

6.4 Animal Feeding Operation

6.4.1 Purpose

These regulations are designed to allow feed lots for feeding of livestock, furbearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feed lots.

6.4.2 General Requirement

- (1) All Animal Feeding Operation as defined by this code are only permitted as conditional uses subject to the provisions of this code and the requirements of the North Dakota Department of Environmental Quality **and approval by the commission.**
- (2) Animal Feeding Operations shall not be placed in the floodplains **unless flood protection is provided.**
- (3) An “animal unit equivalent” is a unitless number developed from the nutrition and volume characteristics of manure for a specific livestock type. The term “animal units” is used to normalize the number of animals (e.g. head) for each specific livestock type which produce comparable bulk quantities of manure. The animal equivalent unites for types of livestock and the number of livestock for facility size, thresholds of 300 animal unites (AUE), and so forth are listed in the following table.

**Equivalent Numbers of the Livestock (hd)
for Four Sizes (a.u.) of Animal Feeding Operations**

Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	1.0	300 hd	1,000 hd	2,000 hd	5,000 hd
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder - finishing	1.0	300	1,000	2,000	5,000
1 beef feeder - backgrounding	0.75	400	1,333	2,667	6,667
Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 mature bison	1.0	300	1,000	2,000	5,000
1 bison feeder	1.0	300	1,000	2,000	5,000
1 swine, >55 lbs.	0.4	750	2,500	5,000	12,500
1 swine, nursery	0.1	3,000	10,000	20,000	50,000
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 turkey	0.0182	16,500	55,000	110,000	275,000
1 chicken	0.01	30,000	100,000	200,000	500,000

SETBACK DISTANCES FOR ANIMAL FEEDING OPERATIONS

ADD: (FROM RESIDENCE, RESIDENTIAL DEVELOPMENT IN AN UNINCORPORATED AREA, PARK, CEMETERY, CHURCH, OR SCHOOL)

NUMBER OF ANIMAL UNITS	HOG OPERATIONS	OTHER OPERATIONS
0-299	None	None
300 – 1000	.75 mi.	.75 mi.
1001 or more	1.125 mi.	.75 mi.
2001 or more	1.5 mi.	1.125 mi.
5001 or more	2.25 mi.	1.5 mi.

The operator of a new animal feeding operation shall locate the site of that operation from existing residences, businesses, churches, schools, public parks and area of property that are zoned residential so as to exceed the corresponding listed setback from these places.

If notified in writing by an operator of a planned future expansion of an animal feeding operation, the local unit of government may implement the corresponding odor setback for a temporary time period not to exceed two years, after which time the setback will remain in effect only if the expansion was completed.

The Board of Commissioners may, upon recommendation of the zoning commission or land use administrator, increase or decrease a setback distance for a new animal feeding operation after consideration of the proposed operation's plans, if it determines that a greater or lesser setback distance is necessary or acceptable, respectively, based upon site conditions or demonstrable safety, health, environmental or public welfare concerns.

6.4.3 Water Resource Setbacks

The owner of an animal feeding operation that has more than one thousand (1,000) animal units shall not locate or establish that operation:

- (1) Within a delineated source water protection area for a public water system.
- (2) Within one thousand two hundred (1,200) feet of a private ground water well which is not owned by the operator or within one thousand five hundred (1,500) feet of a public ground water well which does not have a delineated source water protection area.
- (3) Within one thousand (1,000) feet of surface water which is not included in a source water protection area.

6.4.5 Application Procedure and Requirements

The application for a conditional use permit to operate a facility for a animal feeding operation shall include a scaled site plan. If the facility will handle more than one thousand (1,000) animal units, the scaled site plan shall be prepared by a registered land surveyor, a civil engineer, or other person having comparable experience or qualifications. The application shall also list or provide:

- 1) Proposed number of animal units.

- 2) Total acreage of the site of the facility.
- 3) Existing and proposed roads and access ways within and adjacent to the site of the facility.
- 4) Surrounding land uses, if the operation will have the capacity to handle more than one thousand (1,000) animal units.

6.5 Mining of Sand, Gravel, Clay and General Ground Excavation

6.5.1 Purpose

The purpose of these provisions is to provide for mining and extraction of materials for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the city. Any sand, gravel, clay or other excavation pit must be in compliance with state and federal law, where applicable.

6.5.2 Site Approval Requirements

All excavation sites require approval by the County Commission. See definitions of “gravel pit, commercial” and “gravel pit, private.”

6.5.3 Data Submission Requirements

- (1) A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and point of access to the site, adjacent residences within one (1) mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1 to 3 slope. All top soil shall be replaced and planted to natural protected vegetation.
- (2) Reclamation of the site shall be completed within one (1) year of the resource being exhausted, abandoned or closure of the operation of the site. Please refer to North Dakota Century Code Title 38.
- (3) Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.
- (4) Bonding required as follows:

Less than 20 acres	No Bond
20 – 40 acres	\$50,000
40 + acres	\$100,000

6.5.4 Proximity to Existing Uses

Operation of sand and gravel sites shall not be nearer than 500 feet from any residential uses.

6.5.6 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a conditional use permit from the Planning Commission before starting any mining or excavation of the sand and gravel sites, and