

**Yellow - Clerical updates**

**Red - Supervisor's Request for Review to P & Z**

**Gray - Commission Recommendations**

**6.4 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS**

Livestock confinement facilities/operations that exceed the maximum capacity of animal units for permitted conditional uses and structures shall only be allowed by special permit in the AG-1, AG-2, AG-3 and AG-4 Agricultural Districts under the following conditions:

1. Distance requirements:

Any new or expanding livestock confinement facilities/operations, as defined in Section ~~3.50~~ (3.51), shall be a minimum distance, in accordance with the table below, measured from the livestock confinement facility/operation to the nearest wall of any residence other than seasonal use dwellings, commercial or industrial facility, or church, cemetery, school or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator. If a cemetery within the minimum distance requirement is determined by the County Board of Supervisors to be of such infrequent use for burial, visitation, or care and maintenance that it should not prevent a proposed or new confinement facility, then the County Board may grant a special permit for a new confinement facility or expansion regardless of the existence of such cemetery.

Any residence which is within the minimum distance requirement for an existing facility under its existing classification as stated below, and which was constructed following establishment of the facility shall not be treated as being within such minimum distance requirement with respect to expansion of the facility.

Expansion of an existing livestock facility/operation which meets the minimum distance requirements in the following table, is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger facility.

**MINIMUM DISTANCE REQUIREMENTS  
FOR LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS**

	Facility A	Facility B	Facility C	Facility D	Facility E	Facility F
Total Animal Units Allowed (Section 3.50)	300 to 500	501 to 1,000	1,001 to 2,500	2,501 to 5,000	5,001 to 10,000 10,000 +	<del>10,001</del> Eliminate Facility F
Minimum Distance Required	1/4 Mile	3/8 Mile	1/2 Mile	3/4 Mile	1 Mile	1.5 Mile
Minimum Distance Required Supervisors	None	None	None	None	None	None
Commission Recommendation	1/8 Mile	1/4 Mile	1/2 Mile	3/4 Mile	1 Mile	1.5 Mile

**\*All setback requirements will be to non-participating dwellings.**

2. A management plan for the facility, acceptable to the ~~Nebraska Department of Environmental Quality~~ **Nebraska Department of Water, Energy and Environment** and the County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor.

Options are dead truck, incinerator, composting, or burial.

- a. Dead Truck
  - i. Animals must be disposed ~~within 48 hours of death~~ and cannot be seen from road.
- b. Incinerator
  - i. Must be adequate for size of operation and receive proper permitting prior to construction.
- c. Composting
  - i. Composting pile ~~must have a concrete floor and walls~~ will follow plans approved by NWDEE.

3. Disposal and storage of livestock confinement facility/operation animal waste shall be in conformance with the following:
  - A. Disposal and storage of livestock confinement facility/operation animal waste on land within Gage County other than on the property upon which the livestock confinement facility/operation is located, shall be subject to the license requirements and waste disposal requirements and recommendations of the State of Nebraska and subject to the approval of the Gage County Board of Supervisors.
  - B. There shall be no storage, or disposal, of livestock waste from a livestock confinement facility/operation upon land designated as wetlands by the United States Department of Agriculture, Farm Services Commission.
  - C. Paunch waste disposal shall only be allowed in the AG-1, AG-2, and AG-Agriculture Districts in conformance with a Special Use Permit process.

~~4. Must place an emergency phone number for the operator of the facility or the designated representative on a sign at the entrances of the facility. The sign must be posted at a conspicuous location and be viewable from the public roadway road.~~

~~Special use permits granted under this section shall be subject to review by the County Board if not in compliance with the applicable State Environmental Agency Nebraska Dept of Regulations.~~

~~A. Applicant shall file a Notice of Intent with the Gage County Planning and Zoning Administrator and pay a \$50 fee to cover publication costs (within 3 Months) prior to beginning the application process with the State.~~

5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health, safety, and welfare of the residents of Gage County.

~~6. Feedlot Minimum Requirements:~~

~~Livestock Confinement Facilities/Operation Minimum Requirements:~~

- A. Application for proposed or new construction of ~~feedlot~~ **Livestock Confinement Facilities/Operation** shall be published in the local newspaper ten (10) days prior to each public hearing. Notices by mail shall be sent by Gage County to all landowners in accordance with the minimum distances identified by facility type in the table in Section 6.4, Subsection 1.
- B. Design and management plan shall be required for new and expanding operations, using a form supplied by the County as a checklist to include:

4. i. Distances from water sources ie: surface water feet, wellheads **feet, feed** (200 feet from state water source or agricultural drainage well.)
2. ii. Scaled drawings for location of facilities and lagoon of confinement including setback distances from center of road.
3. iii. Distances from nearest residences to include all within minimum distances identified by facility type in the table in Section 6.4, Subsection 1, also **not note** prevailing wind. Any owned by livestock operator neighbors.
4. iv. Application of manure, nutrients.
  1. injection
  2. irrigation
  3. surface application
5. v. Signed, long-term contracts with other landowners showing that the operator has access to additional land for manure distribution.
6. vi. Treatment technologies, if alternate waste management is to be practiced.
  1. -Additional steps to assure proper utilization of nutrients.
  2. - Initial deep soil test, nutrient analysis of manure, compost and effluent.
  3. -Calibration of manure spreaders to accurately determine amount of manure being spread per acre.

~~vii. Tree plan for the facility~~

~~viii. Specify whether the applicant will be applying for the National Pollution Elimination Discharge System Permit.~~

~~Calibration of manure spreaders to accurately determine amount of manure being spread per acre.~~

7. FEES:

Out of State Applicants and/or Co-Applicants for CAFO Facility C; D, E and F:  
Any Applicant and/or Co Applicant Application received that is a not a Resident of Nebraska will be accessed a \$100,000 fee upon a successful permit approval.

**\*All such operations shall be operated in conformance with local, state and federal standards.**