

CHAPTER 17

CONFINED ANIMAL FEEDING OPERATION REGULATIONS

17-1. GENERAL, SCOPE, AND APPLICABILITY

- A. GENERAL: The specific provisions of this Chapter control when other portions of this ordinance are inconsistent with the provisions of this Chapter. The provisions of this Chapter are minimum standards and any more restrictive standards required by other local, State and/or Federal laws, rules and/or regulations must be complied with.
- B. CLASSES OF CONFINED ANIMAL FEEDING OPERATIONS: Confined Animal Feeding Operations are classified in the different levels as established in this Chapter and Chapter 2 of this Ordinance.
- C. SCOPE AND APPLICABILITY: Confined Animal Feeding Operations subject to the requirements of this Chapter include all new operations or expanding existing operations, which meet the definitions of a Confined Animal Feeding Operations as defined in this Ordinance.
1. COMMERCIAL AND INDUSTRIAL CONFINED ANIMAL FEEDING OPERATION: Any owner and/or operator of a commercial or industrial Confined Animal Feeding Operations shall, prior to the commencement of any such confinement operation, secure an operating permit for such operation from the Minidoka County Planning & Zoning Commission, pursuant to the procedure set forth in this Ordinance. Such permit shall be required for all commercial or industrial Confined Animal Feeding Operations, including those operation that are considered non-conforming uses of record upon expansion or increase of the size of operation.
 2. DOMESTIC CONFINED ANIMAL FEEDING OPERATION: Any owner and/or operator of a domestic Confined Animal Feeding Operation may obtain an operating permit for such confinement operation from the Minidoka County Planning & Zoning Commission, pursuant to the procedure set forth in this Ordinance. All Domestic Confined Animal Feeding Operations shall comply with Section 17-5, whether or not a CAFO Permit has been obtained.
 3. BUILDING PERMIT: Any owner and/or operator of a Confined Animal Feeding Operation shall obtain a building permit prior to the construction of any permanent structures associated with a Confined Animal Feeding Operation except as exempted in Section 13-5. Such construction shall be issued by the Minidoka County Building Inspector upon approval of a livestock confinement application by the Planning and Zoning Commission.

17-2 DEFINITIONS: For the purpose of this Ordinance, certain terms, phrases, or words used herein shall be defined as follows (these definitions are also included in Chapter 2)

ANIMAL UNIT EQUIVALENTS: All livestock shall have the following animal unit equivalents:

Dairy Cattle

Holsteins:	Milking and dry cows	1.4 A.U.
Jerseys:	Milking and dry cows	1.0 A.U.
Others:	1,000 lb. Of live body weight	1.0 A.U.
Heifers:	100 lb. To 300 lb.	0.2 A.U.
	300 lb. To 500 lb.	0.4 A.U.
	500 lb. To 700 lb.	0.6 A.U.
	700 lb. To 900 lb.	0.8 A.U.
	900 lb. To 1,000 lb.	1.0 A.U.

Beef Cattle - Slaughter/Feeder:

	100 lb. To 300 lb.	0.2 A.U.
	300 lb. To 500 lb.	0.4 A.U.
	500 lb. To 700 lb.	0.6 A.U.
	700 lb. To 900 lb.	0.8 A.U.
	900 lb. To 1,000 lb.	1.0 A.U.

Swine

Boars:	1,000 lb. Of live body weight	1.0 A.U.
Sows:	1,000 lb. Of live body weight	1.0 A.U.
Pigs:	55 lb. To market	0.5 A.U.
Pigs:	Up to 55 lb.	0.25 A.U.

Sheep/Lambs Each 0.1 A.U.

Horse 1.25 A.U.

Fur bearing animals

	Less than 10 lbs. in body weight	0.01 A.U.
	Other – based on body weight as herein specified	

Chickens

Layers	Each	0.033 A.U.
Broilers	Each	0.033 A.U.
Turkeys	Each	0.18 A.U.
Ducks	Each	0.02 A.U.

For species not specifically identified: 1,000 lb. Of live body weight =1.0 A.U.

CAFO: See Confined Animal Feeding Operation

COMMERCIAL FEEDLOT-STOCK YARD: See Commercial or Industrial Confined Animal Feeding Operation.

COMMERCIAL CONFINED ANIMAL FEEDING OPERATION: A contiguous parcel of land upon which there is one or more livestock confinement areas, and upon which there are confined more than two hundred (200) but less than one thousand (1000) livestock animal equivalent units of large livestock or more than fifteen hundred (1500) but less than fifteen thousand (15,000) head of fowl and furbearers.

CONFINED ANIMAL FEEDING OPERATIONS: The use of real property for the keeping, stabling, feeding, confinement and maintenance of livestock, except where such livestock are fed exclusively on growing range or pasturage when one or more of the following conditions will exist:

- A. Livestock operations or facilities that confine, stable, feed or maintain one hundred (100) or more total animal units or operations located on twenty (20) acres or less with more than five (5) animal units per acre.
- B. Livestock operations that consists of one hundred (100) to one thousand (1000) animal units that stable or confine and feed or maintain for a total of one hundred twenty (120) days or more in any twelve (12) month period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- C. Livestock operations that consists of one thousand (1000) animal units or more that stable or confine and feed or maintain for a total of forty five (45) days or more in any twelve (12) month period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Confined animal feeding operation shall include barns, sheds, feed storage facilities as well as corrals, lagoons, and parking, feed and waste storage areas. Operations located on properties that are not contiguous shall be treated as separate operations. Also known as Livestock Confinement Operation or LCO, but for the purpose of this Ordinance shall be referred to as Confined Animal Feeding Operation or CAFO. The three classifications of Confined Animal Feeding Operations are Domestic, Commercial and Industrial and are separately defined in this chapter.

CONFINED ANIMAL FEEDING OPERATION, EXISTING: The use of any premises as a Confined Animal Feeding Operation which does not conform to the regulations of this Ordinance, but which was in existence at the effective date of this Ordinance.

DAIRY: See Industrial, Commercial or Domestic Confined Animal Feeding Operation.

DOMESTIC CONFINED ANIMAL FEEDING OPERATION: A Contiguous parcel of land which there is one or more livestock confinement areas, and upon which there are confined at least twenty-five (25) but no more than two hundred (200) livestock animal equivalent units of large livestock and/or at least five hundred (500) but no more than fifteen hundred (1500) units of fowl and/or furbearers.

FEED LOT: See Industrial, Commercial or Domestic Confined Animal Feeding Operation.

FOWL: Chickens, ducks, geese, pheasants, partridge, guinea hens, peacocks, or other similar domesticated birds excluding ostriches and emus.

FURBEARERS: Mink, fox, beaver, otter, or other similar domesticated animals.

INDUSTRIAL CONFINED ANIMAL FEEDING OPERATION: A contiguous parcel of land upon which there is one or more confinement areas, and upon which there are confined one thousand (1000) or more livestock animal equivalent units of large livestock or fifteen thousand (15,000) or more units of fowl and furbearers.

LCO: Livestock Confinement Operation.

LAGOONS, WASTE: Ponds or other facilities designed and used for the storage of, or as a waste treatment system for liquid or semi-liquid waste, waste products or wastewater for Confined Animal Feeding Operations. For the purpose of this ordinance waste lagoons do not include facilities such as berms, banks, trenches, ponds or other storm run-off containment systems designed strictly for the occasional or seasonal rain or snow melt runoff of livestock confinement areas.

LIQUID WASTE: A liquid substance containing any wastewater, waste or waste products, separately or in combination.

LIVESTOCK: Fowl, furbearers, cattle, dairy animals, swine, sheep, goats, horses, mules, llamas, ostriches, emus, and other similar domesticated animals including their offspring.

LIVESTOCK, LARGE: Cattle, dairy animals, swine, sheep, goats, horses, llamas, mules, donkeys, ostriches, emus and other similar domesticated animals, including their offspring.

LIVESTOCK CONFINEMENT AREA: A structure or area of land within which livestock are confined for a period of more than forty eight (48) hours during any seven (7) consecutive days.

LIVESTOCK CONFINEMENT OPERATION: See definition of Confined Animal Feeding Operation. Also known as LCO, but for the purpose of this ordinance shall be referred to as Confined Animal Feeding Operations or CAFO.

OCCUPIED RESIDENTIAL USE: A Residential Use defined in this chapter, which has actual residential habitation by one or more persons during the preceding three (3) years.

ODOR: Means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity, nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

ODOR ABATEMENT: The reduction or elimination of odors present in the ambient air.

ODOR ABATEMENT PLAN: A written plan prepared by the owner/applicant stating methods and practices to be used to minimize or eliminate odors.

PEST ABATEMENT: The reduction or elimination of pests such as but not limited to flies, insects, rodents, etc.

PEST ABATEMENT PLAN: A written plan prepared by the owner/applicant stating methods and practices to be used to minimize or eliminate pests.

SITING ADVISORY TEAM ("Team"): A team comprised of representatives from the Idaho State Department of Agriculture (ISDA), Idaho Division of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and an official designee of Minidoka County. The Siting Advisory Team may invite representatives of the state universities of Idaho and following federal agencies, U.S. Environmental Protection Agency (EPA), U.S. Natural Resources Conservation Service (NRCS), U.S. Geological Survey (USGS), and the United States Department Agricultural Research Services (USDA), to participate as Advisor and/or Consultants to the Team.

STORM RUNOFF CONTAINMENT: Means the storage facility that intercepts precipitation runoff of a corral(s) based on the requirement for a twenty five (25) year, twenty four (24) hour storm event only. This does not include wastewater.

WASTE: Waste normally associated with animal feeding operations, which may include waste products, wastewater and feed residues.

WASTE PRODUCTS: Organic waste matter such as urine and/or feces.

WASTE TREATMENT SYSTEM: The process, area, or mechanism employed for the retention, storage and treatment of liquid or solid wastes.

WASTEWATER: Water that has been used, for washing, flushing, or in a manufacturing process, which also contains waste products.

17-3 APPLICATION REQUIREMENTS AND PROCEDURE: An application for a livestock confinement operating permit shall be filed with the office of the Administrator upon a form prescribed by the Administrator and approved by the Board. At a minimum the application shall contain the following:

- A. Name, address, and telephone number of the operator and name, address and telephone number of owner if different than operator.
- B. Legal description and address of the property including the acreage.
- C. A full description of the present use of the property including the present zoning of property.
- D. The proposed animal capacity of the operation and the type of animals to be confined.
- E. For expansion of an existing operation the existing or previous capacity of the operation and the type of animals that had been confined.
- F. A narrative statement describing the Confined Animal Feeding Operation including a complete description of the facilities and their capacities.
- G. A map including surface contours, soil depths and types, size and location of drainage points of the CAFO site obtained from the USDA Natural Resource Conservation Service or other source. Changes to the existing contours shall be shown on a separate contour map prepared by an engineer or land surveyor licensed in the State of Idaho.
- H. A vicinity map showing the following information within one (1) mile of the exterior boundaries of the proposed operation:
 - 1. Location of all residences
 - 2. Location and use of all other buildings
 - 3. Location of all public, domestic, or irrigation wells
 - 4. Location of monitoring and injection wells and seep tunnels of record
 - 5. Irrigation canals, laterals and ditches
 - 6. Rivers, streams, springs, reservoirs and wetlands
 - 7. Flood zones if applicable
 - 8. Other Confined Animal Feeding Operations
- I. The site plan submitted with said application shall comply with and include the following:
 - 1. Dimensions, size and location of any existing or proposed buildings or additions, including setback measurements.
 - 2. Dimensions, size and location of all but not limited to feed storage areas, livestock confinement areas, waste storage areas and water wells.
 - 3. The CAFO's location and distance from canals, ditches, injection wells and sink holes.
 - 4. Traffic access and public roads or highways.
 - 5. The location and placement of area lighting fixtures.
 - 6. The site plan shall indicate planned expansion areas, future construction sites and all other proposed aspects of the CAFO as herein mentioned.

7. The site plan shall be prepared a minimum size of eighteen (18) by twenty-four (24) inches and drawn to a scale approved by the administrator.
- J. Waste system design plan for solid and liquid waste approved by the appropriate agency of the State of Idaho.
- K. Nutrient Management Plan.
- L. A characterization of the proposed CAFO and any land application site(s) owned, leased, operated or contracted by the applicant, which land is part of the nutrient management plan and includes the following information:
 1. Annual precipitation as contained in the Idaho Waste Management Guidelines.
 2. Soil Characteristics from NRCS.
 3. Hydro geological factors from IDWR, ISDA, and USGS including:
 - a. Depth to first water-yielding zone and first encountered water,
 - b. Direction of ground-water movement and gradient,
 - c. Sources of estimated recharge,
 - d. Seasonal variations in water level and recharge characteristics,
 - e. Susceptibility to contamination, and
 - f. Ground water/surface water relationships.
 4. Water Quality data from IDEQ, ISDA, and USGS including:
 - a. Microorganisms (bacteria or single-cell),
 - b. Nutrients, including, but not limited to nitrates and phosphorous, and
 - c. Pharmaceuticals and organic compounds.
- M. Idaho Department of Water Resources application and subsequent licensure for water source and rights.
- N. Pest and odor abatement plans.
- O. Written comment on and the approval from the Minidoka County Highway District of ingress and egress points of the site.
- P. Written comment on and the approval from the applicable local fire protection district of roads on the site plan.
- Q. Written comment on and the approval from the applicable Irrigation District with respects to the CAFO operation.
- R. Siting Advisory Team report.
- S. Application fee as established by resolution of the Board.

17-4 EXISTING CONFINED ANIMAL FEEDING OPERATIONS:

- A. GENERAL:
 1. This ordinance does not relieve any non-registered Confined Animal Feeding Operations of any requirements by other local, state or federal ordinances and laws.
 2. A Confined Animal Feeding Operation, which has previously received its approval and is in compliance with conditions of said approval, need not reapply under this ordinance.

3. For the purpose of this chapter a non-conforming Confined Animal Feeding Operation shall be one that does not conform to the regulations of this chapter, but which was lawfully in existence at the time that this chapter went into effect.
4. A non-conforming Confined Animal Feeding Operation may be changed to a conforming use by meeting the requirements of this chapter.
5. A non-conforming Confined Animal Feeding Operation may make improvements provided that the number of animal units does not increase, that the improvements will be a benefit to the area, will improve operating and maintenance practices of the facility, and improve the over all appearance of the site.
6. Any improvements made to a non-conforming Confined Animal Feeding Operation shall not increase in any manner a non-complying existing condition of the operation.
7. A Confined Animal Feeding Operation to be considered non-conforming or existing shall provide proof of continuous operation and evidence of the number of animal units at various stages of operation prior to the enactment of this original ordinance.
8. A non-conforming Confined Animal Feeding Operation shall lose its non-conforming or grandfather use rights if the operation ceases for more than three (3) years.
9. A owner/operator may establish a new and/or different Confined Animal Feeding Operation without bring the non-conforming CAFO into compliance.

B. EXPANSION OF EXISTING CONFINED ANIMAL FEEDING OPERATIONS:

1. Non-conforming animal feeding operations shall not increase in size or capacity without first conforming to the requirements of this chapter and obtaining applicable approval for a Confined Animal Feeding Operation.
2. Upon establishment of the records for a non-conforming Confined Animal Feeding Operation, an operation of one thousand (1000) animal units or less may apply for a one-time expansion up to ten (10%) percent of the existing operation but not to exceed a total of (1000) animal units.
3. The expansion of a non-conforming Confined Animal Feeding Operation will be allowed if it does not result in the required expansion of the lagoon or runoff containment.
4. The expansion of a non-conforming Confined Animal Feeding Operation shall not decrease the distance of any non-conforming setback without first obtaining a variance by virtue of a signed notarized waiver of the affected property owner.
5. Non-conforming animal feeding operations that request expansion beyond the criteria set forth herein shall comply with the provisions and approval process as set forth in this chapter.

17-5 LOCATION, SEPARATION AND SETBACKS:

- A. EXISTING FACILITIES: Existing facilities associated with a Confined Animal Feeding Operation which do not meet the location, separation and setback requirements of this chapter at the time of the adoption of this ordinance shall be exempt from said requirements, provided said facilities do not become an inactive operation as set forth in 17-7C of this ordinance. Replacement of existing structures, or additions thereto shall be subject to public road right-of-way setbacks as provided in this Ordinance, but shall not be placed any closer to occupied residential uses.
- B. PERMITTED LOCATIONS: New Confined Animal Feeding Operations shall be allowed to locate as follows:
1. Permitted locations for all new Confined Animal Feeding Operations shall be allowed only in zoning districts as set forth in the Official Schedule of Zoning Regulations in Section 5-2 of this Ordinance.
 2. New Industrial Confined Animal Feeding Operations shall not locate within any of the Cities Areas of Impact.
 3. New Industrial Confined Animal Feeding Operations shall not locate within one mile of any of the Cities corporate limits.
 4. New Commercial Confined Animal Feeding Operations shall be allowed to locate within any of the Cities Areas of Impact only within the proper Zoning District and with the granting of a special use approved by both the City and County Planning and Zoning Commissions.
- C. PUBLIC RIGHT OF WAYS: All new structures and facilities shall be subject to public road setback limitations, including confinement areas, loading, off-loading, and feed storage facilities as set forth in the Official Height and Area Regulations in Section 5-3 of this Ordinance.
- D. SEPARATION FROM RESIDENCES AND OTHER BUILDINGS: All livestock confinement areas, sewage lagoons, separators, solid waste storage and composting facilities shall be located not less than the following distances from occupied uses not associated with the Confined Animal Feeding Operation including residential uses, churches, schools or other buildings used for human occupancy, including mobile homes:
1. Domestic Confined Animal Feeding Operation – five hundred (500) feet
 2. Commercial Confined Animal Feeding Operations – one thousand (1,000) feet
 3. Industrial Confined Animal Feeding Operations – thirteen hundred twenty (1,320) feet
- E. RESIDENTIAL ENCROACHMENT:
1. No residential use, including mobile homes, (not associated with the Confined Animal Feeding Operation) shall be permitted upon any property where the location of such residential use would encroach upon the separations required of an approved Confined Animal Feeding Operation, which has a construction or operating permit.

2. New residential subdivisions or planned unit developments proposed after the effective date of this ordinance shall be located no closer than one (1) mile to any approved Industrial Confined Animal Feeding Operation.

F. OTHER USE ENCROACHMENT:

1. No commercial uses, churches, schools or other buildings used for human occupancy shall be permitted upon any property where the location of such use would encroach upon the separations required of an approved Confined Animal Feeding Operation, which has a construction or operating permit.
2. New commercial subdivisions or planned unit developments proposed after the effective date of this ordinance shall be located no closer than one (1) mile to any approved Industrial Confined Animal Feeding Operation.

G. WASTE LAGOONS.

1. Liquid waste treatment lagoons, separators, holding ponds, liquid and/or solid waste storage facilities shall be a minimum of fifty (50) feet away from the water's edge of any canal, lateral or ditches.
2. Liquid waste treatment lagoons, separators, holding ponds, liquid and/or solid waste storage facilities shall be not less than three hundred feet (300') from any public road right of ways and property boundaries.
3. Liquid waste treatment lagoons, separators, holding ponds, liquid and/or solid waste storage facilities shall be not less than three hundred feet (300') from any domestic well.
4. Liquid waste treatment lagoons, separators, holding ponds, liquid and/or solid waste storage facilities shall be not less than one thousand feet (1000') from any public water system.

H. CORRALS:

1. The closet edge of corrals shall be located at least three hundred (300) feet from any domestic well.
2. The closet edge of corrals shall be located at least one thousand (1000) feet from any public water system.

I. RUNOFF CONTAINMENT:

1. For maintenance and control reasons all runoff containment systems shall be maintained entirely on the property of the Confined Animal Feeding Operation.
2. For maintenance and control reasons any part of a runoff containment systems shall be located at least thirty (30) feet from any public right-of-way or property line.
3. The closest inside edge of runoff containing wall or bank shall be located at least three hundred feet from any domestic well and one thousand (1000) feet from any public water system.

J. FEED STORAGE AREAS:

1. All feed storage facilities shall be serviced with adequate ingress and egress to public right-of-ways that does not obstruct vision or cause any other type of traffic hazard.
 2. All permanent feed storage structures shall comply with setbacks and separation as established in this ordinance and the adopted building code.
 3. Feed storage areas that utilize beet pulp, corn silage, haylage, potatoes or any other feed product resulting from the ensilage process shall comply with the same location and setback requirements as those required of confinement areas.
- K. COMPOSTING FACILITIES: Composting facilities shall be located a minimum of fifty (50) feet from public road right-of-ways, and any canal, lateral, or ditch water edge. Separation for composting facilities from residential and other uses shall comply with requirements established in Subsection 17-5D of this Ordinance.
- L. WELLHEAD PROTECTION DISTRICT: All Confined Animal Feeding Operation located within a wellhead protection district shall be in compliance with the wellhead protection district ordinance requirements.
- M. OTHER LOCATION AND SEPERATION REQUIREMENTS: Location of waste lagoons, corrals, wells, septic systems and other livestock confinement related facilities and structures shall comply with all applicable requirements of the Decision of Environmental Quality, the Department of Agriculture or other applicable State or Federal Agency.
- N. VARIANCES: Variances from the separation requirements of residential uses, other buildings, and property boundaries may be granted if consent thereto is obtained and recorded by the landowners of such property and the owner/operator of an affected Confined Animal Feeding Operation.

17-6 PERFORMANCE STANDARDS:

- A. GENERAL:
1. The owner/operator must be in compliance with and not in violation of any federal, state or other local law or ordinance.
 2. The owner/operator shall not begin construction of new improvements for a CAFO at the proposed site without the final zoning approval. If it is determined that construction has commenced, penalties will be imposed in accordance with the provisions of this ordinance.
- B. WASTE MANAGEMENT:
1. Liquid waste, solid waste, and manure shall be handled and managed in accordance with the design plan approved by the Idaho Department of Health and Welfare, Division of Environmental Quality and the Idaho Department of Agriculture, and submitted with the application for the CAFO Operating Permit.
 2. Industrial Confined Animal Feeding Operations using a liquid waste system shall have waste and odor management systems designed by a

professional engineer registered in the State of Idaho and having experience in the design and implementation of said systems or a Idaho Department of Agriculture Certified Nutrient Management Planner.

- a. The applicant's contract with said engineering firm or certified planner shall contain a supervision and completion inspection clause that will assure proper installation and operation of the system and insurance or a performance bond in an amount sufficient to cover the replacement or modification of the system.
 - b. At project completion the engineer or certified planner shall submit a report to the Administrator certifying that the waste and odor management systems have been installed in accordance with original design specifications or if modifications have been made, what those modifications are, how they will effect overall performance and that the systems will function properly.
 - c. At the end of one year the engineer or certified planner shall submit a written report certifying that all systems are functioning properly.
3. Lagoons, storm runoff containment or earthen structures containing waste shall meet both the State of Idaho and Environmental Protection Agencies standards for leakage and construction.
 4. The Confined Animal Feeding Operation shall have a favorable rating from Siting Advisory Team or documented information showing the detail for the mitigation of problem areas for an unfavorable rating.
 5. Solid and liquid waste may be applied to property not owned by the animal feeding operation owner. In such circumstances the owner/operator shall maintain records of any agreements or arrangements with the applicable landowners demonstrating permission for such waste land application. These records shall be maintained on an on going basis and made available to the Administrator upon request.
 6. A new animal feeding operation siting permit, expansion or transfer of an existing permit will require the applicant to provide documentation listing facilities located off site of the animal feeding operation, taking solid or liquid waste and documentation shall be part of the siting permit application. Transferring the waste to another entity does not relieve the owner/operator from meeting the requirements of the nutrient management plan or the responsibility to prevent pollution of the surface or ground water of the State of Idaho. Duplication of land application sites for liquid or solid waste is prohibited.
 7. The owner of the Confined Animal Feeding Operation shall maintain records, available to the Administrator, to verify that the number of animals does not exceed the number of permitted animal units, nutrient management plan is functioning properly; contracts for the application of wastes are valid, waste and odor systems are functioning as designed. Failure to do so will render the owner in noncompliance and subject to the enforcement section of this chapter.
 8. Each Confined Animal Feeding Operation shall maintain records documenting the land area set aside for waste application as established in

the approved nutrient and waste management plan. Such documentation shall be made available, upon request to the Administrator.

C. PEST ABATEMENT PLAN:

1. A pest abatement plan shall be prepared and submitted by the owner/applicant for the Confined Animal Feeding Operation.
 - a. The pest abatement plan shall provide specific methods for preventing pests, including not limited to flies, insects, rodents, etc.
 - b. The pest abatement plan shall include physical, structural, or chemical means to abate the population of flies, insects, rodents, etc.
2. The owner/operator shall examine the plan annually to evaluate the effectiveness of the plan, modify for changed conditions and determine if feasible technologies are available and appropriate for the operation.
3. The owner/operator shall maintain records of all pest abatement practices for verification if necessary to the Administrator.

D. ODOR ABATEMENT PLAN:

1. An odor abatement plan shall be prepared and submitted by the owner/operator for the Confined Animal Feeding Operation for approval.
2. Odor abatement facilities shall be designed, constructed and managed so as to minimize any adverse impacts on the surrounding property not owned by the owner/operator.
3. The plan shall address specific methods for the abatement of odors including but not limited to the following:
 - a. Drainage: Corrals, holding pens, etc.
 - b. Manure storage management: Liquid and solid.
 - c. Land application of waste: Application rates, dilution factors, etc.
 - d. Carcass disposal.
 - e. General house keeping.
 - f. Chemical or microbic practices.
 - g. Any other facility or practice for odor control.
4. The owner/operator shall examine the plan annually to evaluate the effectiveness of the plan, modify for changed conditions and determine if feasible technologies are available and appropriate for the operation.
5. The owner/operator shall maintain records of all odor abatement practices for verification if necessary to the Administrator.

E. RUNOFF CONTROL AND WATER QUALITY: The Confined Animal Feeding Operation shall be constructed and operated so as to prevent the runoff of animal waste, silt, or other debris to adjoining property, public right-of-ways, or irrigation works.

1. Operation of the Confined Animal Feeding Operation will not cause, either alone or in conjunction with other causes, contamination of surface or ground water and will comply with the State of Idaho's Anti-degradation Policy.
2. There shall be no discharge of pollutants into surface or ground water except as permitted by the appropriate state and/or federal agency. A copy

of such permit from any agency relative to discharge of pollutants must be on file with the siting permit.

3. The Confined Animal Feeding Operation has adequate potable water to operate, which must be evidenced by a permit or license from the Idaho Department of Water Resources.
 4. The Confined Animal Feeding Operation permit may be approved and issued with proof of application for a water right; building or construction permits will be issued however no construction may be started without written proof of an approved water right or completed transfer from the Idaho Department of Water Resources.
- F. AREA LIGHTING: Area lighting shall be located and/or shielded in such a manner so that the light source will be directed down and inside the property lines of the Confined Animal Feeding Operation. Area lighting shall also be located and/or shielded in such a manner so that the light source will not blind, restrict, or otherwise interfere with the vision of operators of motor vehicles on public roadways.
- G. CAPACITY AND DENSITY: Livestock confined within a Confined Animal Feeding Operation shall not exceed the number allowed by the operating permit. The maximum density of animal units shall not exceed five (5) per acre in livestock density unless an approved waste management plan is in place allowing a greater density. Nor shall the total number exceeded that approved on the Confined Animal Feeding Operation Permit or that is allowed in the applicable Zoning District for the designated class of the Confined Animal Feeding Operation.
- H. DUST CONTROL: The Confined Animal Feeding Operation shall be managed to prevent dust from creating a public road visibility hazard.
- I. ZONING: Confined Animal Feeding Operations shall be permitted only as established in the Official Schedule of Zoning Regulations.

17-7 BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

- A. BUILDING PERMITS: Building and/or siting permits are required before construction shall commence on new or expanding facilities. Where building permits are required a Certificate of Occupancy will be required before occupancy and/or use of the new or expanded facilities.
1. Prior to commencing construction on a new facility or before making any improvements or expansion to an existing facility, the owner/operator shall contact the Administrator to obtain the necessary permits.
 2. Inspection during construction of the facilities authorized by the building permit(s) shall occur at regular intervals as determined by the Building Official and additional inspections may occur at request of the owner/operator or his/her duly appointed agent.
 3. The Building Official or his/her appointed representative shall perform the inspections and shall have the right to enter the property to conduct such

inspections to assure compliance with the provisions of Minidoka County ordinances.

4. The Administrator, Building Official or their appointed representative shall have authority to issue and post on the premises of the property a “STOP WORK” order if an inspection reveals a violation of the terms of the siting or building permits. All work must cease after posting of the order and will not be permitted to resume until the violation(s) have been corrected.

B. CHANGE ORDERS:

1. If the owner/operator desires to make changes to the proposed facilities authorized under the siting and building permits, he/she shall present a written change order request to the Administrator or Building Official.
2. The request shall clearly specify the proposed change(s) being requested, including an explanation and justification for such change(s) along with any supporting documents.
3. If the proposed change(s) involves the relocation of major improvements such as but not limited to the waste treatment system, free stalls, barns or corrals, notice of the proposed change(s) will be given to those effected persons noticed in the initial hearing.
4. No change order request(s) will be considered which may violate the requirements of this ordinance or any other local, state or federal requirements.
5. The Administrator shall review all change order requests to determine if they substantially alters the siting permit. If it is determined that the request does substantially alters the permit then the request shall be presented to the Commission for a determination.
6. Decisions by the Administrator may be appealed to the Commission and decisions of the Commission may be appealed to the Board

C. CERTIFICATES OF OCCUPANCY AND COMPLIANCE:

1. Prior to the occupancy and/or use a new or expanded Confined Animal Feeding Operation facility the owner/operator shall obtain a Certificate of Compliance for the operation.
2. Prior to the occupancy and/or use of buildings, which did require a building permit, the owner/operator shall obtain a Certificate of Occupancy for those buildings.
3. The owner/operator shall provide a copy of licensure for the water source from the Idaho Department of Water Resources.
4. The owner/operator shall have the necessary certificate(s) and/or permit(s) from the appropriate local, state and/or federal agencies prior to the commencement of operations or occupancy.
5. Upon completion and final inspection of the facilities authorized by the permit(s) and upon compliance with the provisions of the applicable ordinances the Administrator or Building Official shall issue a Certificate of Occupancy.

6. The certificate shall certify that all facilities have been inspected and conform to the terms of the permit(s), is in compliance with the provisions of Minidoka County ordinances and the owner/operator is fully authorized to occupy and operate the Confined Animal Feeding Operation.
- D. CONSTRUCTION:
1. Construction of a Confined Animal Feeding Operation must commence within two (2) years of the issuance of the permit and must be ready for operation within five (5) years of the issuance of the permit or it shall expire.
 2. Construction and operation levels may be accomplished in stages if such proposal is submitted and approved with the application.

17-8 PROCEDURE FOR HEARING

- A. APPLICATION REVIEW: The Administrator shall review the application for completeness. Upon determining that the application is complete, the zoning official shall submit the application to the Siting Advisory Team within fifteen (15) days.
- B. SITING ADVISORY REPORT: Upon receipt of the siting advisory team report and after determination by the Administrator that the application and report is complete, the application will be prepared for public hearing.
- C. HEARING NOTICE: Notice of hearing on a proposed Confined Animal Feeding Operation shall be given as provided in Chapter 15 of this Ordinance.
- D. ACTION BY THE COMMISSION: The Minidoka County Planning and Zoning Commission shall render a decision on a CAFO application pursuant to Chapter 15 of this Ordinance, which said decision may be appealed pursuant to Chapter 14 of this Ordinance.
- E. ISSUANCE OF PERMIT: The Administrator shall issue an operating permit within fifteen (15) working days of approval of an application by the Planning and Zoning Commission, and shall cause a notice of the issuance such permit to be recorded in the office of the County Recorder of Minidoka County within five (5) working days of issuance.
- F. ISSUANCE OF CONSTRUCTION PERMITS: Upon approval and recording of the CAFO Permit and after constructions plans have been reviewed and applicable fees paid the Building Official shall issue appropriate construction or building permits.

17-9 ADMINISTRATIVE APPROVAL

- A. An administrative approval process when permitted in the Official Schedule of Zoning Regulations may be used to approve applications for a Confined Animal Feeding Operation.
- B. For a commercial application the Administrator shall review the application for completeness. Upon determining that the application is complete, the zoning

- official shall submit the application to the Siting Advisory Team within fifteen (15) days.
- C. Upon receipt of the Siting Advisory Team report of a commercial application and after determination by the Administrator that the application is complete, the Administrator shall review the application and either approve, approve with conditions or deny the application.
 - D. For a domestic application the Administrator shall review the application for completeness. After determination by the Administrator that the application is complete, the Administrator shall review the application and with in thirty (30) working days either approve, approve with conditions or deny the application.
 - E. The Administrator will inform the applicant in writing within fifteen (15) working days of the decision. The decision of the Administrator may be appealed to the Minidoka County Planning and Zoning Commission within twenty-eight (28) days of the Administrator's decision.
 - F. The Administrator may authorize a public hearing on any application submitted if in his/her judgment that it is necessary to comply with the objectives of this ordinance and/or in a situation where special circumstances or conditions may exist.

17-10 REVISION OF OPERATING PERMIT

- A. REVISION OF PERMIT: An owner/operator of a Confined Animal Feeding Operation may be granted a revision of an operating permit upon application therefore to the Zoning Administrator. Said application shall contain a summary of proposed changes to the Confined Animal Feeding Operation, and shall include a revised site plan if the location of any permanent facilities is changed from the existing permit. If the proposed changes in livestock numbers exceed the capacity of the waste system design plan, a revised waste system design must be approved by the Idaho Department of Health and Welfare, Division of Environmental Quality for feedlots and the Idaho Department of Agriculture for dairies, and submitted with the application.
- B. HEARING REQUIRED: Any revision of an operating permit which will include property outside the boundaries of an existing permit, which involves a change of class of operation, or which exceeds the exempted increase amount shall require a public hearing as set forth in Section 17-5.
- C. TRANSFER OF PERMIT: The holder of the existing permit may transfer an existing CAFO OR LCO operating or construction permit to a new owner or operator upon written notification to the Zoning Administrator, provided that:
 - 1. The new owner shall file a transfer statement with the Administrator within ninety (90) days from the date of purchase. The transfer statement shall include the date of transfer and purchase, with names and mailing addresses of both the transferor and transferee.
 - 2. The previous owner/operator shall provide a signed statement, stating that the Confined Animal Feeding Operation is in compliance with all local, state and federal regulations and/or requirements.

3. If not currently in place at the time of the transfer, the new owner/operator shall submit a current nutrient management plan and odor and pest abatement plans with the other transfer documents.

17-11 ENFORCEMENT AND TERMINATION

A. GENERAL PROCEDURE:

1. Whenever a zoning official shall determine that a violation of this chapter has occurred or is about to occur, the zoning official shall take action in accordance with the provisions of this ordinance.
2. Complaints made by individuals shall be in writing and contain the nature of the complaint(s), name and address of the Confined Animal Feeding Operation, time(s) and date(s) of occurrence, and name address and phone number of the complainant.
3. Complaints properly submitted for odor problems will be forwarded to the appropriate state agency for enforcement of state regulation for odor control.
4. Upon receiving a complaint the Administrator shall have the alleged complaint investigated.
5. Upon investigation of the alleged complaint the Administrator shall determine if a violation exists. If no violation exists the Administrator will notify the complainant within twenty (20) working days. If there is a violation the Administrator will take action in accordance with the provisions of this ordinance.
6. Upon determination that a violation exists the Administrator shall notify the owner/operator within ten (10) working days. Notice shall be effective upon hand delivery or three days after the date of mailing.
7. The owner/operator shall respond to the administrator within ten (10) working days.
 - a. If the violation can be corrected within twenty-eight (28) working days or less the response shall contain a description of the corrective action(s) and estimated time necessary for completion.
 - b. If the violation is such that it will require additional time to correct, the owner/operator will submit in writing within ten (10) working days of the above described notice a proposed compliance schedule for review and approval by the Administrator. The compliance schedule will explain in detail what actions will be taken to correct the violation(s) and a time schedule for completion.
8. The Administrator shall review the proposed compliance schedule and determine if the time requested is reasonable. The owner/operator shall be required to schedule and attend a meeting with the Administrator within ten (10) working days of submittal of the proposed compliance schedule.
9. In the event that a compliance schedule cannot be agreed upon, the Administrator shall then send the proposal to the Commission for their review. The Commission will review the proposal and recommendations

of the Administrator and render a decision within twenty (20) working days.

10. Upon acceptance of the compliance schedule the Administrator shall contact the complainant with the decision and provide a copy of the schedule.
11. Failure of the owner/operator to meet the requirements of this section or abide by the proposed compliance schedule shall result in final enforcement action.

B. FINAL ENFORCEMENT AND/OR REVOCATION:

1. The Administrator may revoke a CAFO operating Permit if an owner/operator fails to comply with the conditions of such permit or the compliance schedule after thirty (30) days written notice of such non-compliance. Notice of such termination shall be mailed to the owner/operator, which shall advise said owner/operator of the effective date of such termination and of his right to appeal such decision pursuant to Chapter 14 of this Ordinance.
2. In the event the violation threatens the public health, safety and general welfare of the citizens of Minidoka County, the Minidoka County Board of County Commissioners may take any actions it deems necessary to abate such violation.

C. PENALTY FOR VIOLATION OF CAFO OPERATING PERMIT: Any owner/operator of a Confined Animal Feeding Operation who violates the conditions of the operating permit granted said operation shall be in violation of this Zoning Ordinance and subject to civil and criminal penalties as set forth in Chapter 13 of this Ordinance.

D. INACTIVE OPERATIONS: Upon application to the Zoning Administrator by an interested party, a Confined Animal Feeding Operation permit may be terminated where there have been no active confinement activities within such CAFO for a period of three (3) years. The Administrator shall give ninety (90) days prior written notice to any owner/operator of his intention to terminate such permit unless operations are resumed with confinement of the minimum number of livestock for the type of operating permit held for such CAFO.

E. VOLUNTARY TERMINATION: An owner/operator of a Confined Animal Feeding Operation may voluntarily terminate a Confined Animal Feeding Operation permit by delivering to the Administrator a written termination notice.

F. TERMINATION NOTICES: The Administrator within five (5) days of its effective date shall record notice of the termination of a Confined Animal Feeding Operation permit in the office of the County Recorder of Minidoka County, Idaho.

17-12 PERMIT APPLICATION FEES: The Board of County Commissioners or the respective City Council, by resolution, shall establish a schedule of fees for CAFO operating permits pursuant to Chapter 13 of this Ordinance.

