

1. Two (2) or more CAFOs under common ownership are a single concentrated animal feeding operation if they adjoin each other (within one mile) or if they use a common area or system for disposal of manure. Required setbacks for the two (2) or more CAFOs treated as a single operation shall not be less than the minimum setback required for each operation if said operations were treated as individual operations.
2. Established residences do not include any residence established after June 3, 1997 less than one-half (1/2) mile from any Concentrated Animal Feeding Operation which was active at the time of the residence's construction.
3. The Board of Adjustment may allow a setback of less than the minimum required provided a written waiver by the entity deriving the benefit of the setback is filed with the application
4. The Board of Adjustment may utilize Section 1304.7 to increase or decrease the required setback.
5. Setback does not apply to the wells of the CAFO operator.
6. Established private water wells refer to wells used as a source of potable water for human consumption for at least one (1) week within one (1) year prior to application date for the proposed CAFO.
- 7. The Board of Adjustment may require a lesser setback if the well is upgradient and greater setback if the well is downgradient from the concentrated animal feeding operations exceeding 7,499 animal units. This may be used to change the setback from the CAFO to a well or public water supply.**

7. Exemptions to Separation and/or Setback Distance Requirements

f. All Concentrated Animal Feeding Operations in operation prior to **July 1, 2022** **October 1, 2024** which do not comply with the required minimum setback/separation requirements, but continue to operate, and are not expanded in a manner which will result in the one of the following examples are exempt from the suggested separation distance:

- i.. Example 1: A Class D CAFO expands to a Class A or B CAFO
- ii. Example 2: A Class B CAFO expands to a Class A CAFO.
- iii. Example 3: A Class A CAFO expands by 10% of the number of animal units

Provided, that the expansion does not further encroach the setback/separation distance existing on **July 1, 2022** **October 1, 2024**. See Figure 1304.7.

g. Any Concentrated Animal Feeding Operation in operation as of **July 1, 2022** **October 1, 2024** which does not comply with the suggested minimum setback/separation distance requirements is allowed to be replaced in the event of a calamity without obtaining a variance. Provided, that the replacement does not further encroach the setback/separation distance existing at the time of the calamity. See Figure 1304.7.

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