

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

Calhoun County
Resolution No. 2019-6

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 County Board of Supervisors recognizes Iowa continues to be a national and global leader in agriculture, ranking No. 1 in production of hogs, corn, eggs and soybeans – while ranking in the top 5 for red meat production, number of farms, cattle on feed, cash receipts and total value of ag exports, **AND**

WHEREAS, the County Board of Supervisors recognizes **30.3%** of employment in Calhoun County is agriculture related and in Calhoun County agriculture contributes: 1,772 jobs, \$135.7 million in wages and \$479.9 million in total sales, **AND**

WHEREAS, the Calhoun County Board of Supervisors met on the 5th day of February, 2019 to discuss an acceptable policy for Good Neighbor Confinement Livestock Locations and Confinement Animal Feeding Operations in Calhoun County, **AND**

WHEREAS, the Calhoun 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 Calhoun Board of Supervisors further acknowledge that this resolution is not meant to regulate agricultural zoning or agricultural uses in Calhoun 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.

NOW, THEREFORE BE IT 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 Calhoun County Supervisors 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: will consider the proximity to neighbors, communities, public-use areas, roads, water sources and other livestock farms when selecting a site. The Calhoun County Board of Supervisors recommend;

- a. Any newly proposed facility or CAFO 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 and one half mile from any municipality or an area where 40 or more persons reside 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 three hundred (300) feet from any waterways and open ditches
- e. Any newly proposed facility or CAFO will go beyond the Master Matrix requirements and utilize windbreaks, plant trees, install electrostatic fences and other high tech methods of mitigating odors and providing visual screening demonstrates to neighbors a commitment to doing things right.
- f. Any newly proposed facility or CAFO will be designed with a truck turn around.

BE IT FURTHER RESOLVED, that effective communication is essential to building trust, respect and support with neighbors and community members. The Calhoun County Board of Supervisors recommend;

- a. Any newly proposed facility or CAFO applicant will make the first move to personally visit with their neighbors to inform them of the planned facility.
- b. 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 those individuals and organizations opposing the construction of newly proposed facilities or CAFOs, equally have responsibilities to be good neighbors and not to use fear tactics and half-truths to rile up opposition and give false hope.

BE IT FURTHER RESOLVED, that once the county and the applicant are in agreement with any and all terms and conditions, 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 Calhoun 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.



Mike Cooper, Chair,
Calhoun County Board of Supervisors

ATTEST:



Robin Batz,
Calhoun County Auditor

Date: February 5, 2019