

Senate File 455

H-8162

1 Amend the amendment, H-8004, to Senate File 455, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 3, through page 3, line 2, and
4 inserting:

5 <1. By striking everything after the enacting clause and
6 inserting:

7 <Section 1. Section 331.301, Code 2024, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 23. *a.* For purposes of this subsection:

10 (1) "*Construction site*" means the same as used in a storm
11 water general permit adopted by rule pursuant to section
12 455B.103A.

13 (2) "*Topsoil*" means the same as used in a storm water
14 general permit adopted by rule pursuant to section 455B.103A.

15 *b.* A county shall not adopt or enforce an ordinance,
16 motion, resolution, or amendment relating to the preservation,
17 compaction, placement, or depth of topsoil at a construction
18 site that is more restrictive than those requirements provided
19 in the national pollutant discharge elimination system general
20 permit no. 2 as issued by the department of natural resources.
21 A county may develop standards to evaluate topsoil quantities
22 before and after construction and ensure compliance with
23 general permit no. 2. A county may request that the department
24 of natural resources review the soil of a construction site to
25 verify that the national pollutant discharge elimination system
26 general permit no. 2 as issued by the department of natural
27 resources is proper for the construction site.

28 *c.* (1) A county may adopt or enforce an ordinance, motion,
29 resolution, or amendment that regulates storm water runoff at a
30 construction site only to the extent that such regulation for
31 rainfall events having a return frequency ranging from five
32 through one hundred years does not require a post-construction
33 storm water flow rate that is more restrictive than the
34 existing flow rate of a rainfall event having a return
35 frequency of five years, with all such runoff rates based on

1 the actual existing condition of the site at the time the
2 construction commences.

3 (2) A county may adopt or enforce an ordinance, motion,
4 resolution, or amendment that regulates storm water runoff
5 from upstream properties adjacent to a construction site to
6 the extent that storm water runoff shall be allowed to pass
7 through downstream storm water basins at the same flow rates as
8 off-site storm water runoff entering the construction site.

9 (3) A county may impose a storm water runoff requirement
10 that is more restrictive than what is allowed or required by
11 this paragraph at the construction site if the county meets all
12 of the following conditions:

13 (a) The county pays for all study, design, and engineering
14 costs for implementing the more restrictive storm water
15 runoff requirement that includes an analysis by a licensed
16 professional engineer of the difference in costs between the
17 requirements of this paragraph and the more restrictive county
18 storm water runoff requirement.

19 (b) The county pays for the difference of costs between
20 the requirements of this paragraph and the more restrictive
21 requirement imposed by the county for installation of equipment
22 or practices required for a property owner to comply with the
23 storm water runoff requirement.

24 (c) If the storm water runoff requirement results in the
25 county using a person's private property, whether by easement
26 or otherwise taking an interest in the property, the county
27 pays the property owner the fair market value of the property
28 taken for any additional land required beyond the requirements
29 of this paragraph.

30 (d) A county shall not impose a special assessment or
31 otherwise recover the costs from the property owner for the
32 portion of the costs attributable to the county.

33 (e) The costs attributable to the county shall only apply
34 to the storm water management practices addressed in this
35 paragraph.

1 Sec. 2. Section 364.3, Code 2024, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 18. *a.* For purposes of this subsection:

4 (1) "*Construction site*" means the same as used in a storm
5 water general permit adopted by rule pursuant to section
6 455B.103A.

7 (2) "*Topsoil*" means the same as used in a storm water
8 general permit adopted by rule pursuant to section 455B.103A.

9 *b.* A city shall not adopt or enforce an ordinance, motion,
10 resolution, or amendment relating to the preservation,
11 compaction, placement, or depth of topsoil at a construction
12 site that is more restrictive than those requirements provided
13 in the national pollutant discharge elimination system general
14 permit no. 2 as issued by the department of natural resources.
15 A city may develop standards to evaluate topsoil quantities
16 before and after construction and ensure compliance with
17 general permit no. 2. A city may request that the department
18 of natural resources review the soil of a construction site to
19 verify that the national pollutant discharge elimination system
20 general permit no. 2 as issued by the department of natural
21 resources is proper for the construction site.

22 *c.* (1) A city may adopt or enforce an ordinance, motion,
23 resolution, or amendment that regulates storm water runoff at a
24 construction site only to the extent that such regulation for
25 rainfall events having a return frequency ranging from five
26 through one hundred years does not require a post-construction
27 storm water flow rate that is more restrictive than the
28 existing flow rate of a rainfall event having a return
29 frequency of five years, with all such runoff rates based on
30 the actual existing condition of the site at the time the
31 construction commences.

32 (2) A city may adopt or enforce an ordinance, motion,
33 resolution, or amendment that regulates storm water runoff from
34 upstream properties adjacent to a construction site only to the
35 extent that storm water runoff shall be allowed to pass through

1 downstream storm water basins at the same flow rate as off-site
2 storm water runoff entering the construction site.

3 (3) A city may impose a storm water runoff requirement that
4 is more restrictive than what is allowed or required by this
5 paragraph at the construction site if the city meets all of the
6 following conditions:

7 (a) The city pays for all study, design, and engineering
8 costs for implementing the storm water runoff requirement that
9 includes an analysis by a licensed professional engineer of the
10 difference in costs between the requirements of this paragraph
11 and the more restrictive city storm water runoff requirement.

12 (b) The city pays for the difference of costs between
13 the requirements of this paragraph and the more restrictive
14 requirement imposed by the city for installation of equipment
15 or practices required for a property owner to comply with the
16 storm water runoff requirement.

17 (c) If the storm water runoff requirement results in the
18 city using a person's private property, whether by easement or
19 otherwise taking an interest in the property, the city pays the
20 property owner the fair market value of the property taken for
21 any additional land required beyond the requirements of this
22 paragraph.

23 (d) A city shall not impose a special assessment or
24 otherwise recover the costs from the property owner for the
25 portion of the costs attributable to the city.

26 (e) The costs attributable to the city shall only apply
27 to the storm water management practices addressed in this
28 paragraph.>>

DUNWELL of Jasper