

# ARTICLE 8 SPECIAL USE PERMITS

## Section 19. Animal Feeding Operations

Animal feeding operations may be permitted in an Agricultural District as a special use provided:

1. Environmental Protection. The operator of a new facility for animal feeding is expected to locate, construct, operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. The operator of an existing facility is expected to operate and maintain the facility so as to minimize, reduce or abate effects of pollution on environmental resources and on public safety and health. Each operator shall comply with applicable state laws and rules, including the laws and rules administered by the North Dakota Department of Health and with any permits granted by that department.

2. Location Requirements. The operator of a new animal feeding operation that has one thousand (1,000) or more animal units shall not locate or establish that operation:
- a. Within a delineated source water protection area for a public water system. The source water protection areas for water supply wells include the entire wellhead protection area. For the surface-water intakes of public water systems, source water protection areas include all or portions of the surface water that supplies the water for the public water system, including all or portions of the surface-water's shoreline.
  - b. Within one thousand two hundred (1,200) feet of a private ground water well that 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.
  - c. Within one thousand (1,000) feet of surface water which is not included in a source water protection area.
  - d. Within the extra-territorial zoning jurisdiction of an incorporated city.
  - e. Less than the following specified distance from existing residences, businesses, churches, schools, public parks and areas of property that are zoned residential:

<b>Odor Setback Distance for Animal Feeding Operations</b>		
<b>Number of Animal Units</b>	<b>Hog Operations</b>	<b>Other Animal Operations</b>
Less than 1000	None	None
1000 – 1999	0.75 mile	0.5 mile
2000 – 4999	1.0 mile	0.75 mile
5000 or More	1.5 miles	1.0 mile

- f. The County Board of Commissioners, upon recommendation of the Planning Commission, may increase or decrease a setback distance for any new animal

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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 or environmental concerns.

3. Reverse Odor Setback. An owner of property shall locate and establish a residence, business, church, school, or public park so as to provide a separation distance from any existing animal feeding operations that meets or exceeds the corresponding setback

from those places listed in the above odor setback table. An owner of property who is an operator may locate the owner's residence within the setbacks.

4. Temporary Odor Setback. If notified in writing by an operator of a planned future expansion of an animal feeding operation, the County may implement the corresponding odor setback for a temporary time period not to exceed two (2) years, after which time the setback will remain in effect only if the expansion was completed.
5. Sale or Transfer of Ownership. An operator of a facility that includes an animal feeding operation having a permit granted by this ordinance shall notify the County of the sale or the transfer of ownership of the property.
6. Inclusion of Alternative Livestock Type. An operator of a facility that includes an animal feeding operation having a permit granted by this ordinance shall notify the County in writing of intent to include an alternative livestock type at least one hundred-twenty (120) days prior to the anticipated date of the change.