

Senate File 2260 - Introduced

SENATE FILE 2260

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A BILL FOR

1 An Act providing for county control of the siting and management
2 of confinement feeding operations.

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

unofficial

1 Section 1. Section 331.304A, subsection 2, Code 2026, is
2 amended to read as follows:

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

16 b. Paragraph "a" does not apply to a confinement feeding
17 operation structure that has been constructed or expanded
18 pursuant to a confinement feeding operations siting ordinance as
19 provided in section 459.305A.

20 Sec. 2. Section 335.2, Code 2026, is amended to read as
21 follows:

22 **335.2 Farms exempt.**

23 1. a. ~~Except to the extent required to implement section~~
24 ~~335.27 subsection 2, no~~ an ordinance adopted under this chapter
25 applies shall not apply to land, a farm houses house, a
26 farm barns barn, a farm outbuildings outbuilding, or any
27 other buildings building or structures structure that are is
28 primarily adapted, by reason of nature and area, for use for
29 an agricultural purposes purpose, while so used. However,
30 ~~the ordinances may apply to any structure, building, dam,~~
31 ~~obstruction, deposit, or excavation in or on the floodplains of~~
32 ~~any river or stream.~~

33 2. b. A county shall not require an application, an
34 approval, or the payment of a fee in order for an ordinance
35 to be deemed inapplicable to land, a farm barns barn, a farm

1 ~~outbuildings~~ outbuilding, or any other buildings building or
2 ~~structures~~ structure that are is primarily adapted for use for
3 an agricultural purposes purpose under this ~~section~~ subsection.

4 ~~3. c.~~ Land, a farm houses house, a farm barns barn, a
5 ~~farm outbuildings~~ outbuilding, or any other buildings building
6 or ~~structures~~ structure may qualify under this ~~section~~ subsection
7 independently or in combination with ~~either~~ another agricultural
8 ~~uses~~ use. Land enrolled in a soil or water conservation
9 program shall be considered land primarily adapted for use for
10 agricultural ~~purposes~~ purpose under this section.

11 2. An ordinance adopted under this chapter may apply to any
12 of the following:

13 a. The implementation of section 335.27.

14 b. The construction or expansion of a confinement feeding
15 operation structure pursuant to a confinement feeding operations
16 siting ordinance as provided in section 459.305A.

17 Sec. 3. Section 459.202, Code 2026, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 7. The separation distance requirements
20 provided in this section may be increased by a confinement
21 feeding operations siting ordinance as provided in section
22 459.202.

23 Sec. 4. Section 459.304, Code 2026, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 10. This section does not apply if a county
26 has adopted a confinement feeding operations siting ordinance as
27 provided in section 459.305A.

28 Sec. 5. NEW SECTION. 459.305A Confinement feeding
29 operations siting ordinance.

30 1. A county may adopt a confinement feeding operations siting
31 ordinance. The purpose of the ordinance is to allow the county
32 board of supervisors to approve or disapprove the location
33 of any construction, including expansion, of a confinement
34 feeding operation structure that if approved would be part of a
35 confinement feeding operation that has an animal unit capacity of

1 one thousand animal units or more.

2 2. A person shall not construct or expand a confinement
3 feeding operation structure as described in subsection 1 if
4 the county has adopted a confinement feeding operations siting
5 ordinance until the county board of supervisors has approved the
6 location of the confinement feeding operation in a manner and
7 according to procedures required in the ordinance.

8 a. The county board of supervisors may subject its approval
9 to conditions for the construction or operation of the
10 confinement feeding operation structure or the application of
11 manure originating from the confinement feeding operation.

12 b. A person must be issued a permit by the department for the
13 construction or expansion of the confinement feeding operation
14 structure as provided in section 459.303 prior to obtaining
15 approval by the county board of supervisors.

16 c. A county board of supervisors may base its approval or
17 disapproval on factors other than factors considered by the
18 department when approving or disapproving an application to
19 construct or expand a confinement feeding operation structure.

20 d. The county may impose a separation distance between the
21 confinement feeding operation structure and object or location
22 that is greater than the separation distance required between the
23 confinement feeding operation and an object or location otherwise
24 required under section 459.202.

25 3. A county may adopt county legislation necessary to
26 effectuate the purposes of this section.

27 **EXPLANATION**

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 **BACKGROUND — GENERAL.** Confinement feeding operations are
31 regulated by the department of natural resources (DNR) under
32 the "Animal Agriculture Compliance Act" (ACA) (Code chapter
33 459). A confinement feeding operation is a type of animal
34 feeding operation in which agricultural animals are maintained
35 for at least 45 days in any 12-month period. A confinement

1 feeding operation is an animal feeding operation in which animals
2 are kept in a structure (building) that is totally roofed, and
3 includes any associated manure storage structure (Code section
4 459.102). Generally, a confinement feeding operation must retain
5 manure that is produced at the location until the manure is
6 transported and used according to water quality requirements
7 (e.g., via application on farmland) (see Code section 459.311).
8 Regulations governing confinement feeding operations vary based
9 on the size of the operation measured by its animal unit
10 capacity (AUC). AUC refers to a measurement used to determine
11 the maximum number of animal units that may be maintained
12 as part of a confinement feeding operation at any one time.
13 In calculating AUC, a special equivalency factor is assigned
14 for each classification of confined agricultural animal. A
15 confinement feeding operation with an AUC of 1,000 or more animal
16 units (e.g., 2,500 swine weighing 55 or more pounds) must be
17 issued a permit to construct or expand a confinement feeding
18 operation structure.

19 BACKGROUND — COUNTY PARTICIPATION. A county board of
20 supervisors (board) is prevented from adopting a county zoning
21 ordinance that applies to land and structures associated with
22 agricultural production (Code section 335.2). A board is also
23 preempted from exercising county home rule authority over the
24 regulation of animal feeding operations (Code section 331.304A),
25 Under the AACA, a board may formally evaluate the siting of a
26 confinement feeding operation structure (Code section 459.304).
27 The board must adopt a construction evaluation resolution.
28 Under the resolution, the board applies a master matrix in
29 which the board scores criteria relating to the construction
30 of a confinement feeding operation structure as specified in
31 a permit application to DNR. The board may submit an adopted
32 recommendation to DNR to approve or disapprove the application.
33 The board may also submit comments regarding the management
34 of manure incorporated into the confinement feeding operation's
35 manure management plan.

1 BILL'S PROVISIONS. This bill enacts a provision in Code
2 chapter 459, subchapter III, which regulates water quality (see
3 Code section 459.311). The bill provides that a county may adopt
4 a confinement feeding operations siting ordinance (ordinance)
5 that allows a board to approve the site of the construction
6 or expansion of a confinement feeding operation structure that
7 would be part of a confinement feeding operation that has an
8 AUC of 1,000 animal units or more. The ordinance authorizes the
9 board to place conditions on site approval or the application
10 of manure originating from the confinement feeding operation.
11 The bill provides that the ordinance may establish separation
12 distance requirements between a confinement feeding operation
13 structure and a benefited object or location that is greater
14 than required by the AACA (Code section 459.202 governing air
15 quality). The bill provides that the county may adopt the
16 ordinance notwithstanding provisions in Code sections 331.2 and
17 331.304A.