

THE IOWA LAND PRESERVATION AND DEVELOPMENT POLICY

FINAL REPORT

ADDENDUM TO THE INTERIM REPORT  
RECOMMENDATIONS FOR LEGISLATION

Submitted To  
The Iowa General Assembly  
May 1, 1979

Prepared By  
The Temporary State Land Preservation Policy Commission

In Accordance With  
Chapter 53, 67 G.A., 1977 (H.F. 210)  
An Act to Provide for the Development of  
A State Land Preservation Policy

# IOWA

## TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION

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May 1, 1979

The Honorable Terry Branstad and  
The Honorable Floyd H. Millen  
Iowa State Capitol Building  
Des Moines, Iowa 50319

Gentlemen:

The accompanying document is the Final Report of the Temporary State Land Preservation Policy Commission -- An Addendum to the Interim Report. The submission of this Report Addendum is in accord with House File 210 (Chapter 93A of the Code).

The Addendum updates the Temporary State Commission's findings and recommendations which were originally submitted to the General Assembly on March 1, 1979.

The recommendations are guides to legislative action. Now, legislative proposals need to be developed. The subject is complex and will require substantial effort. However, we urge expeditious progress toward a land preservation and development legislative action program for Iowa.

Respectfully submitted,



Ervin J. J. Koos  
Chairman

EJJK/ACR:lh

## A B O U T   T H I S   R E P O R T

This document is the Final Report by the Temporary State Land Preservation Policy Commission pertaining to the Land Preservation Policy Act (Chapter 93A of the Code).

The report is an Addendum to the Interim Report submitted to the General Assembly on March 1, 1979. It updates and supplements the summary of recommendations contained in the Interim Report. The supplemental explanatory text is designed to facilitate the development of a land preservation and development policy for Iowa by the General Assembly by clarifying and adding depth to our previous recommendations.

The Final Report recommendations are largely based upon the information contained in the Interim Report and the accompanying Appendices, which in turn represent a compilation of the information received by the Temporary State Land Preservation Policy Commission from the Temporary County Land Preservation Policy Commission reports, state agencies, and various other groups and sources.

Due to time constraints, the remaining content of the Interim Report and the Appendices has not been changed. For further explanation of the program, refer directly to these two documents.

## A C K N O W L E D G E M E N T S

This report is the result of the efforts of hundreds of local officials who participated in the deliberations of the 99 Temporary County Land Preservation Policy Commissions. Thousands of individuals attended the county public hearings and participated in the county policy development process. Local experts and regional agencies provided technical assistance to the county commissions. Much contained in this document came from the county reports and policy statements. The Cooperative Extension Service provided technical, informational, clerical and administrative assistance. Substantial credit for the report must go to the Temporary County Land Preservation Policy Commissions and the Cooperative Extension Service.

The Temporary State Land Preservation Policy Commission had assistance at the statewide level as well. Individuals, groups and agencies provided information and assistance. The TSLPPC accepts full responsibility for the contents of this report.

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*"There is little question that the people of Iowa recognize the need for long-term land use planning so that our natural resources and valuable agricultural land will be preserved, protected and utilized for the benefit of both present and future generations."*

Greene County Land Preservation Policy Commission

*"For the common good and general welfare of people everywhere and for the benefit of generations yet unborn we urge the State Legislature to work quickly, with reason and care, to enact a State Land Use Policy."*

Lee County Land Preservation Policy Commission

*"The major policy recommendation of this commission is that the State Legislature recognize the need for land use policy-making on all levels in order to ensure that finite natural resources and valuable agricultural lands not be squandered on short-term goals, but utilized and preserved for long-term benefit and economic welfare."*

Story County Land Preservation Policy Commission

*"The commission discussion reflected a variance of opinion on the methods to use in the preservation of land, but was in unanimous agreement that meaningful legislation must be taken to preserve land for future generations."*

Page County Land Preservation Policy Commission

*"We strongly urge the State Legislature to work expeditiously and diligently to achieve the goal as outlined in House File 210, of 'Providing for the orderly use and development of land and other related natural resources in the State of Iowa.'"*

Guthrie County Land Preservation Policy Commission

FINAL REPORT  
RECOMMENDATIONS FOR LEGISLATION

GENERAL CONTEXT

The final report recommendations have been formulated within the following context:

- The recommendations emphasize local control, in keeping with the premise that land preservation and development decisions should be made at the governmental level most appropriate to the scope of the problem.
- The state's role would be limited, with state involvement restricted to land preservation and development matters of a statewide concern.
- Due to time constraints, the recommendations do not cover all state initiatives (police power, eminent domain and taxation) to the same degree of detail. Emphasis has been placed upon those initiatives identified in the 99 county reports.
- The issues covered by the recommendations are all inter-related parts of the greater land preservation and development issue. However, due to the broad scope of the subject, the recommendations should be developed into a package of legislative proposals.



METHOD OF IMPLEMENTATION: ORGANIZATION, AND PROCEDURES, DUTIES AND RESPONSIBILITIES

A State -- Organization:

A-1 RECOMMENDATION: A state land preservation and development commission should be established by the Iowa General Assembly.

- The state commission to be made up of three members from each legislative Congressional district, with staggered terms of office, composed of one member each from the following:

- (1) Soil conservation commissioners
- (2) County boards of supervisors
- (3) Mayors and councilpersons of cities.

*Explanation: The recommended organizational structure provides a maximum of "local control." This approach is in keeping with the recommendations of the Temporary County Commissions that any state land preservation and development policy emphasize local control.*

*The members of the proposed State Commission would be elected by and from conventions of local elected public officials -- as provided in House File 210 (Chapter 93A, Code of Iowa).*

*The proposed organizational structure represents a broad range of local elected officials, responsible to the general public, and it has proved to be workable.*

A-2 RECOMMENDATION: The state land preservation and development policy commission should be administratively attached to the Department of Soil Conservation, with the Department providing support services to the Commission.

- Policies and procedures to be directed and controlled by the Commission.
- Further clarification of the relationship between the Commission and the Department to be established by rule as necessary and required by law.

Explanation: The "administrative attachment" of the proposed land preservation and development commission and staff to the Department of Soil Conservation would provide a maximum of administrative independence without creating yet another agency. The technical, coordinative, policy and similar functions would be retained by the proposed Commission, while routine administrative activities, such as handling expenditure of funds and purchase of supplies, would be part of the "support services" provided by the DSC.

State Commission -- Procedures, Duties and Responsibilities

A-3 RECOMMENDATION: A state land preservation and development process should be established by the General Assembly, within the following framework.

- Prepare and recommend to the General Assembly a state land preservation policy and guidelines for the guidance and direction of state agencies, county land preservation policy commissions, cities, counties, and special districts on matters relating to land preservation and development.
- Propose legislation deemed necessary to implement expressed land preservation and development policy objectives.
- Recommend criteria to the General Assembly for:
  - (1) The designation of state critical areas

- (2) The designation of large-scale developments and key facilities
- (3) The appraisal of the policies of state agencies to determine the impact of state agency actions on land preservation and development policies.

- Establish by rule:

- (1) Procedures for the review of county land preservation and development policy guidelines.
- (2) Procedures for the review of comprehensive plans of cities, counties, and special districts.
- (3) Procedures for the review and approval of state agency plans and plan modifications that impact on land preservation and development.
- (4) Procedures for the hearing and determination of a petition by one state agency against another state agency concerning activities that conflict with overall state land preservation and development policy.

Explanation: *The State Land Preservation and Development Commission would have a major role in developing state land preservation and development policy and guidelines for legislative consideration by the General Assembly.*

*It is anticipated that the proposed Commission would not be responsible for police power-related regulation or enforcement. However, the proposed Commission could have a major role in review and approval of state agency plans and in review of local plans and mediating conflicts. In this regard, a support role in planning assistance would be appropriate to the overall concept. Such planning support would be provided on a very limited basis.*

A-4 RECOMMENDATION: Provide support to county-wide and local agencies in accord with the following.

- On a limited basis, to provide technical and professional support assistance to localities with local control and upon request.
- Resolve conflicts between counties.
- Involve the state land preservation and development policy commission in situations and proposals, for example, pipelines, highways, etc., that involve more than one county.
- Serve as a mediator on land preservation and development conflicts arising within counties upon the request of all parties involved.
- Participate in county policy activities only where counties fail to take appropriate action to develop county land preservation and development policies.

*Explanation: Planning assistance would be provided to local governments on a limited basis.*

A-5 RECOMMENDATION: The General Assembly should provide for the following.

- Preparation and periodic revision and updating of a state inventory of land and natural resources by an existing state agency.
- Preparation of model zoning, subdivision or other ordinances and regulations to guide state agencies, cities, counties and special districts in implementing state and county land preservation policy guidelines.
- Support to localities to implement the local land preservation and development policy including financial/funding assistance.

Explanation: This series of recommendations is directed at accomplishing several important programs without designating the specific responsible administrating agency.

At present, there is no complete inventory of land in Iowa. Several agencies make and use "estimates." However, one official and complete inventory is needed to aid county, local and state land use decision-making. A unified program would be carried out involving all affected agencies, but with one lead agency coordinating the effort.

The preparation of "model" codes, ordinances and similar information would be provided by a variety of state agencies as appropriate.

Requirements for local land preservation and development activities would be backed by financial and/or funding support from the General Assembly. Distribution formulas would be established by the General Assembly, with a minimum amount of state control -- only enough to insure accountability.

B County-Wide -- Organization:

B-1 RECOMMENDATION: Land preservation and development organizations should be permanently established by the General Assembly at the county-wide level.

- Establish county-wide land preservation and development commissions in each county, with the following organization:

- (1) Three members appointed by and from the district soil conservation commissioners.
- (2) Three members appointed by and from the county boards of supervisors.

- (3) Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county.
- (4) If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under item 3 above.
- (5) However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under item 3 above shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under item 2 above shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors, resulting in a 12-member commission.

*Explanation: County-wide land preservation and development commissions would be established, with membership as provided by House File 210 (Chapter 93A, Code of Iowa). In this way, the elected local officials, with broad-based constituencies and a major responsibility in land preservation and development, would develop county-wide land preservation and development policies. Such policies would still be required to be adopted and implemented by the individual local government/district.*

*Meetings would be called by the local governments, or Commission members, as appropriate, to meet requirements of state law.*

County-Wide -- Procedures, Duties and Responsibilities

B-2 RECOMMENDATION: A county-wide land preservation and development process should be mandated by the General Assembly to be established in each county within the following framework.

- Develop land preservation and development policy for the county and municipalities.
- Review, evaluate, and coordinate all comprehensive plans, ordinances or regulations for land use, existing or proposed by the county, special districts and cities within the county for consistency with county and state land use policy.
- Adopt guidelines (utilizing state guidelines) for the preparation of comprehensive plans for:
  - (1) Protection of agricultural land.
  - (2) Solid waste disposal, sewage collection and treatment, and water supply and distribution.
  - (3) Siting and development of industrial, commercial, agricultural, educational, cultural, residential and recreational facilities and areas.
  - (4) Designation, development, or use of local critical areas.
  - (5) Coordinated county-wide transportation system which includes elements of a statewide transportation plan.
- Review and re-evaluate county land preservation and development policy every three years.

Explanation: *The county-wide commissions would have a significant role in formulating county-wide land preservation and development*

policies and guidelines within broadly-based, but limited, policies and guidelines of the state.

County-wide policies and guidelines would be referred to the local governmental units for implementation, for the proposed county-wide commission would have no regulatory or enforcement powers. However, elected local representation should result in good local acceptance of land preservation and development policies and guidelines.

The proposed commission would function, in a supporting role, as a planning and review/coordination group. Its powers would be largely persuasive, based on rational argument and public consensus. After the initial planning and coordination responsibilities have been met, the commission's responsibilities would be limited to periodic review and revision of county-wide land preservation and development policy proposals.

C County/Local -- Organization:

C-1 RECOMMENDATION: The establishment of a planning and zoning commission should be required in each county and municipality in accord with state legislation.

- Recommend re-examination of the appointment process for county and municipal planning and zoning commissions by the General Assembly so that a broader base of representation is secured to balance the varied land interests.

Explanation: The establishment of "planning and zoning commissions" in each county and city would strengthen and clarify the required organisational structure needed to carry on this important local function. At present, there is confusion in the local organizational structures and duties of planning commissions and zoning commissions,



*either separate or combined. This structure needs to be simplified and clarified.*

*The appointment process would be studied for the purpose of broadening these agencies to require the inclusion of a wide variety of interests on a city or county planning and zoning commission.*

**County/Local -- Procedures, Duties and Responsibilities:**

**C-2 RECOMMENDATION:** A land preservation and development process should be mandated by the General Assembly to be established in each county and each city in accord with state legislation.

- Provide that a city, in lieu of developing its own land preservation and development ordinances, may agree to be included in the county ordinances; further recommend that the city council administer that part applicable within its corporate limits.
- Recommend that the General Assembly provide for concurrent jurisdiction of cities and counties on all zoning matters within the two mile limit adjacent to cities.
- Mandate joint city/county planning and land use controls (subdivision plat review, changes in land use, etc.) for peripheral growth areas within two miles of a municipality.

Explanation: *The establishment of a land preservation and development process at the local level is a vital and integral part of any locally controlled state policy. While there is a need to address limited statewide land preservation and development concerns, the key role lies with local government. Local governments would continue to play the primary role in developing and implementing land preservation and development policies.*

*A land preservation and development process at the local level would include current and long-range planning for the*

*appropriate conservation and use of land and related natural resources. Such a process would be a major tool to assure that land policies are coordinated, land use decision-making is informed and reasonable and the public interest is determined in an open and rational manner. In this way, land preservation and development plans and subsequent actions are more likely to have the required public support.*

*Cities may choose to have their land planning and regulatory measures developed as a part of the county plan and process.*

*However, the Temporary State Commission believes that each city should implement and administer land preservation and development policies within its geographical jurisdiction.*

*Both cities and counties share an interest in the land area adjacent to a city. This shared interest should be reflected in concurrent jurisdiction of the land-related regulatory powers. Implementation of this recommendation will require the coordination of county and city land preservation and development policies.*

ROLES IN THE LAND USE DECISION-MAKING PROCESS

Participants	Legislation	Policies	Guidelines	Regulations	Planning	Review/ Coordination	Enforcement/ Implemen- tation
Legislature	■	◐				◐	
Executive	□	■				■	
State Commission*		■	■		□	◐	
State Agency		■	■	■	■	■	■
Regional Agency		□			□	□	
County-Wide Commission*		◐	◐		□	◐	
Local Agency		◐	□	■	■	◐	■
Judiciary						■	■

\*Proposed Land Preservation and Development Commission

Major Role ■ Supporting Role □ Either ◐

1 ISSUE: THE PRESERVATION OF AGRICULTURAL LAND FOR THE PRODUCTION OF FOOD AND FIBER

Desired Goals and Objectives

To preserve the land availability and conserve the soil productivity of agricultural lands for the production of food and fiber.

1-1 RECOMMENDATION: Highest priority must go to our continuing ability to produce food and fiber.

*Explanation: This recommendation is made in recognition of the fact that agriculture is the basic industry in Iowa. Eighty percent of all workers in Iowa are directly or indirectly involved in agriculture. Every dollar generated by agriculture turns four dollars of new wealth, and in 1976, the cash receipts in Iowa were over four billion dollars from the production of livestock and were nearly three billion dollars from crop production. This constituted fifteen percent of Iowa's economy.*

*Preserving Iowa's continuing ability to produce food and fiber is also a vital concern to all Americans. Fully one-tenth of the nation's food supply comes from Iowa. Additionally, Iowa plays a key role in the ongoing national effort to reduce the balance of trade deficit by exporting over one-fourth of its agricultural production.*

*While this recommendation emphasizes the value of farming in Iowa, it is not meant to imply that agriculture is our only concern, as urban and natural environmental uses are also very important.*

1-2 RECOMMENDATION: Farmland should be identified and inventoried.

- Classify farmland according to crop/corn suitability rating.
- Map farmland for use as an authoritative reference and a basis for making land use decisions.

Explanation: As the population of Iowa continues to grow and patterns change, land will be needed for uses other than agriculture, and some decrease in the amount of land available for agricultural use is unavoidable. Often, the conversion of farmland to other uses occurs without regard for the productivity of the land. Due to the high quality of our farmland, the importance of agriculture to Iowa and to the nation, and the irreversibility of most changes in the use of land, it is important that decisions to convert farmland to non-agricultural use include available data concerning the quality (productivity) of the land.

The use of the crop/corn suitability rating (CSR) system to classify farmland is recommended because CSR information is a readily obtainable measure of the quality of farmland. Each county has CSR information available. Used in conjunction with the recommendation for a state inventory of land and natural resources (see recommendation A-5), the crop/corn suitability rating information would serve as an authoritative reference for local, county and state land use decisions.

1-3 RECOMMENDATION: The availability of agricultural land should be preserved for continued production of food and fiber.

- Mandate city and county comprehensive planning and zoning with state and county-wide guidelines (1) establishing agricultural preservation districts, (2) restricting rural non-farm development, (3) minimizing the disruptive activities of pipeline construction, mining, etc., and (4) establishing an orderly, equitable procedure for making land use changes.

- Comprehensive plans, zoning, and subdivision ordinances for all counties and cities should be required to be reviewed every three years.
- Require coordination between each county and its cities in land use regulation for agricultural uses and urban expansion.
- Re-evaluate federal and state policies and laws that have an impact upon the preservation of agricultural land (for example, nuisance laws, pollution standards, incompatible adjacent uses, etc.).

Explanation: From 1945 to 1969, an estimated 2.5 percent of the total farmland in Iowa, or the equivalent of 2½ counties, was taken out of agricultural production. Between 1970 and 1977, agricultural land decreased an average of 18,900 acres annually. It is estimated that by the year 2020, Iowa will lose another two percent of its farmland to non-agricultural uses. Some loss of agricultural land is unavoidable because Iowa's land is needed for other desirable uses. However, when non-agricultural development is unplanned and occurs without regard for the productivity and location of the land, valuable agricultural land may be wasted.

This series of recommendations is directed at combating unplanned growth and preserving the future availability of Iowa's agricultural land for the continued production of food and fiber. Requiring all cities and counties to have comprehensive plans and zoning would help guide rural non-farm uses onto less productive soils in more carefully planned, pre-selected areas.

Local review of land plans and ordinances every three years would help maintain continuity through each administration. Similarly,

coordination of land preservation and development regulations between cities and counties would help facilitate orderly, planned growth and the preservation of Iowa's more productive agricultural land.

Federal and state laws and policies impacting agricultural land are fragmented and contradictory. These responsibilities are often administered separately without adequate coordination. Some programs encourage loss of agricultural land and promote inappropriate rural non-farm growth. Further, there exists overlap and duplication in many programs, resulting in an overly complex process for making agricultural land preservation decisions.

The adequate re-evaluation of federal and state policies and laws impacting agricultural land would be a long-range and very difficult proposal to accomplish. However, this recommendation is vital and the resulting positive impact upon agricultural land preservation would be of major significance.

1-4 RECOMMENDATION: Tax incentives and tax penalties should be developed to encourage the preservation of agricultural land.

- Require preferential assessment on agricultural land, with a tax recapture procedure for land sold at a higher price for non-farm use.

Explanation: These broad recommendations would use taxation measures as a part of the program to protect Iowa's agricultural land. At present, the assessment and valuation of agricultural property is determined entirely on the basis of its productivity (Section 441.21 of the Iowa Code). It is recommended that the preferential assessment on agricultural land be retained beyond 1980 so that agricultural property will continue to be assessed on the basis of productivity -- rather than reverting to 50 percent market value and 50 percent productivity.

*The Commission supports the intent of the Iowa Code (Section 445.63) which prescribes a tax recapture procedure for agricultural land sold at a higher price for a non-farm related use. The Commission recommends that this section be clarified and implemented. Consideration should be given to increasing the current five year tax recapture period to encourage agricultural land preservation. In addition, procedures could be instituted to require the seller to inform the buyer that the land is subject to tax recapture if the land changes from agricultural to urban-type (housing, commercial, industrial, etc.) use.*

**1-5 RECOMMENDATION:** Conservation or scenic easements should be considered as approaches to preservation of agricultural land.

*Explanation: This is a broad recommendation that warrants further study. The acquisition of certain land development rights, in the form of easements, would be given consideration as one part of the guidelines for an overall agricultural land preservation program.*

**1-6 RECOMMENDATION:** The quality of agricultural land should be conserved for the continued production of food and fiber; reducing soil erosion to the levels established by the state soil loss limit regulation should be a major statewide goal.

- Encourage soil conservation practices through voluntary programs, for example: (1) minimum tillage, (2) crop rotations that include grass and legumes, (3) conservation structures, (4) contour and strip cropping, (5) terraces, and (6) tile inlet structures.
- Include all farm units in an active conservation plan.
- Strengthen implementation techniques in existing soil conservation laws.



- Use tax incentives and tax penalties as methods of encouraging soil conservation practices and reducing soil losses to acceptable limits; for example, provide tax credits to encourage the shift of marginal agricultural lands from row crops to hay and meadow rotation or woodlands and wildlife areas.

Explanation: This series of recommendations is directed at helping to preserve Iowa's status as a leading agricultural state by reducing our levels of soil erosion. While the Temporary State Commission was directly charged with making recommendations concerning land availability, the quality of Iowa's land is closely inter-related to quantity. The Commission adopted these broad recommendations concerning soil erosion in support of the ongoing efforts being made to control this problem. For example, in 1971, Iowa led the nation in the development of a soil erosion control law which established soil loss limits and created a procedure whereby a landowner could seek protection against a "nuisance" causing excessive soil losses. In 1973, Iowa became the first state in the nation to develop a state-funded, cost-share program for specific permanent erosion control practices.

Despite the 1971 law and the 1973 program, the magnitude of the problem is shown by the following facts: Over half of Iowa's cropland has an average annual soil loss above acceptable levels due to water erosion and nearly one-sixth has wind erosion above acceptable levels. Only one-third of the cropland in Iowa is considered to be adequately treated with soil conservation measures. Additionally, some forty-thousand Iowa farmers have no comprehensive plan for the conservation of soil resources and the control and prevention of soil erosion.

1-7 RECOMMENDATION: Soil conservation is basically an educational issue which is the responsibility of the Department of Soil Conservation, Cooperative Extension Service, and the Soil Conservation Service; these groups should use educational and informational programs to instill a land ethic in the citizenry.

*Explanation: In spite of extensive previous measures, limited progress has been made in the fight against soil erosion. To some extent, this is because farm owners/operators and the general public in Iowa by and large are not fully aware of the magnitude of the problem and the consequences of not preserving our valuable soil. Thus, a continuing major educational effort is needed to convince farm owners/operators and the public that it is in their long-term best interest to get serious about soil conservation.*

2 ISSUE: THE CONTROL OF URBAN SPRAWL AND THE ORDERLY AND EFFICIENT TRANSITION OF LAND FROM RURAL TO URBAN USE

Desired Goals and Objectives

To discourage and control urban sprawl\*

To encourage efficient urban development patterns.

2-1 RECOMMENDATION: Counties and cities should be mandated to have comprehensive planning and zoning to control the inefficient use of agricultural land for urban sprawl.

- Include major plan elements such as land use, housing, community facilities and utilities, transportation, and areas for agricultural use.

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\* Urban Sprawl means the irregular and uncontrolled development of urban-type land uses without regard to land use planning as defined in Section VI of the Interim Report.

- Provide for the coordination of comprehensive plans and the reconciliation of conflicts.
- Mandate the review and coordination of comprehensive plans and land use ordinances and regulations by county land preservation and development commissions to assure consistency with county land use guidelines.
- Mandate the review and recommendation of multi-jurisdictional plans, proposals, and projects by existing regional planning agencies.
- Require that zoning ordinances be used to restrict non-agricultural development on high quality agricultural land, and direct such development toward poorer agricultural land.
- Require that county and city zoning be reviewed every three years to meet new development trends and needs.
- Provide enabling legislation to improve platting procedures, and to encourage cluster or planned unit development.

Explanation: Provision should be made for orderly urban development to accommodate Iowa's growing population and population shifts, provide jobs and maintain a high quality of life. Manufacturing and wholesale and retail trade provide nearly half of Iowa's economy. A quarter-million Iowans are employed by the state's manufacturing firms. Iowa's business, industry and agriculture complement one another. Most Iowa industries either make agricultural or related items, or process agricultural commodities.

When urban expansion is unplanned, inefficient growth patterns result in more land being consumed by urban-type development than necessary. It is recommended that all cities and counties be required

to have comprehensive planning and zoning developed and implemented at the local level. With the implementation of these land use techniques, communities and counties will be able to anticipate and plan for development instead of just responding to it. Local planning, zoning and related land development controls would include and interrelate major physical elements for a rational guide for future growth.

The coordination and review of comprehensive plans and land use controls between political subdivisions and on a county-wide basis would encourage efficient growth patterns, assure consistency with county-wide land preservation and development goals, overcome conflicts and avoid costly mistakes. Periodic review would maintain continuity through changes in administration and provide stability.

The recommendation concerning platting procedures and cluster and planned unit development would involve specific changes in the Code of Iowa. Some Iowa counties have taken the position that they have no authority to review plats and required subdivision improvements. Other counties attempt to stretch Section 306.21, which deals with platting requirements for county roads and power lines, to provide them with the authority. State law should be amended to clarify the platting authority of counties and the shared authority of both cities and counties in the two mile area adjacent to cities. To facilitate and encourage the use of cluster and planned unit development as methods to control urban sprawl and preserve agricultural land, the Code would be amended to specifically encourage the use of both techniques.

2-2 RECOMMENDATION: State minimum guidelines for urban expansion and annexation should be mandated to be adapted, adopted and implemented by each county and/or city.

- Include all affected units of government and the general citizenry in the urban expansion process.
- Mandate annexation procedures that (1) require proof of need for urban purposes, (2) document the amount and classification of agricultural land to be annexed, (3) evaluate alternative land areas for annexation, and (4) require the presentation of a report detailing the above information; require review of the report by the county land preservation and development policy commission before any land is annexed.
- Evaluate all options for urban expansion as related to agricultural production, provision of urban services and facilities, availability of land within or contiguous to the incorporated area.
- Include soil survey and land capability data in making land use decisions and assign a low priority to urban growth in prime agricultural and flood plain areas and a high priority to less productive agricultural land.
- Require amendment of a city's comprehensive plan before rezoning amendments are approved that are in conflict with the plan.
- Coordinate land development ordinances between political subdivisions so that they are compatible and complementary.
- To preserve agricultural land by discouraging rural non-farm residential development, require a number of acres for each dwelling, with the lowest densities on the most productive agricultural land.

- Use zoning districts to prevent conflicts between residential and feedlot developments.

Explanation: Current expansion and annexation trends need to be modified to guarantee that future growth patterns are in Iowa's best interest. According to recent studies, at least 43 percent of the land within corporate limits is devoted to agriculture, and an additional 7.5 percent of incorporated land is in platted but undeveloped lots. If current trends continue, there is enough land within existing city boundaries to accommodate projected urban population growth to the year 2000. Even so, two separate studies forecast that Iowa will lose over 630,000 more acres of cropland to non-agricultural use by 2000. Therefore, urban expansion and annexation policies should be subject to state minimum guidelines to ensure planned growth and the optimum use of Iowa's finite land resources.

Annexation procedures are already prescribed by the Iowa Code (Chapter 368), but adoption of the recommended additional procedural requirements would provide added safeguards for the protection of agricultural land. Similarly, the recommendations concerning urban expansion options, additional data to be used in land development decisions, amendments to comprehensive plans, and coordination of development ordinances would result in a more inclusive and comprehensive study procedure concerning urban expansion.

The recommendation to require a varying number of acres for each rural non-farm residence, with the lowest overall density per square mile on the most productive land, is patterned after attempts by a

*handful of Iowa counties to use county zoning to preserve agricultural land. The idea is to steer rural non-farm residential development away from high quality land by requiring a large minimum acreage for a building permit, using transfer of development rights, or limiting the number of building permits on land with a crop/corn suitability rating above a specified level. Below that required CSR rating, rural non-farm residences are permitted to be constructed on much smaller acreages. Ideally, the acreage requirements would encourage only farm homes to be built on high quality land, while rural non-farm residences would be clustered on poorer quality land or located within appropriate undeveloped incorporated areas.*

*At present, Section 358A.2 of the Iowa Code prohibits the regulation of farm structures and agricultural uses by county zoning. This has presented a number of problems concerning the status of agri-business type uses such as feedlots, poultry farms, grain storage facilities, and other similar activities. An amendment to Chapter 358A would be advisable to more clearly designate what type of agri-businesses are and are not exempt from county zoning regulation.*

2-3 RECOMMENDATION: Orderly urban growth should be provided which will accommodate the future urban land use and economic needs of communities; to encourage the timely, orderly and efficient transition of land and resources from rural to urban use, the following is recommended.

- Encourage the development of land within the existing corporate limits of cities before urban expansion into rural areas.
- Require that urban growth be contiguous to urban areas located where necessary urban services can be provided or extended.

- Utilize growth patterns for urban development that encourage efficient densities and the preservation and renovation of existing urban areas.

*Explanation: These broad recommendations suggest guidelines to ensure that the needs of growing communities are met without abusing Iowa's rural land and resources in the transition process. In recognition of the fact that over half of the land within incorporated areas is undeveloped, it is recommended that land within corporate boundaries be developed before there is further urban expansion into unincorporated areas.*

*The recommendations for urban growth to be contiguous to urban service areas and to encourage efficient densities and the renovation of existing urban areas are guidelines to encourage efficient urban growth and discourage urban sprawl. Inefficient densities and unplanned growth create higher utility costs, make public transportation more expensive, consume more energy, and require more land than planned development.*

2-4 RECOMMENDATION: Tax incentives should be used to encourage urban development on less productive land and discourage urban development on the more productive agricultural land.

- Request that the General Assembly examine the impact of existing state tax policies that contribute to urban sprawl and undesirable land use patterns including the disparities in development standards and property tax burdens placed on urban development in rural areas versus urban areas and the disparities in raising revenues versus dispersal of funds to provide services to suburban development.



- Establish taxation policies to encourage development on agricultural and natural environmental land within the corporate limits of cities.

Explanation: These broad recommendations are proposals for further study of the effect of existing state tax policies on urban development patterns in Iowa. It is recommended that the tax laws be analyzed and updated so that they provide incentives for urban-type development to occur within corporate limits and on less productive land, while discouraging such development on more productive agricultural land. It is also recommended that the state's tax policies be examined to ensure that tax burden inequities created by the recent rapid rural non-farm residential growth in Iowa are alleviated.

Rural non-farm residents may require different kinds and levels of public services than those desired by the farm population, and due to these differences, the recent substantial rural non-farm population increase may be altering the per-unit cost of providing public services and shifting the tax burdens. Disparities in development standards between urban and rural areas may create an unfair price advantage in favor of rural non-farm development. This difference in development standards may, however, only defer costs to a later time, or transfer development costs to others. Thus, the recommendation is that the General Assembly study the situation, and make changes in tax policies to correct inequities if farmers and/or urban residents are substantially subsidizing the services and facilities required by rural non-farm residents.

2-5 RECOMMENDATION: The General Assembly should pass an urban revitalization bill to encourage recycling of urban land for residential, urban, and industrial uses.

Explanation: An urban revitalization law would serve a dual purpose. First, it would provide local initiative for renovating urban areas that are no longer attractive sites for businesses and housing, thus directing the much needed property tax base back into existing urban areas. Second, such a law would help slow the surge of urban-type growth in the fringe and rural areas. Allowing existing urban communities to decline encourages urban sprawl, but an urban revitalization law could help reverse this trend by pumping new life into existing urban areas.

2-6 RECOMMENDATION: The General Assembly should consider passing enabling legislation to permit cities to issue industrial revenue-type bonds to finance residential mortgages within cities.

Explanation: Enabling legislation permitting cities to issue industrial revenue-type bonds to finance residential mortgages within cities would help reduce urban sprawl by permitting cities to make it more financially attractive to build houses within corporate limits. The sale of the bonds allows the lenders the double benefit of being able to charge lower mortgage interest rates than otherwise would be available to home purchasers, while at the same time providing minimum financial risk.

3 ISSUE: THE CRITERIA FOR THE DESIGNATION AND PRESERVATION OF CRITICAL AREAS;  
THE DESIGNATION OF KEY FACILITIES AND THE DESIGNATION OF LARGE-SCALE DEVELOPMENT  
WHICH WILL HAVE IMPACT BEYOND COUNTY BOUNDARIES

Desired Goals and Objectives

To designate and preserve critical areas.

To provide for the designation and control of key facilities and large-scale developments.

3-1 RECOMMENDATION: State policy for critical areas should be established, and the authority for local designation and control of local critical areas should be provided.

*Explanation: This is a general recommendation which recognizes that, while some critical areas are of statewide concern, others are primarily of local interest. Accordingly, the establishment of state policy guidelines for the local designation and control of county-wide or local critical areas is recommended as a part of a state critical areas act.*

3-2 RECOMMENDATION: Under state guidelines, counties should:

- Identify local critical areas through appropriate local agencies.
- Designate local critical areas to be protected.
- Develop and implement a plan for their protection.

*Explanation: A procedure would be established whereby local critical areas would be identified, designated for protection, and protected by appropriate local agencies (such as local governments, conservation boards, historical societies and similar organizations).*

*State involvement (through the State Land Preservation and Development Commission) would be to provide guidelines so that there is some systematic similarity throughout the state.*

3-3 RECOMMENDATION: A statewide process should be established for the preservation and protection of critical areas of statewide significance; this process should include:

- Defining critical areas of statewide significance (for example, fragile, historic, natural hazard, renewable resource lands, unique lands, areas in close proximity to population centers, off-site areas affected by key facilities and large-scale developments).
- Nominating procedures.
- Specific plans and programs.
- Preservation and protection techniques that are compatible with well-planned development (for example, tax incentives, protective covenants, purchase of development rights or scenic easements, planning and siting permits).
- Restoration of critical areas (where applicable).

Explanation: *Across Iowa there are critical areas of statewide significance that are environmentally and economically important to the future growth of the state. Critical areas of statewide significance include our major water areas, valuable minerals, wildlife habitat, the aesthetic qualities of our landscape, and other land areas. These critical areas are an integral part of the attractiveness of our state for growth and development. Unfortunately, many areas of statewide significance are threatened by changing land use patterns and the*

*pressures of continuous population shifts. It is imperative, therefore, to identify and protect these major critical areas because external development pressures are likely to increase with the passage of time.*

*This is not to say, however, that all critical areas of statewide significance need to be maintained in their natural state, or that all types of development should be excluded from such critical areas. With the passage of critical areas legislation and the implementation of a recommended process, each proposed critical geographical area would be evaluated independently to identify its unique features, and to determine what types of preservation techniques, if any, would be necessary.*

3-4 RECOMMENDATION: A statewide procedure should be established for the regulation of key facilities and large-scale developments; these procedures should mandate the establishment of need, including an environmental impact statement related to the effects upon natural and agricultural land, with emphasis placed upon consultation with local agencies.

Explanation: *Major developments of key facilities or large-scale developments will play an important part in shaping future area-wide development patterns and regional public service investments, and will involve complex decisions with multi-jurisdictional impact. Because either type of development is likely to affect many people over a wide expanse of territory, their construction can be the source of a number of problems. One major concern is that affected citizens and political subdivisions may have no voice in the review and approval of both types of development. Another problem is that many small units*

of local government may not have the resources for an adequate technical evaluation. A third problem related to key facilities and large-scale developments is that there oftentimes is a costly and time-consuming series of separate reviews and approvals.

The development of a single, uniform statewide procedure for the regulation of key facilities and large-scale developments is recommended to help alleviate these problems. Defined by specific criteria, proposed developments which have "regional impact" would be subject to the regulatory process. Representatives of appropriate state regulatory agencies, the state land preservation and development commission, regional planning agencies, and all affected county land preservation and development commissions and local governments would form an inter-governmental advisory committee to conduct a review and evaluation. A standard application would be submitted, combining the information required for local and state permits or approvals. Separate approval authorities would simultaneously review the standard application.

The creation of this type of single, cooperative review by affected local governments and authorities responsible for approvals would produce the desired effects of consolidating the resources and expertise required for the review, and expediting approval decisions by eliminating multiple reviews. This responsibility could be a part of the coordinative process proposed in recommendation 6-1.

3-5 RECOMMENDATION: The use of land for mineral extraction and reclamation should be included in comprehensive plan guidelines.

Explanation: This recommendation would be a guideline for local governments to plan the orderly access to and extraction of minerals and the reclamation of land. It would also provide for coordination of state and local efforts.

Iowa's mining industries are a valuable asset to the state. Mining occurs extensively across the state and minerals extracted include several kinds of clay, coal, limestone, gypsum, sand, gravel and stone. Iowa is the third largest producer of gypsum in the nation and has extensive coal reserves. Limestone is used in concrete and asphalt, water purification, sewage treatment, erosion control materials, as a livestock feed additive, a calcium source, and an acid neutralizing agent.

This recommendation would allow access to important minerals while minimizing excavations on valuable agricultural land and providing for the reclamation and reuse of mine sites.

#### 4 ISSUE: BALANCE OF ANTICIPATED ENERGY RESOURCES AND CONSUMPTION

##### Desired Goals and Objectives

To promote efficient use of energy and the development of new energy sources.

4-1 RECOMMENDATION: To deal with the energy issue, the state should work with other units of government to:

- Encourage research in energy conservation.
- Promote research to make available and useable the energy resources of the state.
- Develop effective educational programs.
- Encourage more energy efficient crop production and processing.

- Revitalize existing urban centers, reducing urban sprawl and increasing efficiency in moving goods and services throughout urban areas.
- Revive mass transit.
- Limit major relocation of highway construction.

Explanation: *The state of Iowa relies upon imports for about 98 percent of the energy it consumes. In view of this fact and the ever-present possibility of an energy shortage, these general recommendations are presented as the basis for further study of land-related energy policy. Such a policy would include the impact of energy development and use upon Iowa's land resource. Energy use would include significant conservation approaches related to land preservation and development (such as reduction of urban sprawl and more efficient transportation systems).*

*While transportation systems should be continually upgraded in order to provide fast, safe, economical and convenient transportation of people and goods, there is a critical need to conserve energy, land and other resources. Existing rights-of-way should be used where appropriate for the construction, improvement, and reconstruction of highway systems, in particular, when evaluation of energy factors indicates the basic feasibility of this approach.*

**4-2 RECOMMENDATION:** Transmission of energy resources should be compatible with existing and proposed land uses.

- Involve coordinated planning on a regional or multi-county basis.



- Include local representation in the decision-making process for powerlines and pipelines of regional or statewide impact.
- Be compatible with intra- and inter-state plans.
- Provide advance information to the public.
- Minimize the use of agricultural land.

Explanation: To help transport energy resources, Iowa is underlain with 12,000 miles of high-pressure transmission pipelines. These pipelines criss-cross all 99 counties in maze-like patterns. In addition, there are many miles of electric transmission lines. The recommendations are designed to balance the public need for inexpensive direct routes for energy pipelines and for electrical transmission lines to meet the needs of consumers, farmers and industry with the need for maintaining sound existing land use patterns and preserving maximum utilization of high quality farmland for agricultural production.

The recommendations provide for coordinated and compatible planning at the local, county, state and inter-state level so that all affected levels of government are afforded an opportunity to provide input. Additionally, in keeping with the major goal of local control over land use decisions, the recommendations would require that the public be supplied with information before -- and local representation in -- the decision-making process concerning the routing of power and pipelines that would affect them.

5 ISSUE: THE PROTECTION OF PRIVATE PROPERTY RIGHTS

Desired Goals and Objectives

To insure private property rights insofar as they are compatible with the other goals.

5-1 RECOMMENDATION: Individual property rights are of prime importance and should be recognized and protected consistent with the property rights of others and the general public welfare; conflicts between personal property rights and the general public good should be carefully evaluated.

- Require that public and private entities wishing to use eminent domain submit their plans to local commissions for review and coordination with comprehensive plans.

Explanation: Individual property rights are protected by the Fifth and Fourteenth Amendments to the Constitution. These rights are substantial, but not absolute. This recommendation reaffirms the importance of this concept in developing land preservation and development policy.

The general public has an interest in land expressed through the political-legal system. Development and implementation of land preservation and development policies and decisions would include a careful evaluation of this basic relationship between private property rights and the general public good.

The submission of plans for projects requiring eminent domain to local governmental groups would provide better coordination and compatibility between local development patterns and public or quasi-public facilities.

5-2 RECOMMENDATION: Owners of land adjoining abandoned land should be guaranteed the first option to purchase the abandoned land, such as rights-of-way, at a fair price.

- Provide the second opportunity for purchase to conservation and recreation interests.

Explanation: Many acres of rights-of-way and other land acres formerly used for public purposes are abandoned each year. In recognition of the pre-eminence of private property rights, it is recommended that the owners of adjoining land be afforded an opportunity to purchase such lands in an orderly, systematic manner. Sale of the property at the fair market value would provide an economically equitable procedure.

A second option to obtain such abandoned lands would be provided to public and private conservation and recreation groups. Such land should be adaptable, accessible and used compatibly with adjoining lands.

6 ISSUE: THE EFFECT OF CURRENT LAWS ON LAND USE DECISIONS/THE RECOMMENDATION OF A STATE POLICY FOR THE GUIDANCE AND DIRECTION OF STATE AGENCIES IN THE USE OF LAND

Desired Goals and Objectives

To establish a state policy for the guidance and direction of state agencies in the use of land.

6-1 RECOMMENDATION: Improved coordination among state agencies and between state and local agencies should be required.

- Establish the responsibilities and procedures for interagency coordination, for the purposes of (1) monitoring programs which impact on land preservation and development, (2) promoting planning coordination between and among local and state agencies, and (3) coordinating state financial assistance to local government for land preservation and development activities.

Explanation: A uniform, systematic approach is needed for addressing statewide land preservation and development problems in a way that reflects statewide priorities. An inter-agency, inter-governmental process and structure are needed for improved coordination. The process would include clarification of responsibilities and procedures.

The basic requirement is for a formal procedure whereby people who need to talk to each other are organized so that they have to talk to one another. Areas of mutual interest and conflict should be recognized. The coordination process should be a mechanism for interrelating common interests and a procedure for negotiating and mitigating differences. One basic purpose is to overcome structural and jurisdictional fragmentation.

*"Land preservation policy decisions made today will affect the lives of county residents both now and in the future. Therefore, it is with an appreciation of our history, an awareness of the present and a reverent concern for the future that such decisions must be made."*

**Audubon County Land Preservation Policy Commission**

*"Our land must be treated with dignity and care like that which a rare and precious commodity is given. With wise planning and cooperation of all people, we can enhance the quality of life for all."*

**Blackhawk County Land Preservation Policy Commission**

*"A growing concern about how land is used is reflected in the policies approved by the commission. A land use policy must be understood and accepted by most of the people if its objectives are to be realized."*

**Franklin County Land Preservation Policy Commission**

*"Available land must be recognized as a limited resource, and must be used intelligently for food and fiber production, development of industry and commercial uses, and leisure time activities."*

**Linn County Land Preservation Policy Commission**

*"Recognizing the amount of land available is limited, it is imperative that some guiding principles be established to ensure the preservation of land for the continuing benefit of human society."*

**Cass County Land Preservation Policy Commission**

*"Land use issues are related to virtually every aspect of community life and a simple solution to land use problems may not be possible."*

**Dubuque County Land Preservation Policy Commission**

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