

6.3 Commercial Feedlots - Purpose

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

6.3.1 General Requirements

- a) All feed lots 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 State Health Department.
- b) All feed lots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- c) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- d) Feed lots shall not be placed in the floodplains.
- e) The applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid solid waste generated by the feed lot.
- f) No feed lot shall be located nearer than one-half (1/2) miles from a residence other than the owner/operator's, residential development in an unincorporated area or city limits in the county, park, cemetery, church, or school.
- g) An "animal unit equivalent" is a unitless number developed from the nutrition and volume characteristics of manure for a specific livestock types. 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 units for types of livestock and the number of livestock for facility size thresholds of three hundred (300) animal units (a.u.), and so forth, are listed in the following table.

**Equivalent Numbers of Livestock
(per head)
For Sizes of Animal Feeding Operations
By Animal Unit (a.u.)**

| Livestock Type Equivalent | Animal Unit | 300 a.u. | 1,000 a.u. | 2,000 a.u. | 5,000 a.u. |
|----------------------------------|--------------------|-----------------|-------------------|-------------------|-------------------|
| 1 horse | 1.0 | 300 | 1,000 | 2,000 | 5,000 |
| 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 | .75 | 400 | 1,333 | 2,667 | 6,667 |
| 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 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 | 0.2 | 1,500 | 5,000 | 10,000 | 25,000 |
| 1 chicken | 0.1 | 3,000 | 10,000 | 20,000 | 50,000 |

6.3.2 Water Resource Setbacks

The owner of a new animal feedlot operation that has more than 2,000 animal units shall not locate or establish that operation:

- a) Within a delineated source water protection area for a public water system.
- b) Within 1,200 feet of a private ground water well which is not owned by the operator or within 1,500 feet of a public ground water well which does not have a delineated source water protection area.
- c) Within 1,000 feet of surface water which is not included in a source water protection area.

Setback Distances for Animal Feeding Operations

| Number of Animal Units | Hog Operations | Other Operations |
|-------------------------------|-----------------------|-------------------------|
| 100-299 | 1 mile | 0.50 mile |
| 300-999 | 2 miles | 1 mile |
| 1,000 or more | 2 miles | 2 miles |

6.3.3 Application Procedure and Requirements

The application for a conditional use permit to operate a facility for a commercial feeding operation shall include a scaled site plan. If the facility will handle more than 2,000 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:

- a) The proposed number of animal units.
- b) Total acreage of the site of the facility.
- c) Existing and proposed roads and access ways within and adjacent to the site of the facility.
- d) Surrounding land uses and ownership, if the operation will have the capacity to handle more than 1,000 animal units.
- e) A copy of the permit application submitted by the applicant to the North Dakota State Department of Health.