

INTERIM ORDINANCE NO 2001-3

AN INTERIM ORDINANCE DEFINING AND ESTABLISHING CONFINED ANIMAL FEEDING OPERATIONS; PROVIDING FOR TITLE, INTERPRETATION AND ENACTMENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXISTING CONFINED ANIMAL FEEDING OPERATIONS; PROVIDING FOR ZONES IN WHICH CAFO'S ARE ALLOWED; PROVIDING FOR SITING PERMITS, AND THE CONTENTS OF APPLICATIONS THEREFORE; PROVIDING FOR NOTICE AND HEARING ON SITING PERMITS; SETTING FORTH THE CRITERIA FOR APPROVAL FOR SITING PERMITS; PROVIDING FOR THE GRANT OR DENIAL OF SITING PERMITS; PROVIDING FOR OCCUPANCY CERTIFICATES, AND THE CONTENTS OF APPLICATIONS THEREFORE; SETTING THE PROCESS FOR OCCUPANCY CERTIFICATES; PROVIDING FOR GRANT OR DENIAL OF OCCUPANCY CERTIFICATES; PROVIDING FOR NUTRIENT MANAGEMENT PROGRAMS; PROVIDING FOR APPEAL; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN EFFECTIVE DATE AND AN ENDING DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, AS FOLLOWS:

I. TITLE, INTERPRETATION AND ENACTMENT:

- A. This Ordinance shall be known as the Elmore County Interim CAFO Ordinance and is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.
- B. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect during the period of time this Ordinance is in effect. The permits required and issued under this Ordinance shall be in place of the Conditional Use Permit and Livestock Confinement permits required under Chapter 1, Article XIII-1 of the Elmore County Zoning and Development Ordinance. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law and shall continue to be in effect for 360 days thereafter.

- D. The Board of County Commissioners of Elmore County finds that the Planning and Zoning Commission of Elmore County is working on an amendment to the Elmore County Planning and Zoning Ordinance to amend regulation, siting and control of Confined Animal Feeding Operations (also known as Livestock Confinement Operations). The Board further finds that adoption of this interim ordinance is authorized by Idaho Code § 67-6524.
- E. The Board of County Commissioners of Elmore County specifically find that this ordinance conforms with and is in compliance with the division and dictates of the Elmore County Comprehensive Plan.

II. DEFINITIONS:

- A. **ADMINISTRATOR:** An official, having knowledge in the principles and practices of zoning, who is appointed by the Board to administer Elmore County's zoning ordinance.
- B. **AFFECTED PERSON:** A person or legal entity owning property or residing within one-half mile of the CAFO, or a resident or real property owner of Elmore County which will be materially affected in their health, safety or property rights by the CAFO; and the Administrator.
- C. **ANIMAL UNITS:** Multiply the number of animals by the animal equivalency factor to determine animal units:

ANIMAL TYPES

**A N I M A L
E Q U I V A L E N C Y
F A C T O R**

DAIRY CATTLE

Milking & Dry Cows	1.0
Heifers (2 years & Older)	.75
Heifers (1 to 2 Years Old)	.70
Calves (3 months To 1 year)	.40
Calves (Under 3 months)	.25

BEEF CATTLE/BISON

Bull (each)	1.0
Steers/Cows (over 1000 lbs)	.75
Steers/Cows (600-1000 lbs)	0.6
Calves (under 600)	0.4

SWINE		
	Pigs (55lbs-market)	0.4
	Pigs (up to 55 lbs)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
SHEEP	(each)	0.15
HORSES	(each)	1.0
FISH	(500 lbs)	1.0
CHICKENS		
	Layers (each)	0.01
	Broilers (each)	0.005
FOR SPECIES NOT SPECIFICALLY IDENTIFIED		
	(350 pounds)	1.0

- D. **APPLICANT:** A person or legal entity seeking approvals or permits pursuant to this ordinance which has an ownership interest in real property of a nature sufficient to require the use to which the real property will be put as proposed in the applications for approvals or permits.
- E. **BOARD:** The Board of County Commissioners
- F. **BUILDING INSPECTOR.** An Official of the County, appointed by the Board to inspect and certify compliance with building ordinances adopted by Elmore County.
- G. **CAFO:** A contiguous area or parcel of land or the use of a contiguous area or parcel of land, upon which there are confined or fed livestock, fish or birds in enclosures or ponds for six (6) months or more of the year, defined as follows:
 1. Any combination of animal units which total 100 animal units;
 2. Any facility with a milk shipping permit; or
 3. Any facility with a waste treatment system.

Areas or parcels of land are deemed contiguous when separated by county roads. Areas or parcels of land also are deemed contiguous if they are not adjacent, but are owned or operated by the CAFO operator and a pipeline exists which is capable of conveying liquid waste to the non-adjacent land.

- H. **COMMISSION:** The Zoning, Planning and Zoning, Joint Zoning, or Joint Planning and Zoning Commission appointed by the Board.
- I. **MCL:** Maximum Contaminant Level in the Idaho Department of Health and Welfare's Water Quality Standards and Wastewater Treatment Requirements.
- J. **WASTE:** Waste is the presence of:
 - 1. **Liquid Waste:** Waste water and other waste material in liquid form which is generated as a by-product of a CAFO.
 - 2. **Solid Waste:** Waste material in solid form which is generated as a by-product of a CAFO.
- K. **WASTE TREATMENT SYSTEM:** The process, area, or mechanism employed for the retention, storage, treatment, distribution and application of waste. All waste storage holding and treatment areas (i.e. lagoons, separation ponds, waste applications systems) shall be designed and constructed using a licensed to practice engineer's plans designed for each specific facility and location.

III. EXISTING CAFO'S:

- A. Within six (6) months from the effective date of this ordinance, any person or entity ("Registrant") operating a CAFO existing as of said effective date, shall file a registration notice with the Administrator. CAFOs which have previously received a conditional use permit, need not re-apply under this ordinance. The registration notice shall provide the following:
 - 1. Name, address and telephone number of registrant.
 - 2. Legal description of the CAFO
 - 3. Existing use.
 - 4. Zoning District.
 - 5. A site plan showing the following:
 - a. Dimensions, size and location of existing improvements on the CAFO.
 - b. Property lines, set backs and acreage.
 - c. Feed storage areas.
 - d. Confinement areas.
 - e. Waste storage areas.
 - f. Wells.
 - 6. A written description of the waste treatment system.
 - 7. Water right permit or license from the State of Idaho.
 - 8. Other information as required by the Commission.

The Commission shall review each registration notice and determine if it is complete and if the information provided is accurate.

- B. If the Commission determines the registration notice is complete and the information provided is accurate, the Commission shall provide the registrant with written notification that the registration notice has been accepted and recorded with the Administrator.
- C. If the Commission determines that the registration notice is not complete or the information provided is not accurate, the Commission shall, within twenty (20) days of the determination, provide the registrant with written notification of the incomplete items or the inaccurate information.
- D. The Registrant shall provide the complete items or the correct information to the Administrator if the registration is to be accepted. If such action occurs, the Commission shall deem the registration notice accepted and shall record it as such in the official records of the Planning and Zoning office. The Commission shall provide the registrant with written notification of such action within twenty (20) days of the determination.
- E. Registration notices which have been accepted and recorded by the Commission shall allow the continued operation of an existing CAFO and shall be deemed transferable in the same manner as a siting permit as long as the CAFO remains in operation.
- F. Any CAFO existing as of the effective date of this ordinance, which has not previously registered with the administrator, shall not be recognized as an existing CAFO and any grandfather rights for continued operation will not be transferable to a subsequent owner or operator for purpose of this ordinance unless a notice of registration is filed with the Administrator within one hundred eighty (180) days of the effective date of this ordinance.
- G. Any non-conforming CAFO existing as of the effective date of this ordinance which is not in operation or ceases operation for the time periods set out herein shall lose its siting permit and any grandfather rights to exist as a non-conforming CAFO. A non-conforming CAFO located in agricultural zones which ceases operation for one year or more shall lose its siting permit and non-conforming grandfather rights. However, a non-conforming CAFO located in a agricultural zone may receive two (2) yearly extensions, for a maximum of three (3) years of non-operation, of the CAFO, by making yearly written applications to the Administrator. In no event shall a CAFO be out of operation for longer than three (3) years and keep its siting permit and grandfather rights. A non-conforming CAFO located in an area where CAFOs are not permitted shall lose its siting permits and grandfather rights if operation ceases for one hundred eighty (180) days. Any non conforming CAFO which is

destroyed by more than fifty (50%) percent of its value shall not be allowed to be rebuilt as a non-conforming CAFO. Non-conforming CAFOs shall not increase in size or capacity without first conforming to the requirements of this ordinance and obtaining a New Siting Permit. A CAFO shall not be deemed to cease operations for purposes of its grandfather rights if its operation is stopped because of a governmental action. However, this shall not apply to any cease of operations that is caused because the CAFO voluntarily enters into a government program which requires it to cease operations.

- H. Conforming CAFOs, constructed after the effective date of this ordinance, siting permits shall be transferable. The Administrator shall be given notice of the transfer of the siting permits setting forth the date of the transfer and the names and mailing address of whom the permit is being transferred.
- I. CAFOs which have previously registered with the Administrator or have obtained a conditional use permit need not re-apply under this ordinance.

IV. ZONES IN WHICH CAFOS ARE ALLOWED: New CAFOs will only be allowed in agricultural zoned areas.

V. SITING PERMIT REQUIRED: Prior to commencing construction of improvements to operate a new CAFO, increasing the animal units above the number authorized under an existing CAFO siting permit or registration notice, or commencing construction of improvements to expand the animal unit capacity of the CAFO, an applicant shall obtain a siting permit pursuant to this ordinance. New construction, construction of improvements to expand the animal unit capacity of the CAFO, and construction on waste treatment system to change location or capacity will be required to meet the siting permit requirements. Repairs to existing improvements which do not result in a change to the location or capacity will not require a siting permit.

VI. CONTENTS OF APPLICATION FOR SITING PERMIT: Each application for a siting permit shall contain the following:

- A. Name, address, and telephone number of applicant.
- B. Legal description of CAFO
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. A vicinity map of a radius of one mile from the CAFO, at a scale of one inch equals six hundred sixty feet (660) or eight (8) inches equals one mile, showing the following:

- 1. Land use.

2. Surface water courses
3. Wells.
4. Springs.

G. A site plan, of a minimum size of eighteen (18) inches, by twenty-four (24) inches to scale, showing the following:

1. Topography at intervals of twenty (20) feet.
2. Dimensions, size and location of existing improvements on the CAFO, if any.
3. Dimensions, size and location of proposed improvements.
4. Feed storage areas.
5. Confinement areas.
6. Waste storage areas.
7. Wells.
8. Springs and surface water courses.
9. Traffic access.
10. Public thoroughfares.

H. A landscaping plan showing at a minimum berming and tree shrub placements.

I. A written description of the waste treatment system, including a site criteria as outlined in Exhibit A for land where the waste water will be stored and/or applied.

I. Water right permit or license from the State of Idaho.

J. A fee shall be submitted with the application in an amount based upon the following formula:

1. New Permits: \$300.00 plus .25 per animal unit.
2. All Other Siting Permits: \$150.00 plus .25 per additional animal unit.
3. Applications accompanied with a variance request shall include an additional One Hundred dollar (\$100.00) fee.

K. The applicant shall be billed for any postage and publication costs incurred by the county.

VII. PROCESS OF NOTICE AND APPLICATION HEARING: The Commission shall review the application for completeness. Upon determining that the same is complete, the Commission shall conduct one public hearing. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposed CAFO shall be published in the counties official newspaper. Notice may also be made available to other newspapers, radio and television stations serving Elmore County. Fifteen (15) days prior notice shall also be

provided by first class mail to property owners within one half (1/2) mile of the CAFO and any affected person that has made written request to the Administrator for notice.

If the Commission determines the application is not complete, it shall inform the applicant so in writing within twenty (20) days of such determination.

VIII. CRITERIA FOR APPROVAL: Prior to approval of a siting permit for a CAFO, the Commission must find that the new CAFO meets the following requirements:

A. General requirements:

1. The CAFO must comply with and not be in violation of any federal, state or local law.
2. The owner or operator must not have begun construction of new improvements for a CAFO upon land to be used as a CAFO.

B. Waste management:

1. All CAFO's which fall under the jurisdiction of the Department of Agriculture shall follow and be in compliance with any nutrient management plan which has been adopted by the Idaho Department of Agriculture.
2. For the purpose of distribution or application of liquid or solid waste the setbacks contained herein shall not apply to the application of liquid or solid waste.
3. The waste treatment system shall not be located or operated closer than 1100 feet from a residence belonging to someone other than the applicant, or be located and/or operated closer than three hundred (300) feet from property lines. No new residence located in an agricultural zone shall be built within 1100 feet of a waste treatment system.
4. No waste treatment system shall be located and/or operated closer than five hundred (500) feet from a domestic well.
5. The waste treatment system shall have a fifty (50) foot setback from the public right of way.
6. That a dairy CAFO site shall have an environmental compliance certification from the Idaho Department of Agriculture, all other CAFO sites shall have an environmental compliance certification from the appropriate state agency, or written verification from the appropriate state agency that the CAFO is in compliance with the state agency's environmental requirements if there are any.
7. That considering the Site Limitations Rating Criteria for Land-Applied Wastewater as set forth in Exhibit A, there shall be no rating

of very severe or severe in any of the factors unless applicant can show that the potential site will not create any significant environmental impact.

8. Aquaculture CAFOs are exempt from the waste treatment setbacks except for the storage of solid waste on land.

C. Water quality:

1. Operation of the CAFO will not cause, either alone or in conjunction with other causes, contamination of ground water and drinking water beyond MCL's.
2. There will be no discharge of pollutants into surface or ground water except as permitted by the appropriate state and federal agency with jurisdiction.
3. That the CAFO enjoys adequate potable water to operate, which must be evidenced by a permit or license from the Idaho Department of Water Resources, or that the CAFO is in the process of obtaining the permit or license from the Idaho Department of Water Resources, in which case the siting permit will be contingent upon obtaining the appropriate permit or license.

D. Property rights:

1. The maximum density of animals shall not exceed five (5) animal units per acre on the contiguous real property on which the CAFO is operated or a new dairy CAFO can exceed five (5) animal units per acre if the Department of Agriculture adopts and enforces a nutrient management plan and the new CAFO is in compliance with the nutrient management plan. An existing dairy CAFO can exceed the five (5) Animal Units per acre by meeting the berming and landscaping requirements of section VIII D (9), and by complying with the Idaho Department of Agriculture nutrient management plan. If no nutrient management plan is adopted by the Department of Agriculture then the maximum density of animals shall not exceed five (5) animal units per acre.
2. Corrals shall be located at least five hundred (500) feet away from any residence not belonging to the owner or operator of the CAFO. Residences shall be constructed at least five hundred (500) feet away from existing corrals not belonging to the owner or operator constructing the residence. Corrals shall have a fifty (50) foot setback from a public right-of-way.
3. Silage, haylage, potatoes or any other feed product resulting from the ensilage process which is stored in the open air shall be located at

least seven hundred (700) feet from any existing residence not belonging to the owner or operator of the feed. Residences shall be constructed at least seven hundred (700) feet from any existing feed storage areas of this type not belonging to the owner or operator constructing the residence.

4. All feed storage areas shall have a fifty (50) foot setback from a public right-of-way and existing residences.
5. Lights from CAFOs shall be placed and shielded to prevent the light source from becoming a nuisance or hazard outside the property lines of the CAFO.
6. No CAFO shall be located within one and one-half (1 1/2) miles of a parcel of property in a residential zone or an existing platted subdivision with a valid conditional use permit as of the effective date of this ordinance. Residential subdivisions proposed after the effective date of this ordinance shall be located no closer than one and one-half (1 1/2) miles to any existing CAFO with improvements.
7. No CAFO shall be located within one mile of the rim of the Snake River Canyon River Canyon or Zone "A," "AE," "AH," and "AO" flood plains as set out on the most recent Federal Emergency Management Agency Flood Insurance Rate Map for Elmore County. However, this setback can be adjusted on an individual basis if the operator can establish that they have taken the appropriate steps to mitigate or eliminate the possibility of the polluting the water sources or the neighboring property. No variance shall be granted to this setback if it would cause an adverse impact to the neighboring property owners.
8. Aquaculture CAFOs are exempt from the setbacks contained herein except for the storage of solid waste on the land.
9. All new CAFO's, who wish to exceed five (5) animal unit density per

acre, shall have berms with growing hedges and trees. Said berming will be around that portion of the CAFO where the barns, corrals, feed storage areas, and/or waste storage areas are located. The berming shall be of appropriate size to help prevent runoff or flood water from entering or leaving the CAFO. Hedges and trees shall be of the appropriate type and spacing to act as a screen and windbreak for the CAFO. If the landscaping plan is done pursuant to recommendations and/or plans of the Natural Resources Conservation Service or any other governmental agency the hedges and trees shall be deemed to be of the appropriate type and spacing.

10. All CAFOs shall be located outside the defined Area of Impact of any incorporated municipality within Elmore County.

IX. GRANT OR DENIAL OF SITING PERMIT:

- A. If the Commission finds that the applicant has shown that the proposed CAFO meets the criteria set forth herein, the Commission shall grant the siting permit requested. If the Commission does not find that the applicant has shown that the proposed CAFO meets the criteria set forth herein, the Commission shall not grant the siting permit.
- B. A variance can be sought to the setbacks contained in this ordinance by making a written request for a variance at the time of the filing of the application for the siting permit. A variance is a modification of the requirements of the ordinance as to the setbacks and no variance shall be granted to the requirements of the animal density numbers for any CAFO. A variance shall not be considered a right or special privilege but shall be granted to an applicant only upon his showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance notice and opportunity to be heard shall be provided to property owners joining the parcel under consideration and to those persons who have previously requested a notice. The procedure considering a variance shall follow the provisions as set out in the Elmore County Zoning and Development Ordinance for variances.

X. OCCUPANCY CERTIFICATE REQUIRED: Prior to use of the expanded facilities of an existing CAFO or occupation of a new CAFO by livestock, fish, or birds, an Occupancy Certificate is required.

XI. PROCESS FOR OCCUPANCY CERTIFICATE:

- A. After approval of the siting permit (“permit”), but prior to commencing construction of improvements, the permit owner shall notify the Administrator of the commencement of the construction. Additionally, if construction of a liquid waste storage lagoon commences after the initial commencement of construction notice, the permit owner shall provide the Administrator with separate notice of the lagoon construction commencement.

If the permit owner desires to make changes to the proposed facilities authorized under the permit, the permit owner shall present a written change request to the Administrator. The change request will be on a form provided by the Administrator and will contain such information as the Administrator deems appropriate. The request must clearly specify the change(s) and provide an explanation or justification for the change(s). If the change causes relocation of improvements, or waste treatment system, or increase in capacity, notice of the change shall be given to those affected persons who have requested notice of changes. Within five (5) business days of delivery of the change request, the Administrator shall provide the permit

owner with a copy of the change request, marked : “Granted” or “Referred to Commission,” the date of administrative action, and the signature of the Administrator.

If the permit owner desires to make changes to the proposed facilities that the Administrator determines may violate that terms and conditions of the siting permit, the Administrator shall forward the written change request to the Commission for consideration at its next meeting.

- B. If the change request is denied by the Commission, the permit owner may appeal the denial to Board. The appeals shall be governed and processed in accordance with the provisions of the Elmore County Zoning and Development Ordinance.
- C. If the Administrator receives a signed written complaint of alleged noncompliance with the terms of a siting permit, the Administrator shall give notice of the complaint to the permit owner and shall determine the validity of the complaint within ten (10) business days of its receipt. The permit owner can submit rebuttal evidence to the Administrator concerning the complaint. Written notice of the Administrator’s decision shall be given to the permit owner and the complaining party. The permit owner can appeal any of the Administrator’s decisions to the Commission. The permit owner shall be required to correct the non-compliance or appeal the Administrator’s decision within twenty (20) days of the date of the Administrator’s determination. If no appeal is filed, the correction must be completed within thirty (30) days of the date of the Administrator written determination unless a written extension has been granted by the Administrator. If a longer period of time is needed to make the corrections the applicant can request a longer extension from the Commission.
- D. Inspection of the construction progress of the facilities authorized by the permit shall occur at regular intervals. In addition, inspection may be done when requested by the permit owner. The inspections shall be performed by the Building Inspector.
- E. The Building Inspector shall have the authority to issue and post on the premises of the CAFO a “STOP WORK” order if an inspection reveals a material violation of the terms of the permit. All work must STOP after posting the order. The permit owner may appeal such an order to the Commission or the Board, as necessary, in accordance with the provisions of the Elmore County Zoning and Development Ordinance.
- F. After completion of the construction of the facilities authorized by the permit, or any approved change requests or non-compliance corrections, the Administrator shall issue an occupancy certificate to the permit owner. The certificate shall certify that all facilities have been inspected and conform with the terms of the permit, with

approved changes, and the permit owner is fully authorized to occupy and operate the CAFO facilities.

- G. If the Administrator denies issuance of an occupancy certificate, such denial may be appealed to the Commission or the Board, as necessary, in accordance with the provisions of the Elmore County Zoning and Development Ordinance.

XII. NUTRIENT MANAGEMENT PROGRAMS:

- A. All CAFOs under jurisdiction of the Idaho Department of Agriculture shall follow and be in compliance with any nutrient management program which has been adopted by the Idaho Department of Agriculture.

XIII. APPEAL

- A. Any applicant or affected person who has appeared before the Commission person or in writing, aggrieved by a decision of the Commission shall have a right to appeal to the Board. Appeals shall be governed and processed in accordance with the provisions of the Elmore County Zoning and Development Ordinance.

XIV. ENFORCEMENT

- A. Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor as defined by Idaho Code §18-113, and is punishable by up to six (6) months in jail and up to a Three Hundred Dollar (\$300.00) fine, or both. Each day such violation continues shall be considered a separate offense.
- B. In the event any affected person alleges that the CAFO no longer meets the criteria set forth herein and in the occupancy certificate, the affected person may initiate a contested case before the Board as governed by Chapter 52, Title 67, Idaho Code, Idaho's Administrative Procedure Act. The Board shall conduct a hearing in accordance with the provisions of Chapter 52, Title 67, Idaho Code. Following the hearing, the Board may:
 - 1. Find in favor of the CAFO; or,
 - 2. Find in favor of the complainant, and
 - a. revoke the occupancy certificate;
 - b. suspend the occupancy certificate for a definite period;
 - c. modify the occupancy certificate; or,
 - d. provide conditions upon the occupancy certificate.

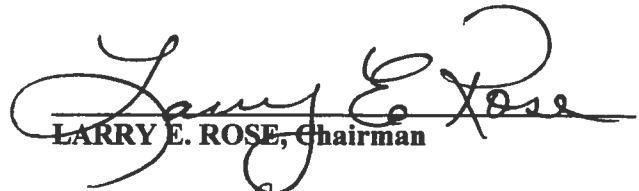
- C. Further, the Board may at any time take immediate action to protect the public in accordance with the process set forth in Idaho's Administrative Procedure Act, specifically Idaho Code §67-5247.

This Ordinance shall be in full force and effect upon publication following passage and approval and shall continue in effect for 360 days after such passage and approval or until a permanent ordinance is passed, whichever occurs first.

A summary of the Ordinance shall be published in the Mt. Home News within one (1) month after adoption and implementation.

Passed and approved by the Board of County Commissioners of Elmore County, Idaho, on this 25th day of October, 2001.

ELMORE COUNTY COMMISSIONERS


LARRY E. ROSE, Chairman


CRAIG McCURRY, Commissioner


CALVIN IRELAND, Commissioner



ATTEST:


GAIL L. BEST, Clerk

SUMMARY OF INTERIM CAFO ORDINANCE

On October 25, 2001, the Board of Commissioner's of Elmore County enacted Ordinance No. 2001-3, the Elmore County Interim Confined Animal Feeding Operation (CAFO) Ordinance. That Ordinance shall become effective on the date of its publication and continues in effect for 360 days or until a permanent ordinance is passed, whichever occurs first. The following is a summary of that ordinance published in compliance with Idaho Code § 31-715A. Any citizen desiring a copy of the full text of this ordinance may apply to the Elmore County Recorder's office, which is open 9:00 A.M. to 5:00 P.M., Monday through Friday.

The Interim CAFO Ordinance provides a definition of the term CAFO to include dairies and feedlots, requires applicants to obtain permits to site a CAFO within Elmore County. The applications are required to include specific information about the proposed site and plans and details about the CAFO.

The Ordinance requires the proposed site to meet certain criteria before a permit is granted. Those criteria include that the site be zoned for agricultural uses, and that there be set backs for subdivisions, residences, wells, public rights of way, and flood zones.

The Ordinance requires that the CAFO comply with all federal, state and local law, including prohibitions against water pollution and requirements for state approved waste and nutrient management. Sites to be used for land application of wastes must meet specified criteria. If the CAFO exceeds five animals units per acre, the CAFO is required to construct berming, windbreak and screening requirements.

The Ordinance sets forth procedures for information gathering, public input and appeal for the applicant and affected persons. It also contains a procedure for inspection of the CAFO before an occupancy permit is issued.

CAFO's that currently have Conditional Use Permits need to re-apply, however any existing operation that does not have a Conditional Use Permit must register with the County within 180 days in order to obtain grandfather rights. Certain changes in existing operations must comply with the Interim CAFO Ordinance.

Violation of the Ordinance is a misdemeanor, by up to six (6) months in jail or a \$300.00 fine or both. Each day of violation is a separate offense.

**GAIL L. BEST
CLERK, BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO**

1 PUBLICATION - OCTOBER 31, 2001