



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

- Application Request:** Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the Weber County Land Use Code to define and regulate Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, and to include general administrative and clerical amendments.
- Agenda Date:** Tuesday, January 25, 2022
- Report Author:** Scott Perkes (sperkes@webercountyutah.gov)
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Applicable Ordinances

- § 101-2-2 – An Definitions
- § 104-1-2 – Boundaries of Zones
- § 104-1-3 – Rules of Ordinance and Maps
- § 104-2 – Agricultural Zones
- § 104-21 – Manufacturing Zones

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

During the 2021 General Session, the Utah State Legislature passed S.B. 130 (See **Exhibit A**) which served to accomplish the following:

- 1) Enacted the Large Concentrated Animal Feeding Operations Act (17-27a-11) (Effective 5/5/2021).
- 2) Provide defined terms for Animal Feeding Operations (AFO) and Large Concentrated Animal Feeding Operations (LCAFO).
- 3) Required adoption of a county LCAFO land use ordinance.
- 4) Addressed the scope of a county LCAFO land use ordinance.
- 5) Addressed the geographic area where large concentrated animal feeding operations may be located.

Per item #3 above, the Act requires that counties adopt an LCAFO land use ordinance by no later than February 1st 2022. Pursuant to this requirement, Planning staff have worked with the County Commission in work session as well as the Western Weber Planning Commission and Ogden Valley Planning Commission in work session on potential regulation scenarios that could be implemented prior to the February 1st 2022 deadline.

Through work sessions and a public hearing, the Western Weber Planning Commission moved to forward a positive recommendation on a regulation scenario that would serve to accomplish the following:

- 1) Only allow new LCAFOs to locate in the A-3 or M-3 zones as Conditionally Permitted Uses.
- 2) Existing LCAFOs not located in the A-3 or M-3 zones may continue to operate as non-conforming uses.
- 3) Although unlikely, any existing LCAFOs located in the A-3 or M-3 zones may expand if market forces support an expansion.
- 4) Existing AFOs (Animal Feeding Operations) in the A-3 or M-3 zones, known as “Livestock Feed Yards” under the current land use code, may continue operating as conforming uses and may expand if market forces support an expansion.
- 5) Existing AFOs not located in the A-3 or M-3 zones may continue to operate as nonconforming uses but

are not allowed to expand.

- 6) New and existing farms (dairy, poultry, cattle, sheep, goats, etc.) (Proposed to be defined as an Animal Grazing operation), will continue to be a permitted uses in all Agriculture zones with applicable special regulations.

The attached regulatory draft (**Exhibit B**) has been crafted to implement the outlined scenario above into the Land Use Code. Some edits are clerical in nature and are intended to allow the proposed amendments to merge into the structure of the existing code.

Noticing Compliance

A public hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that if the Planning Commission supports the proposed regulation, a positive recommendation could be forwarded to the County Commission for file ZTA2021-10, a proposal to add definitions, regulatory language, and clerical edits to the Land Use Code regarding Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations.

This recommendation is consistent with the regulation scenario drafted as **Exhibit B**, and is based on the following findings:

1. The proposal protects existing Animal Grazing, AFOs and LCAFOs ability to continue operations for as long as the prevailing markets allow.
2. The proposal gives clear direction to any potentially new Animal Grazing, AFO, or LCAFO operation regarding the zones where such uses are permissible and the associated operational standards under which they will need to operate.
3. The proposal is in the best interest of the public both in the short term and in the long term.
4. The proposal is not detrimental to the general plan.

Exhibits

- A. S.B. 130 – Regulation of Concentrated Animal Feeding
- B. Proposed Regulatory Language

1 **REGULATION OF CONCENTRATED ANIMAL FEEDING**
2 **OPERATIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott D. Sandall**

6 House Sponsor: Joel Ferry

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts provisions related to large concentrated animal feeding operations.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ enacts the Large Concentrated Animal Feeding Operations Act, including:

- 14 • defining terms;
- 15 • requiring adoption of county large concentrated animal feeding operation land
- 16 use ordinances under certain circumstances;
- 17 • addressing scope of a county large concentrated animal feeding operation land
- 18 use ordinance; and
- 19 • addressing determining the geographic area where large concentrated animal
- 20 feeding operations may be located.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **17-27a-1101**, Utah Code Annotated 1953

28 **17-27a-1102**, Utah Code Annotated 1953

29 [17-27a-1103](#), Utah Code Annotated 1953

30 [17-27a-1104](#), Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **17-27a-1101** is enacted to read:

34 **Part 11. Large Concentrated Animal Feeding Operations Act**

35 **17-27a-1101. Title.**

36 This part is known as the "Large Concentrated Animal Feeding Operations Act."

37 Section 2. Section **17-27a-1102** is enacted to read:

38 **17-27a-1102. Definitions.**

39 (1) "Animal feeding operation" means a lot or facility where the following conditions
40 are met:

41 (a) animals have been, are, or will be stabled or confined and fed or maintained for a
42 total of 45 days or more in any 12-month period; and

43 (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the
44 normal growing season over any portion of the lot or facility.

45 (2) (a) "Commercial enterprise" means a building:

46 (i) used as a part of a business that manufactures goods, delivers services, or sells
47 goods or services;

48 (ii) customarily and regularly used by the general public during the entire calendar
49 year; and

50 (iii) connected to electric or water systems.

51 (b) "Commercial enterprise" does not include an agriculture operation.

52 (3) "County large concentrated animal feeding operation land use ordinance" means an
53 ordinance adopted in accordance with Section [17-27a-1103](#).

54 (4) "Education institution" means a building in which any part is used:

55 (a) for more than three hours each weekday during a school year as a public or private:

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- 56 (i) elementary school;
57 (ii) secondary school; or
58 (iii) kindergarten;
59 (b) a state institution of higher education as defined in Section 53B-3-102; or
60 (c) a private institution of higher education in the state accredited by a regional or
61 national accrediting agency recognized by the United States Department of Education.
62 (5) "Health care facility" means the same as that term is defined in Section 26-21-2.
63 (6) "Large concentrated animal feeding operation" means an animal feeding operation
64 that stables or confines as many as or more than the numbers of animals specified in any of the
65 following categories:
66 (a) 700 mature dairy cows, whether milked or dry;
67 (b) 1,000 veal calves;
68 (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including
69 heifers, steers, bulls, and cow calf pairs;
70 (d) 2,500 swine each weighing 55 pounds or more;
71 (e) 10,000 swine each weighing less than 55 pounds;
72 (f) 500 horses;
73 (g) 10,000 sheep or lambs;
74 (h) 55,000 turkeys;
75 (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure
76 handling system;
77 (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other
78 than a liquid manure handling system;
79 (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure
80 handling system;
81 (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure
82 handling system; or

83 (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.

84 (7) "Manure" includes manure, bedding, compost, a raw material, or other material
85 commingled with manure or set aside for disposal.

86 (8) "Public area" means land that:

87 (a) is owned by the federal government, the state, or a political subdivision with
88 facilities that attract the public to congregate and remain in the area for significant periods of
89 time;

90 (b) (i) is part of a public park, preserve, or recreation area that is owned or managed by
91 the federal government, the state, a political subdivision, or a nongovernmental entity; and

92 (ii) has a cultural, archaeological, scientific, or historic significance or contains a rare
93 or valuable ecological system, including a site recognized as a National Historic Landmark or
94 Site; or

95 (c) is a cemetery.

96 (9) "Religious institution" means a building and grounds used at least monthly for
97 religious services or ceremonies.

98 Section 3. Section **17-27a-1103** is enacted to read:

99 **17-27a-1103. County adoption of a county large concentrated animal feeding**
100 **operation land use ordinance.**

101 (1) (a) The legislative body of a county desiring to restrict siting of large concentrated
102 animal feeding operations shall adopt a county large concentrated animal feeding operation
103 land use ordinance in accordance with this part by no later than February 1, 2022.

104 (b) A county may consider an application to locate large concentrated animal feeding
105 operations in the county before the county adopts the county large concentrated animal feeding
106 operation land use ordinance under this part.

107 (2) A county large concentrated animal feeding operation land use ordinance described
108 in Subsection (1) shall:

109 (a) designate geographic areas of sufficient size to support large concentrated animal

110 feeding operations, including state trust lands described in Subsection 53C-1-103(8) and
111 private property within the county, including adopting a map described in Section
112 17-27a-1104;

113 (b) establish requirements and procedures for applying for land use decision that
114 provides a reasonable opportunity to operate large concentrated animal feeding operations
115 within the geographic area described in Subsection (2)(a);

116 (c) disclose fees imposed to apply for the land use decision described in Subsection
117 (2)(b);

118 (d) disclose any requirements in addition to fees described in Subsection (2)(c) to be
119 imposed by the county; and

120 (e) provide for administrative remedies consistent with this chapter.

121 (3) (a) This part does not authorize a county to regulate the operation of large
122 concentrated animal feeding operations in any way that conflicts with state or federal statutes
123 or regulations.

124 (b) Nothing in this part supersedes or authorizes enactment of an ordinance that
125 infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
126 Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

127 Section 4. Section 17-27a-1104 is enacted to read:

128 **17-27a-1104. Criteria considered in adopting the geographic area of a county**
129 **large concentrated animal feeding operation land use ordinance -- Maps -- Exception.**

130 (1) (a) To determine the geographic areas where large concentrated animal feeding
131 operations may be located under a county large concentrated animal feeding operation land use
132 ordinance, the county shall consider:

133 (i) the distance of the geographic area measured in feet from the following:

134 (A) a residential zone;

135 (B) a health care facility;

136 (C) a public area;

- 137 (D) an education institution;
138 (E) a religious institution;
139 (F) a commercial enterprise;
140 (G) a municipal boundary; and
141 (H) a state or county highway or road;
142 (ii) prevailing winds;
143 (iii) topography;
144 (iv) economic benefits to the county; and
145 (v) reasonable access to transportation, water, and power infrastructure.
146 (b) A county may consider criteria in addition to those described in Subsection (1)(a).
147 (2) After considering the factors described in Subsection (1), the county shall designate
148 the geographic areas where large concentrated animal feeding operations may locate as
149 required by Subsection [17-27a-1103\(2\)\(a\)](#) and prepare a map available to the public showing
150 the geographic areas in the county.
151 (3) A county may not designate a geographic area for large concentrated animal
152 feeding operations based solely on a uniform setback distance requirement from the locations
153 described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all
154 criteria in Subsection (1).
155 (4) A county shall designate at least one geographic area within the county where large
156 concentrated animal feeding operations for all animal species listed in Subsection
157 [17-27a-1102\(6\)](#) may be located unless the county demonstrates that one of the following makes
158 it not feasible for the county to meet the criteria described in this section:
159 (a) the county's population density; or
160 (b) the county's population density relative to the amount of private land within the
161 county.

1 **Sec 101-2-2 An-Definitions**

2 Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following
3 conditions are met:

4 (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days
5 or more in any 12-month period; and

6 (b) the area of confinement devoted to the feeding of the animals does not sustain grazing vegetation
7 during the normal growing season for the purpose of feeding the confined animals.

8 Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation"
9 means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.

10 Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of
11 grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for
12 grazing during the normal growing season.

13 Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used
14 for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The
15 term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

16 Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices
17 used for the transmission or reception of electromagnetic waves external to or attached to the exterior of
18 any building and including the supporting structure; includes, but is not limited to amateur radio antennas,
19 television antennas, an

20 ...

21 **Sec 104-1-2 Boundaries Of Zones**

22 (a) The boundaries of each of the said zones are hereby established as described herein or as shown
23 on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all
24 boundaries, notations and other data shown thereon are made by this reference as much a part of
25 this title as if fully described and detailed herein.

26 (b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

27 (1) Wherever the zone boundary is indicated as being approximately upon the centerline of
28 a street, alley or block, or along a property line, then, unless otherwise definitely
29 indicated on the map, the centerline of such street, alley or block or such property line,
30 shall be construed to be the boundary of such zone.

31 (2) Whenever such boundary line of such zone is indicated as being approximately at the
32 line of any river, irrigation canal or other waterway or railroad right-of-way, or public
33 park or other public land or any section line, then in such case the center of such stream,
34 canal or waterway, or of such railroad right-of-way or the boundary line of such public
35 land or such section line shall be deemed to be the boundary of such zone.

36 (3) Where such zone boundary lines cannot be determined by the above rules, their location
37 may be found by the use of the scale appearing upon the map.

38 (4) Where the application of the above rules does not clarify the zone boundary location, the
39 board of adjustment shall interpret the map.

40 **Editors Note:** Ord. No. **2021-XX** consolidated the text that was in Section 104-1-3 Rules or Ordinance And
41 Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of
42 Interpretation.

43 (Ord. of 1956, § 2-2 and § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

44 ...

45 **Sec 104-1-3 Rules Of Interpretation of Land Use Tables or Lists of Uses. Ordinance and Maps**

46 ~~Where uncertainty exists as to the boundary of any zone, the following rules shall apply:~~

- 47 ~~1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street,~~
- 48 ~~alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the~~
- 49 ~~centerline of such street, alley or block or such property line, shall be construed to be the boundary~~
- 50 ~~of such zone.~~
- 51 ~~2. Whenever such boundary line of such zone is indicated as being approximately at the line of any~~
- 52 ~~river, irrigation canal or other waterway or railroad right of way, or public park or other public land~~
- 53 ~~or any section line, then in such case the center of such stream, canal or waterway, or of such~~
- 54 ~~railroad right of way or the boundary line of such public land or such section line shall be deemed~~
- 55 ~~to be the boundary of such zone.~~
- 56 ~~3. Where such zone boundary lines cannot be determined by the above rules, their location may be~~
- 57 ~~found by the use of the scale appearing upon the map.~~
- 58 ~~4. Where the application of the above rules does not clarify the zone boundary location, the board of~~
- 59 ~~adjustment shall interpret the map.~~

60 The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the

61 following rules of interpretation apply:

- 62 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
- 63 allowed use in that zone.
- 64 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional
- 65 uses shall not be construed in any manner as an allowed use in the zone.
- 66 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or
- 67 conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted
- 68 or conditional uses is not permitted in the other zone.

69 *Editors Note: Ord. No. 2021-XX consolidated the text that was in this section, which was named Section*

70 *104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this*

71 *Section 104-1-3 to Rules of Interpretation.*

72 (Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

73 ...

74 **Animal-related agricultural-wholesale or noncommercial uses.** The following are animal-related uses

75 that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<u>Animal grazing, Animal grazing, as defined in Section 101-2.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-2-4, 5-acre use.</u>

Exhibit B

<u>Animal feeding operation. An animal feeding operation, as defined in Section 101-2.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>See Section 104-2-4. 5-acre use.</u>
<u>Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>See Section 104-2-4. 5-acre use.</u>
Apiary.	P	P	P	P	
<u>Aquaculture, animal related.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See <u>Section 104-2-4.</u>
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See <u>Section 104-2-4. 2-acre use.</u>
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	P	P	P	5-acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104-2-4. 5-acre use.
Fur farm.	N	N	N	P	5-acre use.
Hog farm, small.	P	P	P	P	See Section 104-2-4. 5-acre use.
Hog farm, large.	N	N	N	C	See Section 104-2-4. 5-acre use.

Livestock feed or sales yard.	N	N	N	E	
Stable for horses, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

76 ...

77 **Sec 104-2-4 Special Regulations**

78 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due to
79 the nature of the use, each shall be further regulated as follows:

80 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,
81 except when in compliance with the following:

82 (1) It may only be carried on during times that are reasonable and necessary due to lack of
83 natural growing feed as a result of seasonal changes or extreme and temporary
84 meteorological events.

85 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
86 and 40 head per acre of used land in the A-2 and A-3 zones;

87 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an
88 adjoining parcel of land; and

89 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or
90 other buildings normally associated with an animal feeding operation

91 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is
92 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not
93 produced on the premises. The following additional standards apply for hog feeding:

94 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

95 (2) Drainage structures and disposal of animal waste shall be provided and properly
96 maintained as required by the local health department.

97 (c) Animal feeding operation, large concentrated. A large concentrated animal feeding operation
 98 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with
 99 another zone in which this use is allowed.

Commented [E1]: Replaces "livestock feed or salesyard"

100 ~~(d)~~ (d) Corral, stable or building for keeping animals or fowl. This use shall be located no less
 101 than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

102 ~~(e)~~ (e) Custom exempt meat cutting. This use shall be limited to animals that are part of one or
 103 more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a
 104 dwelling onsite, completely enclosed within a building with no outdoor storage, and located on
 105 and with access directly from a collector or arterial street.

106 ~~(f)~~ (f) Dog breeding, dog kennels, or dog training school. This use shall not exceed ten dogs of
 107 more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be
 108 located not less than 100 feet from a public street and not less than 50 feet from any side or rear
 109 property line.

110 ~~(g)~~ (g) Family food production.

111 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
 112 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
 113 pheasants, five turkeys, five ducks, five geese, or five pigeons.

114 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that
 115 is less than 40,000 square feet.

116 (3) No more than six combined Group A animals and sets of Group B animals or fowl may
 117 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel
 118 greater than two acres, except that an additional six combined Group A and and sets of
 119 Group B animals or fowl may be kept per each additional acre greater than two.

120 ~~1. Hog farm.~~

121 ~~1. Hog farm, small.~~ This use is limited to not more than ten hogs, more than 16 weeks old. It
 122 is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not
 123 produced on the premises.

124 ~~2. Hog farm, large.~~ It is prohibited to feed hogs any market refuse, house refuse, garbage, or
 125 offal that was not produced on the premises. All pens and housing for hogs shall be concrete
 126 and maintained in a sanitary manner. Drainage structures and disposal of animal waste
 127 shall be provided and properly maintained as required by the local health department.

Commented [E2]: This language has been inserted into "concentrated feeding operation" regs above

128 ~~2. Raising and grazing of horses, cattle, sheep or goats.~~ This use shall not include the supplementary
 129 or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or
 130 slaughterhouse except when in compliance with the following:

Commented [E3]: This use is covered by "animal feeding operation" above

131 ~~1. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones;~~
 132 ~~and 40 head per acre of used land in the A-2 and A-3 zones;~~

133 ~~2. It may only be carried on during the period of September 15 through April 15;~~

134 ~~3. It shall not closer than 300 feet to any dwelling, public or semi public building on an~~
 135 ~~adjoining parcel of land; and~~

136 ~~(4) It shall not include the erection of any permanent fences, corrals, chutes, structures or~~
 137 ~~other buildings normally associated with a feeding operation.~~

138 ~~(h)~~ (h) Parking of construction vehicle. The off-site for-profit nonagricultural use of the
 139 construction vehicle shall be restricted to the owner or operator of an actively operating

140 agricultural use on the same lot or parcel on which it is parked, or the owner or operator's
 141 employee. This use shall:

- 142 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 143 (2) Be restricted to vehicles and related equipment that are used for the actively-operating
 144 agricultural use;
- 145 (3) Include no more than one three-axle truck, and no pups.

146 ~~(i)~~ (i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000
 147 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are
 148 exempt from these restrictions.

149 ~~(i)~~ (i) **Temporary building or use.** The building or use shall be removed upon completion or
 150 abandonment of the construction work.

151 HISTORY

152 *Adopted by Ord. 2021-6 on 3/23/2021*

153 ...

154 **Chapter 104-21 Manufacturing Zones MV-1, M-1, M-2, and M-3**

155 ...

156 [Sec 104-21-3 Land Use Table](#)

...

	MV-1	M-1	M-2	M-3	Special Provisions
Accessory use customarily incidental to a main use, including an accessory building incidental to the use of a main building, and a main building designed or used to accommodate the main use to which the premises are devoted.	P	P	P	P	
Acetylene gas manufacturing, compounding, processing, packing, treatment, and/or storage.	N	N	C	C	
Aircraft engine testing, including jet, missile and chemical engines.	N	N	N	C	
Aircraft or aircraft parts manufacturing.	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Airport.	N	P	P	P	

Exhibit B

Any permitted use in a C-3 Zone, except dwelling unit.	P	P	P	P	
Any conditional use allowed in a C-3 Zone, except dwelling unit.	C	C	C	C	
Animal feeding operation. An animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-21-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-21-4. 5-acre use.
Animal grazing. Animal grazing, as defined in Section 101-2.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-21-4. 5-acre use.
Animal hospital.	P	P	P	P	
Apiary.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Automobile or automobile part manufacturing.	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Automobile recycling (parts dismantling).	N	N	C	C	See Section 104-21-4.
Automobile repair, auto body and fender work.	C	P	P	P	The use shall be conducted within an enclosed building.
Automobile wrecking yard.	N	N	C	C	The use shall be enclosed within a seven foot high solid fence or wall. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Aviary.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-

Battery manufacture.	N	C	C	C	
Blacksmith shop.	N	C	P	P	

157 ...

Railroad yards, shop and/or roundhouse.	N	N	C	C	
Raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals.	N	€	€	€	
Recreation area, private.	N	N	N	C	

Commented [E4]: Being replaces with animal grazing, animal feeding operation, and/or large concentrated animal feeding operation.

158 ...

159 **Sec 104-21-4 Special Regulations**

160 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-21-3. Due
161 to the nature of the use, each shall be further regulated as follows:

162 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,
163 except when in compliance with the following:

164 (1) It may only be carried on during times that are reasonable and necessary due to lack of
165 natural growing feed as a result of seasonal changes or extreme and temporary
166 meteorological events.

167 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
168 and 40 head per acre of used land in the A-2 and A-3 zones;

169 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an
170 adjoining parcel of land; and

171 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or
172 other buildings normally associated with an animal feeding operation

173 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is
174 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not
175 produced on the premises. The following additional standards apply for hog feeding:

176 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

177 (2) Drainage structures and disposal of animal waste shall be provided and properly
178 maintained as required by the local health department.

179 (c) *Animal feeding operation, large concentrated.* A large concentrated animal feeding operation
 180 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with
 181 another zone in which this use is allowed.

Commented [E5]: Replaces "livestock feed or salesyard"

182 ~~(d)~~ *Automobile recycling (parts dismantling).* This use shall be conducted within a completely
 183 enclosed building. In the M-2 zone, the recycling facility shall have no more than 40 automobiles
 184 at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a
 185 solid wall or fence of not less than seven feet in height

186 ~~(e)~~ *Building material sales yard.* In the M-1 zone, a building material sales yard may include
 187 the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall
 188 exclude concrete mixing except as such concrete mixing is necessary in the preparation and
 189 manufacture of any of the products specified in this section.

190 ~~(f)~~ *Cement batch plants.* The following standards apply to a cement batch plant:

191 (1) The cement silo mixer shall not be larger than 300 barrel in the M-1, M-2, and M-3
 192 zones, and 200 barrel in the MV-1 zone.

193 (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with
 194 six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines,
 195 Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The
 196 evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be
 197 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees
 198 per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless
 199 Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch
 200 caliper. This landscaping shall be planted on the crest of the six-foot berm when the
 201 property abuts agricultural or residential zones.

202 (3) There shall be no more than three cement trucks, and no more than two other semi-trucks
 203 and trailers used with this operation stored on site.

204 (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand
 205 and gravel mix shall be stored in a three-wall bin and covered when not in use.

206 (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of
 207 the lot shall be dedicated for this use.

208 (6) The property shall be at least one acre in size.

209 (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be
 210 submitted with the permit application.

211 ~~(g)~~ *Dwelling unit for night watchman or guard and family.* The dwelling unit shall be for the
 212 exclusive use of a night watchman or guard and his or her immediate family. The site shall provide
 213 an additional 3,000 square feet of landscaped area for the residential use.

214 ~~(h)~~ *Retail sales, limited.* This use is limited to the sales of products produced by, developed in
 215 conjunction with, or normally required and used in the performance of a commercial or
 216 manufacturing operation permitted in this zone, and provided the retail sales is clearly an
 217 accessory use to the main permitted use and is conducted within the same building or, if the main
 218 use is not a building, then on the same property. No retail sale of products may be made in
 219 conjunction with a warehousing or wholesale business.

220 ~~(i)~~ *Shooting range or training course, indoor or outdoor.* The facility shall provide
 221 designated shooting positions for which ballistic backstops are designed. No shooting is allowed
 222 except in these designated shooting positions. All sides down range of a shooting position shall
 223 have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of

224 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of
225 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
226 The range operator shall be onsite at all times shooting is occurring.

227 ~~Reserved.~~

228 (Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012;
229 Ord. No. 2016-10, Exh. A, 8-23-2016)

230 HISTORY

231 Amended by Ord. 2020-11 on 8/4/2020

232 Amended by Ord. 2020-24 on 12/15/2020

233 Amended by Ord. 2021-16 on 5/25/2021