



IOWA CHAPTER

Your City Can Adopt Ordinances Requiring Builders to Return Topsoil After Construction

Problem

Nothing is more disappointing to a home owner than realizing that the builder did not return the topsoil to the lot before the sod was laid. Without topsoil, nothing seems to grow. Grass, flowers and trees struggle to establish roots where there is no topsoil. Fertilizer does not help. Water does not soak into the soil.

What's more, trying to repair the situation is a costly ordeal – in money, time and labor -- ripping up sod, bringing truckloads of topsoil to the property, hiring or renting equipment to spread the topsoil on the lot and restoring sod. It is much cheaper to put the topsoil back during construction. What's more, the cost of that work can be easily included in the purchase price of the home and in the homeowner's loan.

Many homeowners just give up on trying to establish a healthy lawn. In the end, the fertilizer runs off the lot, polluting Iowa's streams, rivers and lakes. Storm water rushes off the lot, increasing flood risk to communities.

Rules requiring topsoil replacement were neutered by the Governor and the Department of Natural Resources in 2014 and 2015.

The Environmental Protection Agency rules currently require that a builder returns topsoil to the lot after construction.

For several years the Iowa Department of Natural Resources (DNR) required four-inches of topsoil to be returned after construction. Four inches was a compromise, since that amount of soil would reach the top of a concrete driveway. Several politically powerful builders complained to the governor and the Iowa DNR that they felt the rule was too costly and was burdensome. Many areas in Iowa have more than four inches of topsoil. Yet the builders did not want to return the bare minimum to a lot. So in 2014 and 2015, DNR began changing the rules to eliminate the 4-inch requirement. The revised rules, in essence, allow the builder to do whatever he wants – put the soil at the bottom of a detention basin, moving it to a low spot.



Photo by Lynn Betts, USDA NRCS

What Cedar Rapids found in an independent study

Cedar Rapids residents complained for years that they were purchasing properties with no topsoil restored following construction of their homes. In response to these complaints along with attempts to improve stormwater management, the City of Cedar Rapids hired an independent company, Team Services from Des Moines, to look at the topsoil depth on several newer developments in the city. Soil samples were taken from 26 lots in 13 developments, built by nine developers in the last six years. The test results proved what the homeowners had been saying. As reported by Todd Dorman in the *Cedar Rapids Gazette*, Jen Winter, public works director stated, “We did find, in a majority of sites we tested, they were more densely compacted than we’d like to see and had a higher clay content.” Dorman also reported that Council member Scott Olson indicated that “some test plots were more akin to concrete than soil.”¹

Your local city government can require builders to set topsoil requirements.

Homeowners across Iowa can relate horror stories about trying to grow grass, trees and gardens on lots that have been stripped of topsoil.

Builders claim that restoring topsoil is expensive. All the while, builders are choosing other features in their projects that are also expensive -- granite counter tops, bump-outs in homes and expensive appliances. At the same time, these builders have decided if they do not return the topsoil to a lot, they can cut corners and reduce the costs.

Your city can require homebuilders to restore topsoil once the construction work has been completed. The steps are:

1. Determine who is responsible for storm water management and building permits in your community.
2. Ask them to point you to ordinances that affect building codes and storm water.
3. Meet with them about your concerns. Ask them the process for making changes in the local ordinances.
4. Begin working with council members in order to get the rules adopted.



Photo by Lynn Betts, USDA NRCS

North Liberty and Coralville have passed ordinances that require the existing topsoil to be preserved and returned after construction, spread uniformly across the building site in an uncompacted manner.

¹ Todd Dorman, “Tests make a case for topsoil rule,” *Cedar Rapids Gazette*, June 23, 2016