

MAR 12 1999

Agriculture

HOUSE FILE
BY MUNDIE

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

A BILL FOR

1 An Act relating to siting confinement feeding operations in which
2 swine are kept and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 674

1 Section 1. NEW SECTION. 331.309 CONFINEMENT FEEDING
2 OPERATIONS -- SITING ORDINANCE.

3 1. As used in this section:

4 a. "Animal feeding operation structure" means the same as
5 defined in section 455B.161.

6 b. "Animal weight capacity" means the same as defined in
7 section 455B.161.

8 c. "Confinement feeding operation" means the same as
9 defined in section 455B.161.

10 2. a. Notwithstanding section 331.304A or 335.2, a county
11 may adopt a confinement feeding operations siting ordinance,
12 pursuant to section 331.302. The purpose of the ordinance
13 shall be to provide approval of the siting of a confinement
14 feeding operation, regardless of whether the county has
15 adopted a zoning ordinance under chapter 335.

16 b. The confinement feeding operations siting ordinance
17 shall apply to the siting of animal feeding operation
18 structures which are part of confinement feeding operations in
19 which swine are kept. However, the ordinance shall not apply
20 to a confinement feeding operation having an animal weight
21 capacity of swine of three hundred thousand pounds or less.

22 c. The ordinance shall authorize the approval or
23 disapproval of the construction or expansion of a confinement
24 feeding operation, including confinement feeding operation
25 buildings and related animal feeding operation structures as
26 provided in a proposal submitted to the county board of
supervisors. The proposal shall be deemed approved unless
28 fifty eligible voters of the county file a petition objecting
29 to the proposal with the county as provided in this section.

30 d. The ordinance shall provide for methods and procedures
31 required to appoint and replace members of a confinement
32 feeding operations siting commission, to submit proposals, and
33 to notify the department of natural resources of an approval
34 or disapproval.

35 3. The county shall establish a confinement feeding

1 operations siting commission which shall be composed of
2 members of the board of supervisors and five members appointed
3 by the board. Of the members appointed by the board, four
4 members shall not reside in a city, and one member shall
5 reside in a city. At least three of the appointed members
6 shall be persons who are or were actively engaged in animal
7 agriculture.

8 4. Within ten days following receipt of a proposal for
9 siting a confinement feeding operation, the commission shall
10 publish a notice of the proposal for a period of not less than
11 five days in at least one newspaper of general circulation in
12 the county as provided in section 618.3. The notice shall
13 provide a summary of the proposal, including the location of
14 the proposed site, the size of the confinement feeding
15 operation, and the name of the owner of the confinement
16 feeding operation. The notice shall state that the commission
17 shall meet at a time and location specified in the notice to
18 approve or disapprove the proposal if fifty eligible voters in
19 the county sign a petition objecting to the proposal, that is
20 filed with the board of supervisors within ten days from the
21 last date that the notice is required to be published.

22 5. If the board of supervisors receives a petition signed
23 by at least fifty eligible voters in the county objecting to
24 the proposal as provided in this section, the commission shall
25 conduct a meeting to approve or disapprove the petition within
26 twenty days following the last date that the notice is
27 required to be published under subsection 4. Within five days
28 following receipt of the petition, the commission shall
29 publish a notice of the meeting by mailing the notice to each
30 member signing the petition. The commission shall also
31 publish a notice of the meeting on the proposal for a period
32 of not less than five days in at least one newspaper of
33 general circulation in the county as provided in section
34 618.3. The notice shall provide a summary of the proposal,
35 including the location of the proposed site, the size of the

1 confinement feeding operation, and the name of the owner of
2 the confinement feeding operation. The notice shall state
3 that the commission shall meet at a time and location
4 specified in the notice to approve or disapprove the proposal.
5 Any member of the commission who resides within two miles from
6 the proposed site shall be recused from considering the
7 proposal. The commission shall adopt a resolution approving
8 or disapproving the proposal within five days following the
9 meeting. The approval or disapproval shall be based on the
10 need to preserve and protect natural resources, including
11 water sources and fragile environmental locations; lessen
12 congestion and overcrowding of confinement feeding operations,
13 especially near cities; and to protect the health and welfare
14 of the public.

15 Sec. 2. Section 455B.200A, subsection 1, Code 1999, are
16 amended to read as follows:

17 1. The department shall issue permits for the
18 construction, including the expansion, of animal feeding
19 operation structures, including structures which are part of
20 confinement feeding operations, as provided by rules adopted
21 pursuant to section 455B.200. The department shall issue a
22 permit to an animal feeding operation if an application is
23 submitted according to procedures required by the department
24 and the application ~~meets-standards-established-by-the~~
25 department complies with legal requirements provided in this
26 chapter and rules adopted by the department pursuant to this
27 section, regardless of whether the animal feeding operation is
28 required to obtain such a permit. The department shall not
29 require that a person obtain a permit for the construction of
30 an animal feeding operation structure if the structure is part
31 of a small animal feeding operation. For purposes of this
32 section, an animal feeding operation structure includes a
33 manure storage structure.

34 Sec. 3. Section 455B.200A, Code 1999, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 7A. If a county has passed a confinement
2 feeding operations siting ordinance as provided in section
3 331.309, the department shall not issue a construction permit
4 for the construction of an animal feeding operation structure
5 associated with a confinement feeding operation which keeps
6 swine, unless the application contains one of the following:

7 a. A resolution passed by the confinement feeding
8 operations siting commission certifying that the proposed site
9 has been approved.

10 b. A statement swearing that the confinement feeding
11 operations siting commission did not consider the proposal as
12 required in section 331.309.

13 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

16 This bill provides that a county may adopt a confinement
17 feeding operations siting ordinance. The purpose of the
18 ordinance is to allow approval or disapproval of the siting of
19 a confinement feeding operation regardless of whether the
20 county has adopted an ordinance under Code chapter 335. The
21 bill provides that the ordinance applies to the siting of
22 animal feeding operation structures which are part of
23 confinement feeding operations in which swine are kept. The
24 bill provides that ordinance does not apply to a confinement
25 feeding operation having an animal weight capacity of swine of
26 300,000 pounds or less. The bill provides for approval or
27 disapproval by a commission including the board of supervisors
28 for the county and members appointed by the board of
29 supervisors. The bill requires the commission must meet to
30 consider the proposal if 50 eligible voters in the county
31 petition the board of supervisors. If 50 eligible voters do
32 not submit a petition, the proposal is deemed approved.

33 The bill takes effect upon enactment.

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