

**WAYNE COUNTY, UTAH**

**ORDINANCE NO.**

**CONCENTRATED ANIMAL FEEDING OPERATIONS**

**AN ORDINANCE TO ESTABLISH CERTAIN RULES REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS WITHIN THE UNINCORPORATED AREAS OF WAYNE COUNTY, UTAH IN COMPLIANCE WITH THE LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS ACT.**

**WHEREAS**,the Utah State Legislature has enacted the Large Concentrated Animal Feeding Operations Act (herein "Large CAFO Act") codified as UCA § 17-27a-11

**WHEREAS**, the Large CAFO Act requires the County to by February 1, 2022, adopt a large concentrated animal feeding operations land use ordinance designating geographic areas within the County where such operations may be approved:

**WHEREAS**, the County has considered the criteria required by the Large CAFO Act, as follows:

1. Distances measured in feet from (a) Residential zones, (b)Health care facilities, (c) Public area,(d) Education institutions, (e) Religious institutions, (f) Commercial enterprises, (g) Municipal boundaries, and (h) State or county highways or roads;
2. Prevailing winds;
3. Topography;
4. Economic benefits to the County; and
5. Reasonable access to transportation, water, and power infrastructure.

**WHEREAS**, the County has also considered the following additional criteria

1. The unique characteristics of Wayne County, including but not limited to, the following:
  - a. Wayne County is 24 miles wide by 102 miles long containing approximately 2448 square miles or 1,559,040 acres;
  - b. Of the total 1,559,040 acres in Wayne County, only 55,903.15 acres lies in private land;
    - i. About 96.5% of the publicly owned lands are federal lands, which is the highest percentage in Utah and the third highest in the continental United States; and,
    - ii. About 11% of the publicly owned lands are state-owned lands.

Large Concentrated Animal Feeding Operation Ordinance

(Adopted \_\_\_\_\_)

2. The vast majority of private lands lie along a narrow corridor within three to four miles of rivers and creeks in the Upper Colorado-Dirty Devil River Basin;
3. The vast majority of private lands lie along a narrow corridor within three to four miles of major access roads;
4. Those areas of private lands that do not lie close to the corridors close to streams and/or roads do not have the resources or infrastructure to support any large agricultural or industrial roads;
5. The county's population is largely concentrated in this narrow corridor of private land; and
6. The public lands in the County are valuable public resources as described in the Wayne County Public Lands Resource Management Plan adopted by the Commission in 2017.

**WHEREAS**, the County has not considered solely uniform setback distance requirements from the locations described above but has determined the geographic area by evaluating all the criteria described above.

**WHEREAS**, the County having considered all of the evidence provided regarding these criteria, and finding it necessary to comply with the Large CAFO act, and to be in the best interest of the health, general welfare, and safety of the inhabitants of Wayne County;

**WHEREAS**, the County recognizes that there are currently not any existing Large CAFO operations in Wayne County; however, to the extent that any such operations do exist, the County does not intend to interfere with their existing operations;

**WHEREAS**, the County finds that, given the County's population density relative to the amount of private land within the County, it is not feasible for the County to meet the criteria in the Large CAFO Act for the establishment of a geographic area within the county where large concentrated animal feeding operation may be located; and

**WHEREAS**, the County has also received public comment through public hearings and received written public comment.

**NOW THEREFORE**, THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY, UTAH HEREBY ORDAINS AS FOLLOWS:

1. The Wayne County Land Use Ordinance and Wayne County Subdivision Ordinance shall be amended to include the definitions found in section 17-27a-1102 of the Large CAFO Act.
2. The Wayne County Land Use Ordinance and Wayne County Subdivision Ordinance be amended to prohibit any use that meets the definition of the Large Concentrated Animal Feeding Operation in all zones within the County.
3. To the extent that any existing landowner uses the landowner's land in a way that would currently meet the definition of a Large CAFO operation at the time of the enactment of this ordinance, such operations shall be unaffected by the terms of this

Large Concentrated Animal Feeding Operation Ordinance

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ordinance and shall be permitted to continue operation as it has historically operated. However, such landowner shall not be permitted in the future to expand the landowner's use of the property in any way beyond its historic use.

4. This Ordinance shall become immediately effective.
5. The County Attorney shall codify the provisions of this Ordinance as soon as practicable. Until such time as the County Attorney codifies the provisions of the Ordinance, the Ordinance shall be published on the Planning and Zoning and Building Inspector web pages of the Wayne County website and shall be printed and made available to the public for inspection and as an attachment and/or insert to any printed versions of the Wayne County Land Use Ordinance and Wayne County Subdivision Ordinance.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
County Commission, Chairman

ATTEST:

\_\_\_\_\_  
Ryan Torgerson

\_\_\_\_\_  
Wayne County Clerk

(6) "Large concentrated animal feeding operation" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- (a) 700 mature dairy cows, whether milked or dry;
- (b) 1,000 veal calves;
- (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;
- (d) 2,500 swine each weighing 55 pounds or more;
- (e) 10,000 swine each weighing less than 55 pounds;
- (f) 500 horses;
- (g) 10,000 sheep or lambs;
- (h) 55,000 turkeys;
- (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
- (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
- (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.