

**A RESOLUTION ESTABLISHING A
VOLUNTARY GOOD NEIGHBOR POLICY FOR
CONFINEMENT LIVESTOCK LOCATIONS OR
CONFINEMENT ANIMAL FEEDING OPERATIONS
IN POCAHONTAS COUNTY**

Pocahontas County
Resolution No. 2018-06- 14

WHEREAS, the County Board of Supervisors recognizes significant changes in the structure of agriculture and marketing, which have resulted in more concentration of confinement livestock locations and confinement animal feeding operations, **AND**

WHEREAS, the Pocahontas County Board of Supervisors met on the 6th day March, 2018 to discuss an acceptable policy for Good Neighbor Confinement Livestock Locations and Confinement Animal Feeding Operations in Pocahontas County, **AND**

WHEREAS, the Pocahontas County Board of Supervisors acknowledge that this Resolution establishes a voluntary Good Neighbor Policy and that it is in no way is enforceable in the Courts of the State of Iowa, **AND**

WHEREAS, the Pocahontas Board of Supervisors further acknowledge that this resolution is not meant to regulate agricultural zoning or agricultural uses in Pocahontas County as “farms” actually used for “agricultural purposes” are exempt from zoning pursuant to Iowa Code sections 331.301(4), 331.301(5), 331.304(3)(b), 331.304(6), 335.2, 335.3, 335.4, 335.27, 335.30, 352.6 and 331.304A. And while Iowa Code section 331.304 grants the board of supervisors broad authority with respect to zoning, limitations are placed on the county for any “county legislation” affecting “animal feeding operation structures” as stated in Iowa Code section 331.304A:

331.304A Limitations on county legislation. 1. As used in this section: a. “Aerobic structure”, “animal”, “animal feeding operation”, “animal feeding operation structure”, and “manure” mean the same as defined in section 459.102. b. “County legislation” means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302. 2. A county shall not adopt or enforce county legislation regulating a condition or activity occurring on land used for the production, care, feeding, or housing of animals unless the regulation of the production, care, feeding, or housing of animals is expressly authorized by state law. County legislation adopted in violation of this section is void and unenforceable and any enforcement activity conducted in violation of this section is void. A condition or activity occurring on land used for the production, care, feeding, or housing of animals includes but is not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater.

WHEREAS, this resolution seeks to neither condemn nor condone the trends towards more concentration of confinement livestock operations or confinement animal feeding operations, but to eliminate any unnecessary damage to those neighbors whose health or lifestyle may be adversely otherwise affected without such a good neighbor policy.

NOW, THEREFORE BE IT RESOLVED, that Pocahontas County recognizes that whenever a public hearing is held on the application for a permit to build a proposed livestock facility or confinement feeding operation regardless of size, the entity, person or persons making the application for such a facility agrees to be personally present at the meeting to answer any questions the board or public may have including any concerns by the public or neighbors including but not limited to any property owners who may either live within one mile surrounding the proposed location site or sites.

BE IT FURTHER RESOLVED, that in order to accomplish the intent of this resolution, any applicant who voluntarily enters into a good neighbor policy will work closely with the county to meet the following factors that the county believes make for a good neighbor, to-wit:

1. The county will recommend that any and all livestock confinement facilities or confinement animal feeding operations:
 - a. Any newly proposed facility or CAFO will be no closer than one-half mile from any existing residential properties, homes or facilities where humans reside on a daily basis, unless waivers are signed by the affected neighbors.
 - b. Any newly proposed facility or CAFO will be at least one mile from any municipality in the county.
 - c. Any newly proposed facility or CAFO will comply with all State of Iowa DNR manure management plans.
 - d. Any newly proposed facility or CAFO will be at least seventy-five (75) feet from all district or private tiles.
 - e. Any newly proposed facility or CAFO will be at least three hundred (300) feet from any waterways and open ditches.
 - f. Any newly proposed facility or CAFO will not be hooked up to any tiling system.
 - g. Any newly proposed facility or CAFO will only have tiles that outlet on the surface, not into any underground tile, road ditch or private or public waterway.
 - h. Any newly proposed facility or CAFO applicant will identify a local contact person in the application to answer any ongoing questions.


BE IT FURTHER RESOLVED, that any application permit for constructing a confinement livestock facility or confinement animal feeding operation would consider the following:

1. Is the proposed site in an area that would affect a housing development, or a public use, or a recreational area?
2. Will the proposed site pose any environmental risk to water quality or water supplies?
3. Will the soil type (porous, gravel, etc.) vs. clay composition cause construction concerns?

BE IT FURTHER RESOLVED, that the county will work with any and all livestock feeding locations or animal feeding operations to determine if the resolution is applicable to each separate situation on a case by case basis.

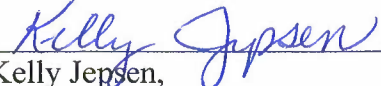
BE IT FURTHER REOLVED, that once the county and the applicant are in agreement with any and all terms and conditions, a proposed livestock facility or confinement animal feed operation permit will be issued by the county and it shall be the responsibility of the producer to maintain a conscientious and safe operation.

This policy will allow for the continued growth of our livestock industry while also addressing concerns expressed by neighbors concerning any livestock facilities or confinement animal feeding operations in Pocahontas County. We feel that if the minimum standards are met and addressed during the application process, and before construction begins, then fair and equitable solutions can be reached during the permitting process.



Jeff Ives, Chair,
Pocahontas County Board of Supervisors

ATTEST:



Kelly Jepsen,
Pocahontas County Auditor

Date: June 26, 2018

