SIERRA CLUB **IOWA CHAPTER**

Policy on Smart Planning

In Iowa, zoning regulations are determined by municipal and county ordinances; there are some guidelines set at the state level. Zoning regulations define land use, such as transportation, housing, manufacturing and industry, commercial uses. There are three sets of documents involved in zoning

1. the comprehensive plan which sets out the vision
2. the zoning regulations which lay out the zoning designations, and activities allowed for each designation
3. the land use map which lays out the county or municipality and its zoning designation

In 2010 the Iowa Code was amended to incorporate smart planning principles in local comprehensive planning and to provide guidance for the comprehensive plans, zoning decisions, and development decisions.[1] The ten smart planning principles are

1. Collaboration. Government, community, and individual stakeholders are encouraged to be involved and to provide comment during the deliberation of planning, zoning, development, and resource management decisions, as well as during the implementation of the decisions. Stakeholders do not have to live in the jurisdiction.
2. Efficiency, transparency, consistency. Planning, zoning, development, and resource management should be undertaken in a manner that provides consistent outcomes, is efficient and transparent, and promotes equitable distribution of the development benefits and costs.
3. Clean, renewable, and efficient energy. Clean, renewable energy should be promoted, as well as increased energy efficiency.
4. Occupational diversity that includes expanding entrepreneurial opportunities, promoting access to training, and establishing business in locations near existing infrastructure, transportation, and housing.
5. Revitalization of communities and reusing buildings and sites.
6. Housing diversity.
7. Community character is maintained by keeping architectural styles consistent when buildings are constructed or remodeled.
8. Natural resources and agriculture protection.
9. Sustainable design, which results in efficient use of land, energy, water, air, and materials.

Photo credit: Lynn Betts, USDA NRCS

[1] Iowa Code Section 18B.1

Sierra Club Iowa Chapter, 3839 Merle Hay Road, Suite 280, Des Moines, Iowa, 50310. 515-277-8868
Email: iowa.chapter@sierraclub.org Web: www.sierraclub.org/iowa Facebook: Iowa Chapter Sierra Club

10. Transportation diversity that promotes expanded transportation options.

Smart planning attracts economic development, in an area that is compatible with its present use while preserving the natural areas and character of the community. That results in livable communities.

The Iowa Chapter supports regional planning, such as planning covering the same regions as the Council of Governments and Metropolitan Planning Organizations that are currently in place in Iowa.

Counties and municipalities would still have their own comprehensive plans and zoning regulations. Those plans would fit into a regional plan and vision.

For those municipalities that border other municipalities, regional planning is beneficial to economic interests as well as to people who want to select places to live.

Another opportunity for regional planning is a watershed planning process that would look at flood prevention and mitigation, implementation of clean water projects, and water testing for the major rivers. The goal should be to make the rivers and creeks in an entire watershed safe for swimming, wading, and other recreation; the fish safe to eat; and the water clean and able to support the native plants and animals that inhabit it.

The Iowa chapter supports establishing an office of planning and programming, that is not a part of the economic development department.

Until 1985 Iowa had an Office of Planning and Programming. This office needs to be returned.

This office would store the comprehensive plans, provide GIS services, and would provide training and information on smart planning. It would pull together the planning efforts of lots of entities in state government.

This office would be responsible for administering incentives to local jurisdictions to pursue smart planning.

The Office of Planning and Programming would provide expertise in planning to cities and counties.

For smart planning to work, local governments need to make sure that projects being developed in a community are placed with adherence to the comprehensive plans and zoning regulations. Only in rare cases should a comprehensive plan be changed or a zoning regulation be changed to accommodate a development project.

When a comprehensive plan and zoning map are created, the community, as a whole, knows what is expected and planned for an area. Citizens make plans for their residences based on how a neighborhood is zoned. Companies make decisions for their businesses based on the zoning of an area.

However, today, if a developer decides to develop some land and the zoning does not match, jurisdictions regularly fall over backward to do whatever it takes to get the development, including changing comprehensive plans, changing zoning regulations, and changing zoning maps. The same happens if a new business wants to locate in a community.

The planning process, comprehensive plans, zoning maps, and zoning regulations should not discourage a development or new business from locating in a community. However, when a jurisdiction does whatever it can for a new project, the existing neighboring landowners can find their existing uses of the land to be incompatible with what the new development is proposing; the new projects can be very detrimental to their own uses of their property. Often the neighbors find their voices are unheard by the authorizing boards and government decision makers and the neighbors feel discriminated against.

This feeling is enhanced in those communities where the Planning and Zoning staff appear before the decision-makers in roles of both presenting the project and selling the project. In some jurisdictions, the project developer himself or herself never appears before the decision-makers to describe the project. For example, in the City of Cedar Rapids, the developer does not make the presentation to the Planning and Zoning Commission or to the City Council. On the other hand, in Waterloo the City Planner makes a presentation of what they have found and what their recommendation is while the developer describes the project, presents the maps of the property, and shows the design being planned.

Changes in comprehensive plans, zoning maps, and zoning regulations should be rare in order to protect all members of the community.

Changes to the comprehensive plan, zoning regulations, and zoning maps need to be done through a smart planning process.

Some real-world examples will illustrate this point.

Clayton County, Iowa wanted to accommodate siting and construction of a huge hotel/golf course/water park project. The project would not have complied with the comprehensive plan nor the zoning ordinance. So the county amended the comprehensive plan to make it more flexible to the point that almost anything would have been consistent with the plan. Then the property was rezoned in "compliance" with the comprehensive plan. The result was that good farmland was slated to be taken out of production to make room for this development. Ultimately the project was abandoned.

Photo credit: Lynn Betts, USDA NRCS

A similar incident occurred in Hudson, Iowa. The City of Hudson, some 20 years ago, annexed many acres of farmland between its actual urban area and the City of Cedar Falls. This was done to prevent Cedar Falls from annexing that area. Then two families wanted to develop a few acres into a gated residential community on what was agricultural land surrounded by other agricultural land. So the city changed the comprehensive plan at the request of these landowners so that the rezoning to residential from agricultural would comply with the comprehensive plan.

The City of Waterloo wanted to accommodate the construction of a coal-fired electric power plant that would be owned and operated by a private company. The company bought property for the plant a couple of miles or so east of the Waterloo city boundary. The company sought to annex its site to

the city and then rezone it from agricultural to industrial. The first time the city tried to annex the property, they attempted to connect the land to the city by including a county road as the connector. This is called a flagpole annexation because the connecting strip looks like a flagpole and the property to be annexed looks like a flag. When the city realized that the annexation would not be accepted by necessary percentage of adjoining landowners, they next decided to use a railroad right of way as the connector (flag pole). The City Development Board stopped that annexation. However, there was a lot of public money involved and wasted before this annexation was denied.

Similarly the City of Cedar Rapids attempted to annex a housing development for large houses by connecting the city to the development along Indian Creek and the Sac and Fox bike trail. Again the City Development Board denied the application, since it was a flagpole annexation.

In Dubuque County, residents of a housing development suddenly found themselves adjacent to a concrete batch plant, with noise, dust, and heavy truck traffic as a result of a zoning change made strictly for the benefit of the cement company.

Planning and zoning administrators, members of the Board of Adjustment, members of the Planning and Zoning Boards, members of the Board of Supervisors, members of City Councils, members of the City Adjustment Board, and members of the metropolitan planning organization should receive training on smart planning before they are allowed to serve. Regular refresher courses should be offered thereafter.

If a community develops smart plans, only to find that the plans are cast aside whenever a developer or business asks for an exception, then the smart planning process is a waste. Having knowledgeable decision makers who understand the principles of smart planning would help protect the interests of all parties.

Houses, garages, and business buildings should not be allowed in the 500-year floodplain and 100-year floodplain. Likewise fill should not be allowed in the floodplain.

Photo credit: USDA NRCS

When someone builds in a floodplain or puts fill in a floodplain, the floodwaters are diverted to other properties upstream and downstream. If this is done over significant areas in a floodplain, a landowner who previously was not in the floodplain can suddenly find his property in the floodplain.

As structures are destroyed in floods, funds should be used to remove both the structure and the fill that was brought into the floodplain.

Floodplain maps need to be kept updated, especially after flooding.

Across the state, wetlands need to be restored.

The wetlands can store tremendous amounts of water, thus helping to avoid flooding.

Many acres of wetlands have been filled in over the years. Tiling has also drained many acres of wetlands.

Municipal areas need to implement methods to retain storm water, on the property rather than rushing the water into a storm sewer and discharging it into a waterway. Those methods include impermeable paving, rain gardens, planting deep-rooted prairie plants, retention basins, and restoration of wetlands.

Concentrated animal feeding operations (CAFOs) need to be included in planning and zoning activities. County comprehensive plans need to be allowed to consider and plan for CAFOs. Planning and zoning regulations need to include the siting of CAFOs. County zoning maps need to be able to locate CAFOs to appropriate areas in the county.

In Iowa, one whole industry is currently being excluded from planning and zoning measures – concentrated animal feeding operations (CAFOs) (industrial animal factories). As long as CAFOs are excluded, smart planning will never be successful.

These industrial animal factories clearly are not the idyllic picture you might imagine, where animals are outside grazing on pasture and the farmer gets to know his animals and lovingly cares for them. And these are not the small-scale family farms where a few animals are raised sustainably. These are definitely not the types of farms that one would see in the Iowa countryside in the 1950's or 1960's.

These industrial animal factories are large-scale operations of animals housed in barns or confined in open feedlots. In the case of confinement barns, the animals never go outside and never see sunlight from the time they are put in the barn until the time they are removed from the barn and transported to the slaughterhouse. In the case of pigs, the piglets are born inside of one enclosed barn and later are transferred to another barn, never being outside or seeing sunlight until they are transported to the finishing barns.

Although there are barns in Iowa that house 7,000 pigs, many house 2499 pigs since that number places the confinement structure below a number of regulatory thresholds. In the case of chickens, some barns hold several hundred thousand chickens. Similar barns are used to raise dairy cattle and turkeys.

Given that a pig generates as much manure as five human beings, a structure holding 7,000 pigs generates the equivalent manure as 35,000 people and a barn holding 2499 pigs generates the equivalent manure as 12,495 people. The manure is stored in open-air holding tanks or pits under the barns until it can be emptied in the spring or fall, although most of the manure receptacles are emptied only in the fall. In the case of hog manure, it is stored in liquid form until it can be knifed into the ground. Poultry manure is stored in a dry form. None of the manure is treated, as is required for municipal sewage.

The neighbors complain of stench emanating from the production areas (barns, manure receptacles). The neighbors are not able to hang laundry out to dry. They are not able to sit in their yards, have picnics in their yards, or recreate in their own yards because of the stench. Physical symptoms suffered by the neighbors include watery eyes, sore throats, trouble breathing, and nausea. These symptoms result from hydrogen sulfide, methane, ammonia, fine particulate matter (PM 2.5). Once the manure is applied on the spread fields, the neighbors complain that the stench emanating from the fields lasts for weeks.

Once a landowner decides to put a CAFO in a county, there is little that can be done about it, once the set-back distances are met. The Board of Supervisors has little authority over the placement or size of the CAFO. The Iowa Department of Natural Resources can do little about the placement or size, except to make sure that what regulation is in place is followed. Those regulations are clearly designed to favor the CAFO and not the neighbors. The neighbors are excluded from planning and have little that can be done on their behalf in authorizing the siting.

Yet, once a CAFO is built, it does not matter what the comprehensive plans and zoning maps have in mind for the area and the fields where manure is applied. No one wants to build a house next to the application fields and the CAFO production areas. Most businesses would not want to be located next to a CAFO operation, including hotels, restaurants, office buildings, and recreation facilities.

For those locales that have implemented zoning regulations, no other large-scale factory or industry is exempted from the zoning regulations. CAFOs should be subjected to local zoning regulations.

Local jurisdictions need to take into consideration in-fill, rather than allowing unbridled development on farmland. Growth should be sustainable growth, not just economic development.

One of our greatest resources is our rich farmland and we should do everything we can to protect that land from being overrun with development, especially when land is already available in cities that can be built on or rebuilt.

Over the years there appears to be a significant over-build of commercial property, some due to speculative building while some is due to the loss of businesses. Industries and businesses should be encouraged to move into existing structures rather than building on undeveloped ground.

When new housing is developed, an eye should be given to building housing for all ages of individuals and all income levels.

If undeveloped land (farmland) is used for a building project, the project should not quality for tax increment financing (TIF). TIF should be reserved for those projects that upgrade existing buildings and structures.

With respect to projects that are granted TIF, all taxing authorities should be given the opportunity to vote its share of tax revenue toward the project and that the school system should not ever give up its tax revenue for a TIF project. Today a city can grant TIF on a project, and all taxing authorities have to give up the tax revenue on the improvement. In the case of money that would be given to the local school system, that money is made up through the state funding of the school. For example, today if a city grants TIF on a project, the county, and community college are also forced to give up their tax revenue on the development.

The Chapter supports policies that encourage the reuse and clean-up of greyfields and brownfields. Greyfields are obsolete and abandoned retail and commercial sites. Brownfields are obsolete and abandoned industrial sites, which are often accompanied by environmental contamination.

Protection of natural areas is key in smart planning.

Iowa has already lost a significant amount of its natural areas.

Jurisdictions should be encouraged to protect natural areas, such as wetlands, prairies, and woodlands. If needed to protect natural areas, then jurisdictions should be allowed to relax some set-backs.

Regional transportation plans need to be more attuned to smart planning principles and need to do a better job of protecting natural areas.

The Iowa Legislature said it best in the preamble to the REAP law[2]:

> The citizens of Iowa have built and sustained their society on Iowa's air, soils, waters, and rich diversity of life. The well-being and future of Iowa depend on these natural resources.
>
> Many human activities have endangered Iowa's natural resources. The state of Iowa has lost ninety-nine and nine-tenths percent of it prairies, ninety-eight percent of its wetlands, eighty percent of its woodlands, fifty percent of its topsoils, and more than one hundred species of wildlife since settlement in the early 1800's. There has been a significant deterioration in the quality of Iowa's surface and groundwaters.
>
> The long-term effects of Iowa's natural resource losses are not completely known or understood, but detrimental effects are already apparent. Prevention of further loss is therefore imperative.
>
> The air, waters, soils, and biota of Iowa are interdependent and form a complex ecosystem. Iowans have the right to inherit this ecosystem in a sustainable condition, without severe or irreparable damage caused by human activities.

There can be no better statement of the need for smart planning and reducing sprawl.

Department of Transportation (DOT) highway planners need to respect natural areas. There have been projects where the DOT has done the right thing -- protecting the Eddyville Dunes, protecting Engeldinger Marsh, and moving Highway 20 to protect the Hardin County green belt along the Iowa River. However, the DOT did not respect and protect the Rock Island County Preserve in Linn County which was in the path of Highway 100. In each of these projects where there is a natural area, protection of the area has involved a significant fight from members of the public. It is currently not a part of the DOT principles to

Photo Credits: Lynn Betts, USDA NRCS

[2] Iowa Code Section 455A.15

protect natural areas, especially significant natural areas. As one former DOT official said, "NEPA [National Environmental Policy Act] does not require us to make the right decision, just an informed decision." The DOT needs to do a much better job in this area.

Also mitigation does not work satisfactorily, which occurs when a project destroys a natural area and the DOT tries to move the species to another location. Mitigation seems to be the DOT's first answer while the Iowa Chapter believes mitigation should be used sparingly and only if the damage cannot be avoided or mitigated.

Any project funded by DOT money should have an environmental review and should be required to avoid natural areas.

Concluding thoughts

Smart planning and the side-effects of bad planning are with us every single day of our lives. As people have conversations about their lives, they do not often talk about smart planning or sustainability even though the topics they discuss clearly involve smart planning and sustainability. People talk about their children and the schools their children attend. They discuss their jobs, the jobs they want, and the jobs they have lost. They talk about transportation issues, their personal vehicles, public transit or the lack thereof, and crowded highways. They talk about fresh air and parks for their families to enjoy. They talk about making a better place for themselves, their children, and their grandchildren. They sit at their kitchen tables and think about their family finances and hope that they have extra money to pay for all of their needs and some of their wishes. And they are concerned about how their tax dollars are spent. All of these issues are components of smart planning and sustainability.