

Discussion DRAFT of October 17th, 2019
POTENTIAL AMENDMENTS TO THE
LANCASTER COUNTY ZONING REGULATIONS

Text is based on Concentrated Animal Feeding Operation Working Group recommendation except as noted in yellow.

Proposed Revisions to Article 2 Definition

2.002 A

“Agriculture” shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use. Small Animal Feeding Operations, as defined by Nebraska Department of Environment and Energy Title 130, shall be agriculture.

“Animal Feeding Operation” shall mean a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and is defined as a medium or large “Animal Feeding Operation” by Nebraska Department of Environment and Energy Title 130. Animal Feeding Operation does not include aquaculture.

2.006. E.

Enclosed Animal Feeding Operation shall mean an Animal Feeding Operation that is within a totally enclosed building which is roofed, has walls that extend from the floor to the ceiling and contains floors which are hard surfaced, earthen, slatted, or other type of floor.

2.007. F.

~~Feed Lot, Commercial A use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial feed lot shall not include dairy herds or the keeping of livestock other than for slaughter or butcher.~~

2.016. O

Open Animal Feeding Operation shall mean pens, or similar concentrated areas, including small shed-type areas or open buildings wherein animals are fully or partially exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Proposed Revisions to Article 4 “AG” Agricultural District

4.003 Permitted Uses

a. ~~Agriculture, except commercial feedlots~~

4.007 Permitted Special Uses

aa. ~~Commercial feedlot.~~ Animal Feeding Operation

Proposed Revisions to Article 13 Special Permit

13.035. ~~Commercial Feedlot~~ Animal Feeding Operation

~~Commercial feedlot facilities for livestock and poultry may be allowed by special permit in the AG zoning district. The application for a special permit shall be accompanied by a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.~~

Animal Feeding Operation (AFO) may be allowed by special permit in the AG District under the following conditions:

1. A site plan showing the location and distance from lot lines of all confined areas, compost areas, and accessory buildings used as part of the Animal Feeding Operations. The site plan shall include any floodplain and/or floodway on the site. A topography map shall be included.
2. A Construction and Operating Permit approved by NDEE shall be submitted ~~with the application~~ prior to commencing operations.
3. If required by Lancaster County Engineer, a road maintenance agreement shall be included as a condition of the special permit.
4. The applicant shall submit a completed “Nebraska Animal Feeding Operation Siting Assessment Matrix” (without scoring) as maintained by the Nebraska Department of Agriculture from time to time, or equivalent maintained by the Lincoln/ Lancaster County Planning Department if the matrix is discontinued. Any

necessary documentation shall be submitted to verify the accuracy of the completed matrix.

5. The AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum, from the nearest wall of a dwelling that is not associated with the AFO, from any area designated as Residential-Low Density in the Future Land Use Plan of the Lincoln-Lancaster County Comprehensive Plan, from a designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility.

Open AFO 5,280 feet

Enclosed AFO 2,640 feet 1,320 feet

A large AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum 1.5 miles to a designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility.

~~A medium AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum 1.0 mile to a designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility.~~

6. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing or reusing the barns and all related supporting infrastructure and may include a bond or equivalent enforceable resource to guarantee removal or reuse upon discontinuance, decommissioning or abandonment.
7. A Conservation Buffer consisting of windbreaks, trees, or other vegetation is required for all large AFO's.
8. Notice is required to be mailed to all property owners within one mile of the application area 30 days prior to the public hearing.
9. For Animal Feeding Operations approved prior to {effective date}, the regulations of this article shall not apply. However, any expansion of the AFO shall comply with this article.

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