

**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.

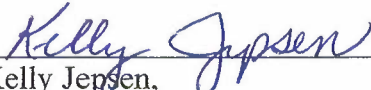
BE IT FURTHER REOLVED, that once the county and the applicant are in agreement with any and all terms and conditions, a proposed livestock facility or confinement animal feed operation permit will be issued by the county and it shall be the responsibility of the producer to maintain a conscientious and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

