

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
2 management of confinement feeding operations.

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

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
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 confinement feeding
18 operation structure that has been constructed or expanded
19 pursuant to a confinement feeding operations siting ordinance
20 as provided in section 459.305A.

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

23 **335.2 Farms exempt.**

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

34 2. b. A county shall not require an application, an
35 approval, or the payment of a fee in order for an ordinance

1 to be deemed inapplicable to land, ~~a farm barns barn, a farm~~
2 ~~outbuildings outbuilding, or any other buildings building or~~
3 ~~structures structure that are is~~ primarily adapted for use for
4 ~~an agricultural purposes purpose~~ under this ~~section subsection~~.

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

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

14 a. The implementation of section 335.27.

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

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

20 NEW SUBSECTION. 7. The separation distance requirements
21 provided in this section may be increased by a confinement
22 feeding operations siting ordinance as provided in section
23 459.202.

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

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

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

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

1 be part of a confinement feeding operation that has an animal
2 unit capacity of one thousand animal units or more.

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

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

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

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

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

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

28 EXPLANATION

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

31 BACKGROUND — GENERAL. Confinement feeding operations
32 are regulated by the department of natural resources (DNR)
33 under the "Animal Agriculture Compliance Act" (AACCA) (Code
34 chapter 459). A confinement feeding operation is a type of
35 animal feeding operation in which agricultural animals are

1 maintained for at least 45 days in any 12-month period. A
2 confinement feeding operation is an animal feeding operation
3 in which animals are kept in a structure (building) that is
4 totally roofed, and includes any associated manure storage
5 structure (Code section 459.102). Generally, a confinement
6 feeding operation must retain manure that is produced at the
7 location until the manure is transported and used according to
8 water quality requirements (e.g., via application on farmland)
9 (see Code section 459.311). Regulations governing confinement
10 feeding operations vary based on the size of the operation
11 measured by its animal unit capacity (AUC). AUC refers to
12 a measurement used to determine the maximum number of animal
13 units that may be maintained as part of a confinement feeding
14 operation at any one time. In calculating AUC, a special
15 equivalency factor is assigned for each classification of
16 confined agricultural animal. A confinement feeding operation
17 with an AUC of 1,000 or more animal units (e.g., 2,500
18 swine weighing 55 or more pounds) must be issued a permit to
19 construct or expand a confinement feeding operation structure.

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

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