Intent and Purpose

In September 2018 the Lancaster County Board of Commissioners voted to establish a Working Group to review Lancaster County current zoning regulations regarding CAFOs. Commercial feedlots, also known as CAFO’s, is a use allowed by special permit in the AG Agriculture District. Currently the zoning regulation has only one condition for the special permit; a statement from the Department of Environmental Quality if the facility needs to provide anti-pollution controls. This does allow for flexibility in requiring additional conditions if needed by the County Board on a case by case basis. This has led to uncertainty and debate on what conditions should be required.

The Working Group will assist staff in identifying issues and developing standards.

The Working Group will:

- Review and provide information
- Provide comment, insight and suggestions
- Assist in the process
- Assist in identifying challenges
- Review other counties zoning regulations
- Review State agencies roles pertaining to CAFOs
- Make recommendations for conditions pertaining to the special permit.
CONSORTIUM OF APPROVAL FOR RANDY ESSINK POULTRY OPERATION

Site Specific Conditions:

1. Before receiving building permits, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
   1.1 Add the title “Randy Essink Commercial Feedlot. Special Permit #18025” to the site plan.
   1.2 Add a legal description to the site plan.
   1.3 Identify on the site plan a quarter mile (1,320 feet) setback from the nearest point of any new building to the nearest existing house at the time of application.
   1.4 Identify the compost shed on the site plan
   1.5 Add a note to the site plan that any chicken barn and compost shed shall be located a minimum of a quarter mile (1,320 feet) from any existing house.

2.1 Before receiving building permits provide the following documents to the Planning Department:
   2.1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

2.2 As part of occupying the buildings, the permittee shall:
   2.2.1 Maintain an approved Nutrient Management Plan by the Nebraska Department of Environmental Quality.
   2.2.2 Keep all litter inside all buildings except when used as a carbon element in a mortality shed or when in transit. No outside storage of litter is allowed otherwise.
   2.2.3 No traffic from the facility may exit or enter from the ease as long as the railroad crossing is not improved.
   2.2.4 If more than 50 semi-trucks average daily traffic form the site, then applicant shall enter into a road maintenance agreement to the satisfaction of the County.
CONDITIONS OF APPROVAL FOR BEVANS FARMS POULTRY OPERATION

Site Specific Conditions:

1. Before receiving building permits, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:

   1.1 Change the legal to read, “Lots 1 and 2, Bevans South Subdivision located in the SW ¼ of Section 27-11-8, Lancaster County, Nebraska, which lies southerly from Waverly’s one-mile zoning jurisdiction.”

   1.2 Delete “turkey” from the buildings.

   1.3 Identify the jurisdictional line between Waverly and Lancaster County as the special permit boundary.

   1.4 Identify the dashed lines around the new barns as “building envelope.”

   1.5 The new barns must be located a minimum of 100 feet from any wells.

   1.6 Identify where the stockpile of litter is located.

   1.7 Delete Note 3. There are no lighting standards in the County.

   1.8 Add a note that any new chicken barn and litter pile shall be located a minimum of a quarter mile from any existing house.

2.1 Before receiving building permits provide the following documents to the Planning Department:

   2.1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

2.2 As part of occupying the new chicken barns, the permittee shall:

   2.2.1 Obtain a Construction Operating Permit and Nutrient Management Plan from Nebraska Department of Environmental Quality.
LANCASTER COUNTY

Commercial Feedlot Definition: A use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial feedlot shall not include dairy herds of the keeping of livestock other than for slaughter or butcher.

Allowed by Special Permit:
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 anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.

SALINE COUNTY

Agricultural Use: ….confined and intensive animal feeding use and associated waste handling facility of less than 300 animal units as defined in Sections 303.24, 303.45 and 303.94

Confined Animal Feeding Use: More than 300 animal units (AU)

  Class I= 300 to 1,000 AU
  Class II =1,001 to 2,500 AU
  Class III = 2,501 to 5,000 AU
  Class IV= 5,001 to 10,000 AU
  Class V= 10,001 or more

AG DISTRICT
Permitted: Class I and II confined feeding operations. Must meet Section 617
Conditional Use: Development of new Class III, IV and V confined animal feeding.
Section 617 Development of New Class I and II Confined Feeding Uses

Distance from dwelling, lot less than 20 acres, church, school or public use is .375 to the north and .25 miles to the south, east and west.

1,000 feet from any publicly owned water supply and 100 feet from any residential domestic well.

Provide plan on how dead animals are disposed of.

The need for Groundwater monitoring shall be determined by NDEQ.

GAGE COUNTY

Livestock Confinement Facilities/Operations: confinement of more than 300 animal units. (AU) 100 chickens equals 1 animal unit.

AG-1 District

Conditional Use: Livestock confinement of 300-749 AU

Special Permitted: Livestock confinement of 750+ AU

Distance measured from the building to house, church, cemetery, school or other public use building.

300-500 AU = 1/4 mile
501-1,000 AU = 3/8 mile
1,001-2,500 AU = ½ mile
2,501-5,000 AU = ¾ mile
5,001 - 10,000 AU = 1 mile
10,001+ = 1.5 mile

1. A management plan for disposal of dead animals approved by NDEQ
2. Waste disposal plan.
Livestock Feeding Operation: where animals exceed 1,000 Animal Units (AU).

Large CAFO: 1,000 AU or more
Medium CAFO: 301 to 999 AU
Small CAFO: 300 or less AU.

A-1 District:

Permitted Uses
LFO of less than 1,000 AU.

Conditional Use
LFO over 1,000 AU.

Spacing Requirements from non-farm or other residence:
0 to 300 AU = 1,320’
301-999 AU = 2,640’
1,000 – 4,999 AU = 3,300’
5,000 – 9,999 AU = 3,960
10,000 – 19,999 AU = 5,280 = 12 inches for each additional animal unit above 20,000.

Other Requirements
Approval from NDEQ
Operation and Maintenance Plan
Manure Management Plan

For zoning regulations go to
CASS COUNTY

Livestock Feeding Operations: More than 250 animal units (au) requires a Conditional Use Permit.

Spacing Requirements from non-farm residence or other residence not on the owner’s property.
LFO having 251 to 500 a.u. = 1,320 feet (1/4 mile)
LFO having 501 to 1,000 a.u. = 1,980 feet
LFO having 1,001 to 5,000 au = 2,640 feet (1/2 mile)
LFO having more than 5,000 au = 3,920 feet (3/4 mile)
If less than 251 animal units there is no setback requirement.

Farming
2 animal units for the first acre and 1 animal unit per acre for a parcel less than 40 acres. (20 acres = 21 animal units)

1-1/2 animal unit per acre for a parcel greater than 40 acres, but less than 80 acres.
60 acres = 90 animal units)
2 animal units per acre for parcels over 80 acres. (80 x 2 = 160 animal units)

Other Requirements
Construction and Operating Permit from NDEQ required.
OTOE COUNTY

Livestock Feeding Operations: More than 300 animal units (au). More than 1,000 animal units requires a Conditional Use Permit.

Spacing Requirements from other residence not on the owner’s property, other LFO, church, cemetery, school, park, platted residential area and residential district.

LFO having 301 to 1,000 a.u. = ½ mile for ECH and Open
LFO having 1,001 to 2,500 a.u. = 1 mile for ECH and Open
LFO having 2,501 to 5,000 au = 1 ½ mile for ECH and 1 ¼ mile for Open.
LFO having 5,001 to 10,000 au = 1 ¾ mile for ECH and 1 ½ for Open
LFO having 10,001 to 20,000 au = 2 ½ miles for ECH and 3 miles for Open.
ECH = Environmentally Controlled Housing
OPEN = Open Lot Operations.

Other Requirements
Construction and Operating Permit from NDEQ required.