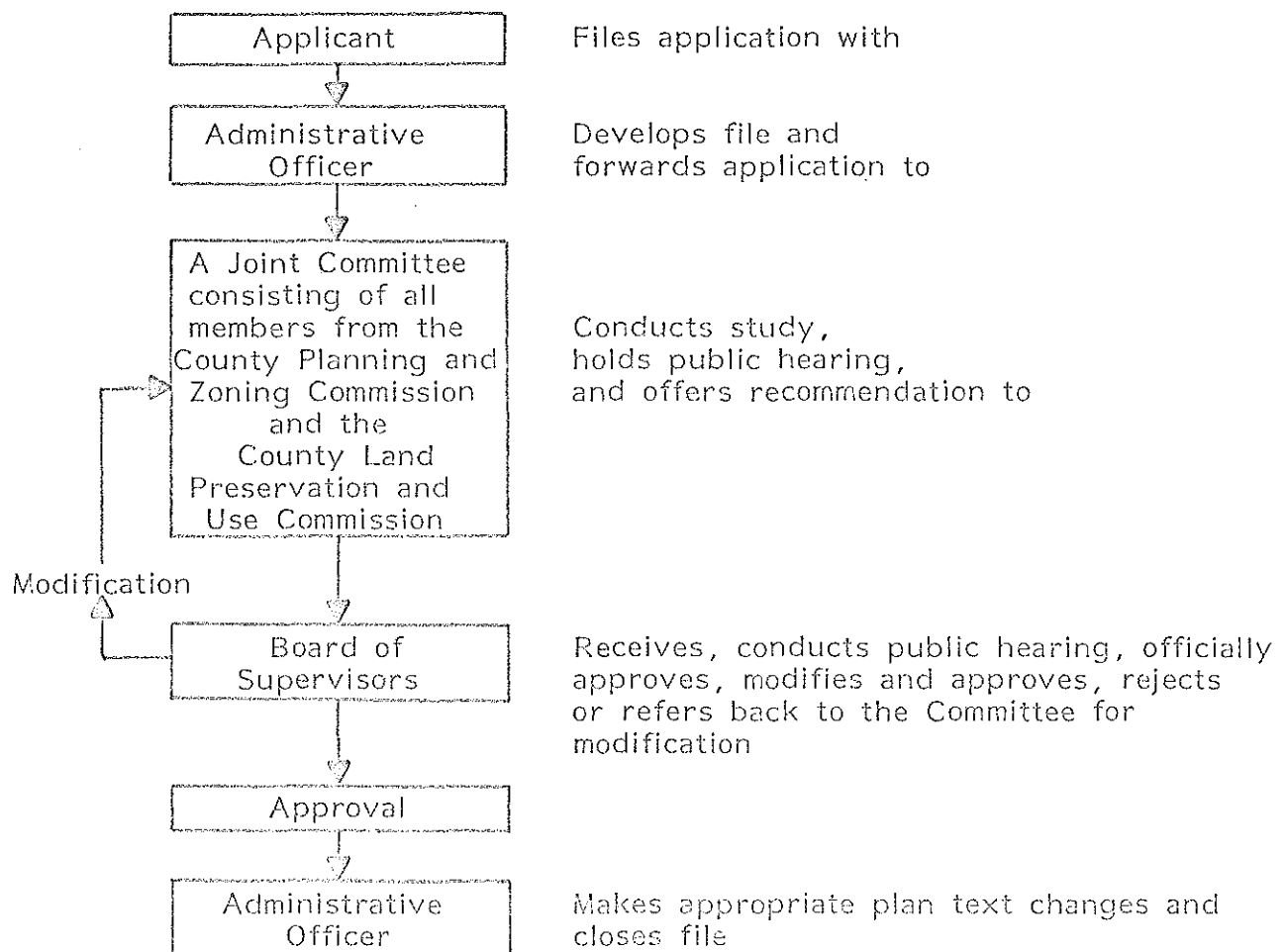
#### How is the Plan Amended or Variances Granted to it and Revised

Provisions are made in this plan for changing it, but this authority should be used with discretion, since much of the value of a plan can easily be lost through frequent or capricious changes. Amendments and variance application can be proposed by the Land Preservation and Use Commission, the Planning and Zoning Commission, the Board of Supervisors, or by citizens, but any proposal must always be referred to the Planning and Zoning Commission for its consideration.

The Commission should discuss the proposed change, may refer the proposal to a study committee for their recommendations, and hold a public hearing to solicit reactions from the residents. While evaluating the proposed change, the Commission should insure that the change fits the overall goals

and policies of the plan, that alternative land uses are examined, that special interest groups are not given preferential treatment, and that secondary impacts of the change are adequately considered.

PROCEDURE: The following diagram shall be the proper procedure format in order to consider plan revisions, modifications, variances and amendments.







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