

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 land
103 use ordinance in accordance with this part by no later than May 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) ~~H→ [designate the geographic areas within the county in which large concentrated animal~~
110 ~~feeding operations may be located, including adopting a map described in Section 17-27a-1104]~~
110a ~~designate geographic areas of sufficient size to support large concentrated animal feeding~~
110b ~~operations, including state trust lands described in Subsection 53C-1-103(8) and private~~
110c ~~property within the county, including adopting a map described in Section 17-27a-1104 ←H ;~~

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

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

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

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

119 (3) ~~H→ (a) ←H This part does not authorize a county to regulate the operation of large~~
119a ~~concentrated~~

120 ~~☛~~animal feeding operations in any way that conflicts with state or federal statutes or regulations.

120a ~~Ĥ~~**→ (b) Nothing in this part supersedes or authorizes enactment of an ordinance that**

120b **infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials**

120c **Protection Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.** ~~←Ĥ~~

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

122 **17-27a-1104. Criteria considered in adopting the geographic area of a county large**
 123 **concentrated animal feeding operation land use ordinance -- Maps -- Exception.**

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

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

128 (A) a residential zone;

129 (B) a health care facility;

130 (C) a public area;

131 (D) an education institution;

132 (E) a religious institution;

133 (F) a commercial enterprise;

134 (G) a municipal boundary; and

135 (H) a state or county highway or road;

136 (ii) prevailing winds;

137 (iii) topography; ~~H→~~ and ~~←H~~

138 (iv) economic benefits to the county ~~H→~~ [~~;~~ and

139 ~~_____ (v) access to transportation, water, and power infrastructure] ~~←H~~ .~~

140 (b) A county may consider criteria in addition to those described in Subsection (1)(a).

140a ~~H→~~ **(c) A designated geographic area shall have economically accessible**
 140b **transportation, electrical infrastructure, and water supply, whether by groundwater or other**
 140c **means, sufficient to support large concentrated animal feeding operations.** ~~←H~~

141 (2) After considering the factors described in Subsection (1), the county shall designate
 142 the geographic areas where large concentrated animal feeding operations may locate as required
 143 by Subsection 17-27a-1103(2)(a) and prepare a map available to the public showing the
 144 geographic areas in the county.

145 (3) A county may not designate a geographic area for large concentrated animal feeding
 146 operations based solely on a uniform setback distance requirement from the locations described
 147 in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all criteria in
 148 Subsection (1).

149 ~~H→~~ **(4) If the county establishes different geographic areas for large concentrated animal**
 150 **feeding operations based on animal species type, the county shall provide the rationale as to how**
 151 **the establishment of different geographic areas based on animal species type promotes the**
 152 **general welfare and best interests of county residents.** ~~←H~~

153 ~~H→~~ [~~(5)~~] (4) ~~←H~~ A county shall designate at least one geographic area within the county
 153a where large

154 concentrated animal feeding operations ~~H~~→ [for any animal species listed in Subsection
155 17-27a-1102(6)] ←~~H~~ may be located unless the county demonstrates that one of the following makes
155a it
156 ~~H~~→ [impossible] not feasible ←~~H~~ for the county to meet the criteria described in this section:
157 (a) the county's population density; or
158 (b) the county's population density relative to the amount of private land within the
159 county.