

House File 2363 - Introduced

HOUSE FILE 2363

BY HANSON, GASKILL, FREVERT,
WHITEAD, BUKTA, SWAIM,
BERRY, KRESSIG, PETERSEN,
BEARD, STECKMAN, HUNTER,
WESSEL-KROESCHELL, LENSING,
WINCKLER, ISENHART, and
ABDUL-SAMAD

A BILL FOR

1 An Act authorizing counties to adopt county legislation
2 relating to the siting of confinement feeding operations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 459.305A County control of siting.

2 1. A county may adopt a confinement feeding operations
3 siting ordinance. The purpose of the ordinance is to allow
4 the county board of supervisors to approve or disapprove
5 the location of any construction, including expansion, of a
6 confinement feeding operation within the county.

7 2. A person shall not construct a confinement feeding
8 operation in a county that has adopted a confinement feeding
9 operations siting ordinance until the county board of
10 supervisors has approved the location of the confinement
11 feeding operation in a manner and according to procedures
12 required in the ordinance.

13 a. The county board of supervisors may subject its
14 approval to conditions for the construction or operation of
15 the confinement feeding operation or the application of manure
16 originating from the confinement feeding operation.

17 b. A person required to be issued a permit by the department
18 for the construction of a confinement feeding operation as
19 provided in section 459.303 must be issued such permit prior to
20 obtaining approval by the county board of supervisors.

21 c. A county board of supervisors may base its approval or
22 disapproval on factors other than factors considered by the
23 department when approving or disapproving an application to
24 construct the confinement feeding operation.

25 3. A county may adopt county legislation necessary to
26 effectuate the purposes of this section notwithstanding section
27 331.304A or 335.2.

28 EXPLANATION

29 This bill in part amends provisions in Code chapter 459 which
30 authorize the department of natural resources to issue permits
31 for the construction or expansion of structures associated with
32 a confinement feeding operation.

33 The bill provides that a county may adopt a confinement
34 feeding operations siting ordinance which allows a county board
35 of supervisors to approve the site where the construction is

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1 to occur. The board may place conditions on site approval if
2 the conditions relate to the construction or operation of the
3 confinement feeding operation or to manure application.

4 The bill provides that the county may adopt the ordinance
5 notwithstanding provisions in Code section 335.2 which prohibit
6 a county from zoning farm structures and Code section 331.304A
7 which prohibit a county from adopting legislation which
8 regulates animal agriculture.