

Model Zoning Taskforce Meeting Summary – July 27, 2026 Meeting

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This session focused on finalizing the model zoning documents for livestock facilities and reviewing the newly developed North Dakota Odor Footprint Tool. The task force aims to provide local governments with standardized frameworks that balance agricultural development with community nuisance concerns.

Zoning Ordinance Refinements

The group reviewed the draft model zoning document, focusing on technical definitions and legal protections for both operators and residents.

- **Reverse Setbacks & Variances:** Significant debate occurred regarding "reverse setbacks"—provisions that prevent new residences from building too close to existing livestock facilities.
 - **The Conflict:** Strict prohibitions on building within these zones could be viewed as a "regulatory taking" or condemnation without compensation.
 - **The Solution:** The committee proposed language allowing development within these zones if the property owner seeks a variance or signs a waiver acknowledging the nuisance risk (buyer beware).
- **Threshold Alignment:** The task force identified a discrepancy between environmental rules and zoning rules regarding animal unit counts. The document will be updated to reflect a threshold of 999 units (rather than 1,000) to align with Department of Environmental Quality (DEQ) standards.
- **Permit Stability:** To prevent "never-ending" applications where developers repeatedly submit slightly modified plans to bypass local rules, some members suggested limiting applications for a single site to once per year.

Odor Footprint Tool Implementation

Sean Brotherson presented the test version of the North Dakota Odor Footprint Tool, a science-based alternative to traditional circular setbacks.

- **Data Superiority:** Unlike models in Minnesota or South Dakota that use broad regional data, this tool utilizes specific North Dakota Agricultural Weather Network (NDAWN) data for every county, accounting for local terrain and wind patterns.
- **Local Authority:** Local governments must choose to adopt either the traditional setback table or the Odor Footprint Tool in their ordinances; they cannot switch between them on a case-by-case basis.
- **Visual Impact:** The tool generates non-circular "plumes" based on prevailing winds, often resulting in smaller, more precise setbacks than the standard 1.5-mile circle currently used for large hog operations.

Odor Tool Factors



Infrastructure & Funding

- **Ag Infrastructure Grant:** The initial \$10 million in funding has been exhausted. The program was highly successful in incentivizing projects by offsetting the costs of road, bridge, and utility upgrades. There is a strong intent to request additional funding in the next legislative session.
- **Sales Tax Maintenance:** Discussion touched on the utilization of sales tax revenue from large projects to fund long-term road maintenance at the county level, though current statewide caps are a point of friction.

Next Steps

- **Roadshow:** A series of 6–8 regional meetings will be scheduled for this fall to educate planning and zoning boards, producers, and the public on how to use the new tool and navigate the permitting process.
- **Document Finalization:** The user will wordsmith the variance language for reverse setbacks to ensure it is legally defensible before the final draft is circulated.