

## CHAPTER 11

### CONFINED ANIMAL FEEDING OPERATION

#### SECTION:

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9-11-1:                   **APPLICABILITY:** Pursuant to Idaho Code 67-6529, any operation that qualifies as a CAFO under this Title is a large confined animal feeding operation and facility that is subject to the regulations regarding siting and operation as set forth herein. This chapter shall apply to all CAFOs located in Cassia County, except for Totally Confined poultry facilities, which are defined in, and shall be regulated pursuant to, Title 9, Chapter 10, Cassia County Code. All new CAFOs in Cassia County shall be permitted as conditional uses consistent with this Chapter as well as Title 9, Chapter 13. Any modification, extension, or enlargement of a CAFO shall comply with the requirements of this Chapter as well as Title 9, Chapter 13, in existence at the time of application for such modification, extension, or enlargement. If CAFO permit has been issued pursuant to this Chapter and Title 9, Chapter 13, or if a modification, extension, or enlargement of a CAFO permit has been approved in compliance with Section 9-5-2E, then the Zoning Administrator shall have the limited power to review and grant or deny a modification or amendment to a CAFO permit pursuant to Section 9-5-2B.

9-11-2: **REGULATIONS/SETBACKS:** In addition to all other regulations specified in this title, all new confined animal feeding operations (CAFOs) shall comply with the following setbacks and other provisions:

- A. B Zones: All CAFOs shall be located outside the defined areas of impact of any incorporated municipality within Cassia County as identified on the zoning map of Cassia County ("B Zones").
- B. Subdivisions: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any legally platted subdivision or planned unit development with visible improvements such as a highway district or county approved and accepted road. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.
- C. Dwellings, Churches and Schools: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any existing dwelling, church, school or any other building designed for human occupancy, not located within a CAFO Property, dwellings located within a CAFO Property for the employees of the operator of the CAFO being exempt. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.
- D. Property Line: The closest inside edge of the retaining wall of the waste lagoon, or other structures containing liquid waste, and the outside edge of any Composting Operation of any CAFO shall be located at least four hundred feet (400') inside the existing property lines of the CAFO Site.
- E. Proximity to Right of Way: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least one hundred feet (100') from the external boundary of any public right of way.
- F. Health Authority: Locations of waste lagoons, corrals, wells, and septic systems of any CAFO Site shall conform to state of Idaho and health authority regulations and specifications.
- G. Lights: Lights for any CAFO Site shall be placed and shielded to direct the light source down onto and inside the property lines of the CAFO Site.
- H. Floodplain: The external boundary of a CAFO Site shall not be less than one thousand three hundred twenty feet (1,320') from any floodplain as defined by the Flood Insurance Rate Map (FIRM) panel for the geographical area of the proposed CAFO site.

- I. Water: No CAFO Site shall be located within an area that is a high water table area or wetland area in regards to the water table level as determined by a soil survey map from the natural resources conservation service (NRCS).
- J. Proximity to Well: No CAFO Site shall be located nearer than four hundred feet (400') from any well not located within the boundaries of the designated CAFO Site. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actually confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.
- K. Proximity to Residential Agricultural or Buffer Zones: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least five thousand two hundred eighty feet (5,280') from the external boundary of any land in Cassia County that is zoned Residential Agricultural or Buffer Zone. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.
- L. **[Repealed.]** *[Ord. 2018-10-1]*
- M. All barns, corrals or other structures in which livestock are confined in a CAFO, or any lagoon or other structure containing liquid waste generated from a CAFO, or any composting or manure stacking yard for the waste generated from a CAFO, shall be located within the boundaries of the designated CAFO Site.
- N. Consistent with the Local Land Use Planning Act, exceptions or waivers to standards established by this section may be approved in conjunction with the issuance of a conditional use permit for a CAFO consistent with this Chapter as well as Title 9, Chapter 13. Moreover, consistent with this section and the approval of such exceptions and waivers as may be deemed to be necessary and appropriate, a CAFO permit may be approved where animals are maintained in pastures with necessary exceptions waivers of setbacks from such pastures, which would otherwise be deemed to be part of a CAFO Site upon the approval and ongoing compliance with a Pasture Management Plan as defined in Section 9-11-6 Q.

9-11-3: **PERMITTED DENSITIES FOR CAFOS:** Concentration of livestock within CAFOs shall not exceed two (2) animal units per acre in any permitted zone. CAFOs are prohibited in all B, OR, or HP zones.

9-11-4: **[Repealed.]** *[Ord. No. 2009-04-01, 04-14-2009.]*

9-11-5: **LOCATION:** The location all CAFOs, including the CAFO Site within the CAFO Property shall comply with all regulations in regards to setbacks contained in this title.

9-11-6: **APPLICATION FOR CAFO PERMIT:** Owners of real property upon which a confined animal feeding operation will be established shall file an application for a CAFO permit with the Zoning and Building Department for Cassia County, Idaho, upon a form approved by the Board of County Commissioners. The application for a CAFO permit must be in writing and shall contain the following information:

- A. Personal Information: Complete names, addresses and telephone numbers of every owner of real property comprising the CAFO Property. If applicant is not the owner of real property within the CAFO Property, applicant shall also disclose complete names, addresses and telephone numbers of all applicants, and shall furthermore state and clarify their interest(s) in the proposal.
- B. Legal Description: The complete legal description of the CAFO Property identifying the number of acres for each description and the geographic information system (GIS) data and global positioning satellite (GPS) data in digital file format that meets County mapping department's requirements for each parcel.
- C. Uses of Property: A statement of the current and historical uses of the CAFO Property described in the application for a CAFO permit.
- D. Zoning: The present zoning district designation of all real property within the CAFO Property.
- E. Description Of Operation: A narrative description describing the proposed CAFO, including the species of animals that will be confined, the number of animals that will be confined, the composition of the herd, and a description of the structures and other facilities that will be required to confine, feed and care for the animals and remove the solid and liquid waste produced from the CAFO.
- F. Boundary Map: A map showing the boundaries of the CAFO Property, as well as the boundaries of the CAFO Site and the CAFO Density Acreage together within any real property within one mile of any external boundary of the confined animal feeding operation. The map, which must be drawn to a scale of not less than eight inches (8") to the mile, must show the following:
  1. Land Uses: Existing land uses;
  2. Water Bodies: Existing ditches, canals, live streams or other bodies of water, together with from any floodway as defined by the Cassia County flood damage prevention ordinance<sup>1</sup> and accompanying map, demonstrating compliance with the setback requirements set forth in this chapter;

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<sup>1</sup> Cassia County Code, Title 12

3. Wells: Wells (domestic or agricultural) within a one mile radius of any proposed barn, corral, lagoon, other structure for containing liquid waste, feed storage area or feed storage structure associated with the proposed CAFO, demonstrating compliance with the setback requirements set forth in this chapter;
  4. Structures: The dimensions and locations of barns, corrals, lagoons, other structures for containing liquid waste, Composting Operations, feed storage areas, and feed storage structures on the proposed CAFO Site, demonstrating compliance with the setback requirements set forth in this chapter;
  5. Residences and Roads: The location of all residences, other buildings intended for human occupancy, and all public roads on the CAFO Site and within a one mile radius of the CAFO Site boundaries, demonstrating compliance with the setback requirements set forth in this chapter;
  6. Distances: The map must show distances expressed to the nearest ten feet (10'). The Boundary map shall demonstrate compliance with all setback requirements set forth in this chapter.
- G. Topographical Map: A separate topographical map shall be submitted showing elevation contours at intervals of not less than twenty feet (20'), or at such other intervals as approved by the Zoning Administrator.
- H. Waste Management:
1. Waste Management: **[To apply to, and be effective for, all CAFOs permitted before October 1, 2022.]**  
A narrative concerning the waste management plan of the CAFO site, including, but not limited to, the exact means and methods by which the applicant proposes to dispose of liquid and solid waste generated from the CAFO. The narrative statement shall include a description of the means and methods by which the applicant will ensure that solid and liquid waste will not escape the boundaries of the confined animal feeding operation, or enter the waters of the United States of America, together with an operations plan for any Composting Operation undertaken by the CAFO. The acres required for the waste management system, as determined by the Nutrient Management Plan (NMP) shall be identified and described as set forth in Cassia County Code 9-11-6B. Such identified acres as are included in the CAFO Property, shall not be included in any other CAFO Property or for considerations for any other NMP purposes and shall not be used for other agricultural purposes involving livestock, poultry, furbearing animals, or any other animal, regardless of whether or not such agricultural uses would constitute a CAFO, it being the intention of Cassia County that property designated as CAFO Property shall be exclusively allocated to the operation

of a CAFO and that such acreage that is part of the CAFO Property shall not be utilized for other agricultural purposes involving livestock, poultry, furbearing animals, or any other animal.

2. Waste Management: **[To apply to, be effective for, all new permitted CAFOs, expanded permitted CAFOs, or CAFOs amended for which permit, expansion or amendment is filed after October 1, 2022.]**

A narrative concerning the waste management plan of the CAFO site, including, but not limited to, the exact means and methods by which the applicant proposes to dispose of liquid and solid waste generated from the CAFO. The narrative statement shall include a description of the means and methods by which the applicant will ensure that solid and liquid waste will not escape the boundaries of the confined animal feeding operation, or enter the waters of the United States of America, together with an operations plan for any Composting Operation undertaken by the CAFO. The acres required for the waste management system, as determined by the Nutrient Management Plan (NMP) shall be identified and described as set forth in Cassia County Code 9-11-6B. Such identified acres, and other CAFO Density Acreage, as are included in the CAFO Property, shall not be included in any other CAFO Property or for considerations for any other NMP purposes, but may be used for other agricultural purposes, which must be set forth in the application to develop a new CAFO or to enlarge or amend an existing CAFO, involving livestock, poultry, furbearing animals, or any other animal, so long as such other agricultural uses would not constitute a CAFO and the total number of animal units permitted within the CAFO on account of such acres also used for other agricultural purposes involving livestock, poultry, furbearing animals, or any other animal is adjusted in proportion to the equivalent animal units associated with such other agricultural purposes. It is the intention of Cassia County that CAFO Density Acreage included as CAFO Property may also be utilized for other agricultural purposes set forth and approved in the CAFO application involving livestock, poultry, furbearing animals, or any other animal, so long as such other uses are compatible with the CAFO uses, the land can support the shared use, and such shared use does not result in the animal units used on such property to exceed the permitted densities for CAFOs established in this Chapter.

- I. Water Rights: A writing from the department of water resources of the state of Idaho, including a profile of all water rights necessary for the operation of the confined animal feeding operation or, if those rights have not yet been granted, proof that an application for transfer or other suitable application has been filed with the department of water resources which, if granted, would allow sufficient water rights to permit a lawful operation of the new confined animal feeding operation.

- J. Irrigation District, Canal Company, Groundwater District, Surface Water District, Public Water System, or any other such like entity Impact Statement. Applicant shall obtain an impact statement from the irrigation district, canal company, groundwater district, surface water district, public water system, or any other such like entity (such entities being referred to hereinafter as "Water System") within which Applicant's proposal will be located. Such impact statement is required before the Application can be deemed complete, so as to proceed to hearing before the Commission. Applicant shall provide the appropriate Water System with a copy of its proposed change of use and a copy of the Applicant's proposal that was filed with the Zoning and Building Department for Cassia County. The affected Water System shall then provide a report detailing the impact of the proposed change of use on the Water System and shall set forth any concerns or information that the Water System has, relative to the proposed use, that would negatively impact the Water System's stabilization or conservation actions. The affected Water System may also propose reasonable conditions to be considered for imposition upon the Applicant related to mitigating or minimizing such negative impacts on the Water System. Water System shall provide Applicant with an estimate of the cost of preparation of such impact statement before beginning its preparation. Applicant shall pay reasonable costs of the preparation of an impact statement to the affected Water System.
- K. Statement Of Compliance: A notarized statement that the applicant will, as a condition of permit approval, (i) construct and operate the confined animal feeding operation consistent with its application for a CAFO permit; (ii) operate consistent with the nutrient management plan in keeping with the lawful directives of the state of Idaho department of agriculture or state of Idaho department of environmental quality with respect to location and construction of lagoons, the application of liquid and solid waste from the CAFO and other matters within the jurisdiction of the department of agriculture or DEQ; and (iii) not modify the CAFO Property subject to the CAFO permit.
- L. Comment Letters: Applicant shall supply proof that letters have been requested from the highway districts having jurisdiction over public roads shown within or immediately adjacent to the CAFO site as designated on the previously described map and from any canal company owning ditches or canals that are within or immediately adjacent to the CAFO site as designated on the previously described map, as well as any utility company or other easement holders of record pertaining to land within or abutting the designated CAFO site. Response letters from highway districts, canal companies, utility companies or other easement holders should recommend conditions that Board of County Commissioners should consider imposing as conditions of approval, or provide written comments otherwise relative to the proposal.
- M. Lighting: The map accompanying the application for a CAFO permit must show the location of all corral or yard lights, and the application shall otherwise demonstrate

that the lights have been designed to reflect downward and onto the CAFO Site to prevent escape of light and glare outside the boundaries of the CAFO Property.

- N. Demonstration Of Setback Compliance: The applicant shall demonstrate compliance with all setback requirements set forth in this chapter, unless an exception or waiver to standards established by this chapter have been granted.
- O. Neighboring Property Owners: A list of names and addresses of all property owners owning real property located within one mile of the external boundaries of the CAFO Property.
- P. County Weed Plan: A plan developed in conjunction with the Cassia County Weed Department setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations.
- Q. Pasture Management Plan: If an applicant for a CAFO permit desires to graze its animals in pastures and seeks to have the setback requirements for such pastures subject to an exception or waiver pursuant to Section 9-11-2N, such an applicant shall, in addition to obtaining a CAFO permit, obtain approval of a Pasture Management Plan, which shall be a condition to obtaining relief from having such pastures being subject to the setbacks associated with the CAFO Site. In addition to the CAFO permit, an applicant seeking to have its pastures excluded from being subject to the setbacks associated with the CAFO Site, such an applicant shall submit a Pasture Management Plan, which shall include a site plan depicting the location of the pastures subject to the Pasture Management Plan, the location of all supplemental feeding and watering areas for such animals, and a narrative setting forth the land management practices and animal rotation practices that will be applied to such pastures. Approval of a CAFO permit providing exception or waiver pursuant to Section 9-11-2N for the maintenance of animals in pastures excluded from being subject to the setbacks associated with the CAFO Site shall be conditioned upon the ongoing adherence to the approved Pasture Management Plan, and such other conditions as the Planning and Zoning Commission may recommend and the Board of County Commissioners may impose. A Pasture Management Plan shall only be required when a CAFO permit seeks exception or waiver pursuant to Section 9-11-2N for pastures from being subject to the setbacks associated with the CAFO Site. In granting an exception or waiver from the setbacks associated with the CAFO Site for such pastures, the approving body shall specify the actual setbacks that the pastures must meet. Notwithstanding the foregoing and notwithstanding the approval of a Pasture Management Plan, pastured animals that are watered or supplemented with any feed shall not be watered or fed in an area located closer than four hundred feet (400') from the property line and that setback shall not be subject to exception or waiver pursuant to Section 9-11-2N. Approval of a Pasture Management Plan and any exception or waiver of setbacks shall be pursuant to Section 9-11-2N. Upon approval of a Pasture Management Plan, the Owner or Operator of the CAFO shall annually



report its compliance with and adherence to the Pasture Management Plan pursuant to Section 9-11-14.

- R. Fee: A nonrefundable fee, in an amount set by the county, must be included with any application for a CAFO permit.
- S. Until all items listed herein are submitted to the satisfaction of the Zoning Administrator, any application for a CAFO permit made with the zoning department is deemed only to be lodged, but not to be filed. Only a complete CAFO permit may be filed. Applicants shall confer with the Zoning Administrator to identify those items that may be utilized from a prior approval related to the CAFO Property, those items that will be required to be updated, and those items that need to be modified or corrected prior to the application for a CAFO permit being deemed to be complete. An application for a CAFO permit shall be filed once it is determined to be complete. An application for a CAFO permit shall be considered and evaluated based upon the regulations existing as of the date of filing of the application for the CAFO permit.

9-11-7: **OTHER AGENCIES OF GOVERNMENT:** It is recognized that CAFOs governed by this chapter are subject to the scrutiny and regulation of other governmental agencies including, but not limited to, the department of agriculture for the state of Idaho, the department of environmental quality for the state of Idaho, environmental protection agency of the United States of America, and the Idaho state department of water resources. In order to commence operation, the owners or operators of a new CAFO must comply with the laws, rules and regulations administered by those other agencies and remain in compliance therewith. It is not the intention of this chapter to impose a redundant set of regulations on CAFOs, but rather, it is intended that new CAFO owners demonstrate an ability to comply with those laws, rules and regulations as a condition of the issuance of a permit under this chapter.

9-11-8: **APPLICATION REFERRAL TO COMMISSION, HEARING PROCESS, AND DECISION PROCESS:** The Zoning Administrator shall review every application for a CAFO permit submitted under this chapter. If the Zoning Administrator determines that the application for a CAFO permit is complete the Zoning Administrator shall refer it to the Planning and Zoning Commission for a hearing on the application for a CAFO permit consistent with this chapter. In addition to reviewing and evaluating the compliance of the application for a CAFO permit with this Chapter, all applications for a CAFO permit shall be simultaneously processed and evaluated as a conditional use permit consistent with Title 9, Chapter 13, including evaluation for compliance with the specific standards set forth therein, and shall be subject to such conditions as are authorized therein. For all CAFO permits and their accompanying conditional use permit, the Planning and Zoning Commission shall review

them and shall recommend approval, disapproval, or approval with conditions to the Board of County Commissioners. The Planning and Zoning Commission shall review and evaluate the application for consistency with the regulations of this Title, and shall review and recommend conditions of approval if it recommends approval to the Board of County Commissioners. The Board of County Commissioners shall hold at least one hearing on an application for a CAFO permit following the procedures set forth herein. The Board of County Commissioners shall review the recommendation of the Planning and Zoning Commission, but shall decide whether to approve, disapprove, or approve with conditions. All hearings before either the Planning and Zoning Commission or the Board of County Commissioners shall be conducted consistent with the requirements of this Title.

A. Notice Of Hearing.

1. Prior to either of the hearings of an application for a CAFO permit before the Planning and Zoning Commission and the Board of County Commissioners:
  - i. A written notice shall be published by the applicant at least 30 days prior to the date of hearing; and
  - ii. Notice shall be posted on the premises by the applicant not less than one (1) week prior to hearing; and
  - iii. Written notice shall also be sent at least 30 days prior to the date of hearing by the applicant by U.S. Mail, First Class Postage Prepaid, to every person listed by the applicable county tax assessor as owning real property located within one mile of any external boundary of the CAFO described in the application notifying such persons and the public that:
    - a. Submittal: An application for a CAFO permit has been received;
    - b. Date: The date upon which the application for a CAFO permit was received by the county;
    - c. Name And Address: The names and addresses of all of the applicants;
    - d. Legal Description: The exact legal description of the real property comprising the proposed CAFO;
    - e. Nature of Operation: The nature of the proposed confined animal feeding operation; and
    - f. Animal Units: The number of animal units that will be confined thereon.
2. The notice shall further state that a public hearing will be held prior to the issuance of the permit and give the date, time and place of such hearing. The applicant shall prepare and file, with the Zoning Administrator at least two (2) days prior to the hearing before the Planning and Zoning

Commission and the Board of County Commissioners, an affidavit of publication, posting and mailing indicating that the notice given is in compliance with this section. Each of the hearings before the Planning and Zoning Commission and the Board of County Commissioners shall be noticed separately.

- B. Support Or Objection: All persons to whom notice of a hearing is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the Zoning Administrator no later than ten (10) days prior to such hearing setting forth in that writing that person's support or objection to the issuance of the new CAFO permit.
1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the CAFO permit would violate.
  2. Written statements shall also set forth either that the party making the statement owns property within one (1) mile of the external boundaries of the CAFO site described in the application and otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.
  3. Additionally, any party desiring to file any document(s) shall file such document(s) at least ten (10) days prior to the hearing.
- C. Testimony At Hearing: Any person who files a statement in support or objection to the issuance of a new CAFO permit may be allowed to testify at the hearing before the Planning and Zoning Commission and the hearing before the Board of County Commissioners. In the written statement, the person making the statement shall indicate whether or not such person desires to testify at such hearing.
1. Prior to the hearing the entity conducting the hearing shall determine which of those persons who desire to testify will be permitted to testify at such hearing. In this regard, Idaho Code Section 67-6529 will be utilized as a guideline, in providing that "only members of the public with their primary residence within one (1) mile radius" of the proposed CAFO Site may provide comment at the hearing. However, this distance may be increased by the entity conducting the hearing.
  2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.
  3. A transcribable record of the hearing and the deliberation of the proceeding toward either a recommendation or a decision shall be kept for a period of time



9-11-12

9-11-14

the department of agriculture, the state of Idaho department of environmental quality, the department of water resources for the state of Idaho, and the United States of America environmental protection agency have inspected the completed facility and approved it ready for the commencement of use.

9-11-12: **TRANSFERABILITY AND DISCONTINUANCE:**

- A. The ownership of a CAFO permit may be transferred to a new owner of the CAFO by application to the Zoning Administrator stating that the new owner will assume all duties and responsibilities of the previous owner under the existing CAFO permit and any agreements then in force with respect to that permit.
- B. The holder of an existing or new CAFO permit who, once having begun operations, then discontinues its operations for a period not in excess of ten (10) years may reestablish such use without obtaining a new permit, as provided by Idaho Code 67-6538.

9-11-13: **MODIFICATION OF WASTE MANAGEMENT SYSTEM:**

Any holder of a CAFO permit issued in and by Cassia County may file an application for an amendment to the permit to allow for a new or modified waste management system component of the CAFO permit. Such application must meet the requirements of section 9-11-6 of this chapter and shall be processed as an amendment to the existing approved permit.

9-11-14: **ANIMAL REPORTING REQUIREMENTS/RANDOM**

**INSPECTIONS:** From and after the approval of a CAFO permit, the Owner or Operator shall provide an annual report on the ongoing operations at the CAFO. Such reporting shall address the following, without limitation, current herd composition; current animal unit densities; status of waste management, including compliance with waste management and composting plans, if any; nutrient management plans; the number of acres required under its currently approved nutrient management plan, including identification of all CAFO Property, including legal descriptions and the global positioning satellite (GPS) data in format suitable to the County mapping department for each parcel not previously reported; current facilities; current operations; and if approved, compliance with a Pasture Management Plan. Such report shall be certified and sworn by the Owner or Operator. The Owner or Operator shall also file supplemental reports of total Animal Units upon reasonable request by the Cassia County Zoning Administrator. This report shall be filed by June 1<sup>st</sup> of each year. Additionally, the Owner or Operator shall allow any authorized County officer or employee to enter

on to its facility for purposes of ensuring compliance with county regulations which are applicable to the operation and for purposes of ensuring the operation does not exceed the permitted number and type of animal units. A CAFO found to be operating in a manner inconsistent with the approved CAFO permit or the annual report shall be subject to enforcement actions.

9-11-15: **COUNTY OFFICER OR EMPLOYEE ENTRY AUTHORIZED:**

It shall be unlawful and a misdemeanor to interfere with, hinder or refuse to allow any authorized County officer or employee to enter upon private or public property to enforce the provisions of this Chapter.

9-11-16: **EXISTING OPERATIONS**

- A. Prior Use Permit, Rights and Limitations: Owners of CAFOs who applied for a prior use L.C.O. permit ("Prior Use Permit") prior to October 1, 2000, by demonstrating the existence of a livestock containment operation or CAFO in operation prior to July 1, 1993, may continue operating consistent with the application they submitted evidencing the existence of such an existing livestock containment operation or CAFO. However, such Prior Use Permits shall not be modified or enlarged. Any modification or enlargement shall only be obtained by filing for a new CAFO permit and being granted such CAFO permit that complies with all of the requirements of Title 9, Chapter 11 and Title 9, Chapter 13, in existence at the time of application. Modification or enlargement may only be had if a new CAFO permit is approved for the proposal.
- B. If a CAFO permit has been issued pursuant to Title 9 and its relevant chapters, then the Zoning Administrator shall have the limited powers to review and grant or deny a modification or amendment to a CAFO permit pursuant to Section 9-5-2E.
- C. Transferability: A Prior Use Permit or CAFO permit may be transferred to a new owner of the LCO or CAFO by application to the Zoning and Building Department stating that the new owner will assume all duties and responsibilities of the previous owner under the existing LCO or CAFO permit and any agreements then in force with respect to that permit, however, no such transfer shall effectuate a modification or enlargement. Modification or enlargement may only be sought through filing of a new CAFO permit application, that is in compliance with the requirements Title 9, Chapters 11 and 13, as such are in existence at the time of application, and such CAFO permit being granted.

9-11-17

9-11-19

9-11-17: **[REPEALED.]** *[See Section 9-11-16 (A)]*

9-11-18: **DISCONTINUANCE OF USE:** The holder of a "prior use" CAFO permit who discontinues its operations for a period not in excess of ten (10) years may reestablish such use without obtaining a new permit. Prior use CAFO uses that are discontinued for a period in excess of ten (10) years shall be required to obtain a permit as a new CAFO to reestablish operations.

9-11-19: **APPEALS:** A person aggrieved by a final decision or action of the Board of County Commissioners may seek judicial review as provided by the Local Land Use Planning Act as it may be amended from time to time.