

Senate Amendment 5188

Amendment Text

PAG LIN

1 1 Amend [Senate File 2037](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. Section [335.2](#), Code 1995, is amended
1 5 to read as follows:
1 6 335.2

~~FARMS~~

~~AGRICULTURAL PURPOSES EXEMPT.~~

1 7 1. As used in this section:
1 8 a. "Agricultural purpose" means any use connected
1 9 or related to farming as defined in section 9H.1.
1 10 b. "Animal feeding operation" and "animal feeding
1 11 operation structure" mean the same as defined in
1 12 section 455B.161.
1 13 c. "Manure storage structure" means a structure
1 14 used to store manure produced by an animal feeding
1 15 operation and includes an anaerobic lagoon, earthen
1 16 manure storage basin, or formed manure storage
1 17 structure, as defined in section 455B.161.
1 18 2. Except

~~to the extent required to implement~~

~~as~~

1 19 provided in this section.

~~335.27, no~~

~~an ordinance~~

1 20 adopted under this chapter

~~applies~~

~~shall not apply to~~

1 21 land,

~~farm~~

~~including houses,~~

~~farm~~

~~barns,~~

~~farm~~

~~outbuildings.~~

~~or~~

~~and other buildings or structures.~~

1 23 which

~~are~~

~~is primarily adapted, by reason of nature~~

1 24 and area, for

~~use for~~

~~an agricultural~~

~~purposes~~

~~-~~

1 25 purpose, while so used.

~~1 26 However, the ordinances may~~

1 26

~~1 27 apply to any~~

1 27 3. Subsection 2 shall not prohibit an ordinance
1 28 adopted pursuant to this chapter if the ordinance
1 29 applies to either of the following:

1 30 a. A structure, building, dam, obstruction,
1 31 deposit or excavation in or on the flood plains of any
1 32 river or stream.

1 33 b. The implementation of an agricultural
1 34 preservation ordinance, as provided in section 335.27.

1 35 4. a. Subsection 2 shall not prohibit an
1 36 ordinance adopted pursuant to this subsection which
1 37 applies to animal feeding operations, including animal
1 38 feeding operation structures, constructed or expanded
1 39 after the effective date of this Act.

1 40 b. The county board of supervisors shall not adopt
1 41 the ordinance until the board conducts a county-wide
1 42 nitrogen use analysis as provided for in this
1 43 subsection. The methodology employed in performing
1 44 the analysis must be approved by the department of
1 45 natural resources according to procedures adopted by
1 46 the department after consultation with the animal
1 47 agriculture consulting organization as provided in
1 48 1995 Iowa Acts, chapter 195, section 37.

1 49 c. The analysis must find that the total nitrogen
1 50 content of manure that is expected to be applied to
2 1 land in the county and originating from manure storage
2 2 structures located in the county, during the course of
2 3 the next twelve-month period, exceeds the expected
2 4 total nitrogen use necessary to obtain optimum crop
2 5 yields on land used for producing crops in the county.
2 6 The resulting value shall then be corrected for
2 7 expected nitrogen loss. Information to complete the
2 8 required calculations must account for the soil types
2 9 used to produce crops, the number of acres used to
2 10 produce crops, and the types of crops produced in the
2 11 county.

2 12 d. The calculations used by the county board of
2 13 supervisors in its analysis shall be based upon rules
2 14 adopted by the department of natural resources in
2 15 cooperation with Iowa state university and the
2 16 department of agriculture and land stewardship. The
2 17 rules shall provide that the calculations may be based
2 18 on conclusions by sources determined credible by the
2 19 department of natural resources, including, but not
2 20 limited to, Iowa state university, the United States
2 21 department of agriculture, a registered professional
2 22 engineer, or an individual certified as a crop
2 23 consultant by the American registry of certified
2 24 professionals in agronomy, crops, and soils, certified
2 25 crop consultants, or the registry of environmental and
2 26 agricultural professionals. Upon request, the
2 27 department of natural resources shall provide to a
2 28 county information regarding the nitrogen content of
2 29 manure to be applied on land in the county according
2 30 to manure management plans filed with the department
2 31 pursuant to section 455B.203.

2 32 e. At any time after twelve months following the
2 33 adoption of an ordinance under this subsection, a
2 34 petition protesting the findings of the analysis may
2 35 be submitted to the county board of supervisors. The

2 36 petition must be signed by at least ten percent of all
2 37 owners of animal feeding operations in the county,
2 38 each of whom resides in the county and has received at
2 39 least ten thousand dollars for animals sold in the
2 40 previous twelve-month period. The ordinance shall be
2 41 nullified unless within six months following receipt
2 42 of the petition by the county board of supervisors,
2 43 the board conducts a subsequent analysis as provided
2 44 in this subsection which confirms the findings of the
2 45 previous analysis, and the board adopts the subsequent
2 46 analysis by resolution."

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2 49 _____

2 50 DERRYL [McLAREN](#)

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3 4 BRAD [BANKS](#)

3 5 [SF 2037.6](#)

3 6 da/cc/26