

# House File 802 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 168)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for public comment regarding an application to  
2 construct a confinement feeding operation structure.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2168HV 83  
5 da/nh/14

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1 1 Section 1. Section 459.304, subsection 2, unnumbered  
1 2 paragraph 1, Code 2009, is amended to read as follows:  
1 3 Regardless of whether the county board of supervisors has  
1 4 adopted a construction evaluation resolution, the county ~~may~~  
1 5 shall provide comment to the department on a construction  
1 6 permit application for a confinement feeding operation  
1 7 structure.

1 8 Sec. 2. Section 459.304, subsection 2, paragraph b,  
1 9 unnumbered paragraph 1, Code 2009, is amended to read as  
1 10 follows:

1 11 The county board ~~may~~ of supervisors shall hold a public  
1 12 hearing to receive public comments regarding the application.  
1 13 The county board of supervisors may appoint a designee,  
1 14 including but not limited to the county's zoning commission,  
1 15 to hold the public hearing and receive public comments. The  
1 16 designee shall submit the public comments to the county board  
1 17 of supervisors. The county board of supervisors may submit  
1 18 comments by the board and shall submit comments presented at  
1 19 the public hearing to the department as provided in this  
1 20 section, including but not limited to all of the following:

1 21 EXPLANATION

1 22 This bill amends Code section 459.304 which allows a county  
1 23 board of supervisors to review an application to construct a  
1 24 confinement feeding operation structure (a confinement  
1 25 building or manure storage structure) and comment upon it to  
1 26 the department of natural resources before the department  
1 27 determines whether to issue the applicant a construction  
1 28 permit. As part of the review process, the board may hold a  
1 29 public hearing concerning the application. The bill requires  
1 30 the board to conduct the public hearing and submit comments  
1 31 presented there to the department. The bill provides that the  
1 32 board may appoint a designee such as its zoning commission, to  
1 33 hold the public hearing and receive the public comments.

1 34 The types of comments presented at a public hearing may  
1 35 include but are not limited to the existence of an object or  
2 1 location that are in proximity to the construction site, the  
2 2 suitability of soils and the hydrology of the construction  
2 3 site, the availability of land for manure application, and  
2 4 whether construction will impede drainage systems.

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