



Kimberly Kasian

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Kimberly Kasian, Stark County, ND Recorder



ORDER FROM THE COUNTY COMMISSION
APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT

This matter having come before the Stark County Board of Commissioners for a hearing on March 3, 2026 on the following request:

- Public Hearing for ZTA 02-2026 Proposed Amendments to Section 6.3 Commercial Feed Lots of the Stark County North Dakota Zoning Ordinance.

This matter, having been subject to a public hearing at the Stark County Planning and Zoning Commission on February 26, 2026, is hereby ordered that the application is granted.

Witnessed by my hand and official seal of Stark County, this 26th day of March 2026.

Signed: *[Signature]*
Chairman, Stark County Commissioner

Attest: *Karen Richard*
Auditor





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ATTACHMENT A

ZTA 02-2026 AMENDMENTS TO SECTION 6.3 COMMERCIAL FEED LOTS

6.3 Commercial Feed Lots Animal Feeding Operations

6.3.1 Purpose

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

6.3.2 Definitions

Animal feeding operation-a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

- a. Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and
- b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Concentrated animal feeding operation-an animal feeding operation that is defined as a large, medium, or small concentrated animal feeding operation or any animal feeding operation designated as a concentrated animal feeding operation under section 33.1-16-03.1-04. For purposes of determining animal numbers, two or more feeding operations under common ownership are considered to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

6.3.32 General Requirements

~~1. All feed lots as defined by this Ordinance~~ All animal feeding operations and concentrated animal feeding operations, as defined in NDAC 33.1-16-03.1-03, are to be permitted as conditional uses subject to the provisions of this Ordinance, the requirements of the North Dakota Health Department of Environmental Quality, and approval by the Commission.



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1. A new animal feeding operation that would be capable of handling, or that expands to handling, more than 1,000 animal units requires a conditional use permit.
2. An existing animal feeding operation that expands to handle more than 1,000 animal units requires a conditional use permit.
3. Whenever the capacity of an animal feeding operation is expanded to handle more than 2,000 or 5,000 animal units, the operator shall apply for a conditional use permit.
- ~~2) All commercial feedlots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.~~
- ~~3) Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.~~
- 4) Commercial feedlots Concentrated animal feeding operations shall not be placed in the floodplains.
- ~~5) An applicant, as part of the site approval application, shall submit a plan for removal and disposal of the liquid solid waste generated by the commercial feedlot.~~
- 6)5) 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 units for types of livestock and the number of livestock for facility size thresholds of three hundred (300) animal units (AUE), and so forth, are listed in the following table.
- ~~7)6) No feed lot animal feeding operations shall be located nearer than .5 (one-half) mile from a residence, other than the owner/operator's residence the nearest buildings used for nonfarm or nonranch purposes, or the nearest properties that are zoned residential, commercial, or recreational. residential development in an unincorporated area or city limits in the county, park, cemetery, church, or school, other than the owner/operator's residence.~~
- 6)7) No feed lots concentrated animal feeding operations shall be located nearer the than 0.5 (one-half) mile from the jurisdictional limits of any incorporated city within the County.



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- 8) The operator shall notify the County in writing of the expiration or renewal of State issued permits.
- 9) The operator shall notify the County in writing of the sale or transfer of ownership of the facility.

6.3.43 Water Resource Setbacks

An applicant of a new ~~commercial feedlot~~ concentrated animal feeding operations that would be capable of handling, or that expands to handle ~~has more than three hundred (300)~~ 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.

Equivalent Numbers of Livestock

For Four Sizes (a.u.) of Animal Feeding Operations

Livestock Equivalent	Type	Animal Unit	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse		2	200 hd	666 hd	1,333 hd	3,333 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		.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		0.018	16,500	55,000	110,000	275,000



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1 chicken	0.01	30,000	100,000	200,000	300,000
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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	3 miles	2 miles

6.3.54 Setback Distances from Animal Feeding Operations

Minimum setbacks between animal feeding operations shall be as listed in the table below.

<u>NUMBER OF UNITS</u>	<u>HOG OPERATIONS</u>	<u>OTHER ANIMAL OPERATIONS</u>
Fewer than 300	None	none
300-1000	0.5 miles	0.5 miles
1001 or more	0.75 miles	0.5 miles
2001 or more	1.00 miles	0.75 miles
5001 or more	1.5 miles	1.00 miles

6.3.64 Application Procedure and Requirements

The application for a conditional use permit to operate a facility for an commercial animal feeding operation shall include a scaled site plan. If the facility will handle more than ~~three hundred (300)~~ one thousand (1,000) animal units, the scaled site plan shall be prepared by a ~~registered land surveyor, a civil state-licensed professional engineer, or other person having comparable experience or qualifications.~~ The application shall also list or provide:

- 1) The 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 and ownership, if the operation will have the capacity to handle more than ~~three hundred (300)~~ one thousand (1,000) animal units.

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- 5) A copy of the permit application submitted by the applicant to the North Dakota State Department of Health Environmental Quality.
 - 6) A statement indicating how the proposed facility complies with the applicable requirements in the North Dakota Century Code as well as the North Dakota Administrative Code.