

**Senate File 2261 - Introduced**

SENATE FILE 2261

BY D. JOHNSON

**A BILL FOR**

1 An Act authorizing counties to adopt county legislation  
2 relating to the regulation of confinement feeding operations  
3 to preserve areas of vital economic value or environmental  
4 significance, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.304A, subsection 2, Code 2018, is  
2 amended to read as follows:

3 2. a. A county shall not adopt or enforce county  
4 legislation regulating a condition or activity occurring  
5 on land used for the production, care, feeding, or housing  
6 of animals unless the regulation of the production, care,  
7 feeding, or housing of animals is expressly authorized by  
8 state law. County legislation adopted in violation of this  
9 section is void and unenforceable and any enforcement activity  
10 conducted in violation of **this section** is void. A condition  
11 or activity occurring on land used for the production, care,  
12 feeding, or housing of animals includes but is not limited to  
13 the construction, operation, or management of an animal feeding  
14 operation, an animal feeding operation structure, or aerobic  
15 structure, and to the storage, handling, or application of  
16 manure or egg washwater.

17 b. Paragraph "a" does not apply to a special confinement  
18 feeding operations ordinance as provided in section 459.305A.

19 Sec. 2. Section 335.2, Code 2018, is amended to read as  
20 follows:

21 **335.2 Farms exempt.**

22 1. Except to the extent required to implement section  
23 335.27, no ordinance adopted under **this chapter** applies to  
24 land, farm houses, farm barns, farm outbuildings or other  
25 buildings or structures which are primarily adapted, by reason  
26 of nature and area, for use for agricultural purposes, while  
27 so used. However, the ordinances may apply to any structure,  
28 building, dam, obstruction, deposit or excavation in or on the  
29 flood plains of any river or stream.

30 2. Subsection 1 does not apply to a special confinement  
31 feeding operations ordinance as provided in section 459.305A.

32 Sec. 3. NEW SECTION. **459.305A Special confinement feeding**  
33 **operations ordinance.**

34 1. A county may adopt a special confinement feeding  
35 operations ordinance. The purpose of the ordinance is to allow

1 the county board of supervisors to regulate the siting and  
2 operation of a confinement feeding operation to ensure that it  
3 does not impact an area of the county that has vital economic  
4 value or environmental significance as determined by the county  
5 board of supervisors. An area may include but is not limited  
6 to a specific geographic location that is any of the following:

7     *a.* Devoted to tourism, recreation, hunting, or fishing.

8     *b.* Fragile or has a unique natural characteristic.

9     *c.* Environmentally sensitive, including but not limited to  
10 a high quality resource or karst terrain.

11     2. *a.* A special confinement feeding operation ordinance  
12 shall include findings of fact that support the board of  
13 supervisors' conclusion that the ordinance is necessary  
14 to protect areas of vital economic value or environmental  
15 significance.

16     *b.* The ordinance may include greater or additional  
17 restrictions on the construction, including expansion, of a  
18 confinement feeding operation structure, or the application of  
19 manure that originates from the confinement feeding operation  
20 than otherwise provided in this subchapter, including rules  
21 adopted by the department pursuant to this subchapter.

22     *c.* The ordinance or an action taken by a board of  
23 supervisors pursuant to the ordinance is not subject to review  
24 or approval by the department.

25     3. A person shall not construct, including expand, a  
26 confinement feeding operation structure in a county that has  
27 adopted a special confinement feeding operations ordinance  
28 until the county board of supervisors has approved the location  
29 of the confinement feeding operation in a manner and according  
30 to procedures required in the ordinance.

31     *a.* The county board of supervisors may subject its approval  
32 to conditions for the construction of the confinement feeding  
33 operation structure, the operation of the confinement feeding  
34 operation, or the application of manure originating from the  
35 confinement feeding operation.



S.F. 2261

1 The bill provides that the county may adopt the ordinance  
2 notwithstanding provisions in Code section 331.304A which  
3 prohibits a county from adopting legislation that regulates  
4 animal agriculture and Code section 335.2 which prohibits a  
5 county from adopting an ordinance that provides for the zoning  
6 of farm structures.

7 The bill would take effect upon enactment.