

JAN 31 1997
Agriculture

HOUSE FILE
BY GARMAN

138

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county zoning of certain confinement swine
2 feeding operations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 138

1 Section 1. Section 335.2, Code 1997, is amended to read as
2 follows:

3 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

4 1. As used in this section, "confinement swine feeding
5 operation" means a confinement feeding operation as defined in
6 section 455B.161 in which swine are confined and fed.

7 2. ~~Except to-the-extent-required-to-implement-section~~
8 ~~335.27, no~~ as provided in this section, an ordinance adopted
9 under this chapter applies shall not apply to an agricultural
10 operation, including land, farm houses, farm barns, farm
11 outbuildings, or other buildings or structures, which are
12 primarily adapted, by reason of nature and area, for use-for
13 an agricultural purposes purpose, while so used. However, the
14 ordinances an ordinance adopted under this chapter may apply
15 to any of the following:

16 a. The implementation of an agricultural land preservation
17 ordinance, as provided in section 335.27.

18 b. A structure, building, dam, obstruction, deposit, or
19 excavation in or on the flood plains of any a river or stream.

20 c. A confinement swine feeding operation. However, an
21 ordinance adopted under this chapter shall not apply to a
22 confinement swine feeding operation, if any of the following
23 are applicable:

24 (1) There are less than three thousand five hundred head
25 of swine subject to care and feeding by the confinement swine
26 feeding operation.

27 (2) The owner of the parcel of agricultural land where the
28 confinement swine feeding operation is located is qualified to
29 file for a homestead tax credit as provided pursuant to
30 section 425.2 on that parcel.

31 EXPLANATION

32 This bill amends section 335.2 which currently provides
33 that land and structures relating to an agricultural operation
34 are exempt from county zoning requirements. The bill provides
35 that the exemption does not apply to confinement swine feeding

1 operations unless certain alternative conditions are
2 satisfied. The exemption applies if the operation has less
3 than 3,500 head of swine, or the owner of the land where the
4 operation is located is qualified to file a homestead tax
5 credit on that parcel of land.

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