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**Testimony of
Matt Perdue
North Dakota Farmers Union
Before the
Senate Agriculture and Veterans Affairs Committee
January 23, 2025**

Chairman Luick and members of the committee,

Thank you for the opportunity to testify on Senate Bill No. 2174. My name is Matt Perdue, and I am testifying on behalf of North Dakota Farmers Union's (NDFU) members.

As a member of the Model Zoning Task Force, NDFU supports SB 2174. This legislation is the product of months of discussions among agricultural, county and township stakeholders. It is not the bill our members would have written, but it accurately reflects the discussions, negotiations, and compromises made over the interim.

SB 2174 updates the statutory setback distances for animal feeding operations, the existing versions of which were established in 2000. The legislation generally lowers setback distances for operations with fewer than 7,500 animal units. We appreciate that the legislation also establishes distinct setback distances for operations with greater than 7,500 animal units. The current setbacks reach their upper limit at 5,000 animal units, limiting political subdivisions' ability to respond to large-scale operations.

SB 2174 also allows political subdivisions to extend or reduce setbacks based on the results of an odor footprint tool. At our most recent annual convention, our members adopted policy supporting the development of an odor footprint tool. We think it is important for counties and townships to have the option to choose which zoning mechanism is most appropriate for their residents. The odor footprint tool also gives counties and townships the ability to respond to project-specific factors, including odor mitigation systems.

As I have shared with the Model Zoning Task Force, NDFU is concerned that an odor annoyance free threshold of 94% is too restrictive. We support an odor annoyance free threshold that results in setbacks that, on average, align with the statutory setbacks. An odor footprint tool for North Dakota is currently under development. We look forward to providing a clearer recommendation on the appropriate threshold when that information becomes available.

NDFU also supports amending the bill to clarify the deadline for political subdivisions to update their zoning ordinances. We think it is important to offer adequate time for counties and townships to understand and respond to new statutory setbacks.

Thank you for the opportunity to testify on SB 2174. I will stand for any questions.