



# Hall County Regional Planning Commission

**Wednesday, April 5, 2017**  
**Regular Meeting Packet**

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## **Commission Members:**

<b>Judd Allan</b>	<b>Hall County</b>	
<b>John Hoggatt</b>	<b>Grand Island</b>	
<b>Derek Apfel</b>	<b>Grand Island</b>	
<b>Hector Rubio</b>	<b>Grand Island</b>	
<b>Leonard Rainforth</b>	<b>Hall County</b>	
<b>Carla Maurer</b>	<b>Doniphan</b>	
<b>Dean Kjar</b>	<b>Wood River</b>	
<b>Dean Sears</b>	<b>Grand Island</b>	
<b>Jaye Monter</b>	<b>Cairo</b>	<b>Vice Chairperson</b>
<b>Pat O'Neill</b>	<b>Hall County</b>	<b>Chairperson</b>
<b>Greg Robb</b>	<b>Hall County</b>	
<b>Leslie Ruge</b>	<b>Alda</b>	<b>Secretary</b>

**Regional Planning Director: Chad Nabity**

**Planning Technician:**  
**Edwin Maslonka**

**Administrative Assistant:**  
**Tracy Gartner**

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**6:00 PM**  
**City Hall**

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## **Call to Order**

## **Roll Call**

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### **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

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### **B - RESERVE TIME TO SPEAK ON AGENDA ITEMS**

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

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### **DIRECTOR COMMUNICATION**

This is an opportunity for the Director to comment on current events, activities, and issues of interest to the commission.



# Hall County Regional Planning Commission

Wednesday, April 5, 2017  
Regular Meeting

## Item A1

**Agenda 4-5-17**

Staff Contact: Chad Nabity

**AGENDA AND NOTICE OF MEETING**  
**Wednesday April 5, 2017**  
**6:00 p.m.**  
**City Hall Council Chambers — Grand Island**

**1. Call to Order.**

This is a public meeting subject to the open meetings laws of the State of Nebraska. The requirements for an open meeting are posted on the wall in this room and anyone who would like to find out what those are is welcome to read through them.

The Planning Commission may vote to go into Closed Session on any Agenda Item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

**2. Minutes of March 1, 2017.**

**3. Request Time to Speak.**

**4. Public Hearing -Rezone – Cairo** - A request to rezone all of Robinson Estates Subdivision from R-9 Single-Family Residential to R-6 Multiple-Family Residential in the Village of Cairo, Hall County, Nebraska. (C-12-2017C)

**5. Public Hearing - Zoning Text Amendment – Wood River** – A request from the City of Wood River to amend Article 5, Section 5.11.02(4) of the Wood River Zoning Ordinances to include dwelling units as a permitted use. (C-13-2017WR)

**Consent Agenda**

**6. Final Plat – Meadowlark West 10<sup>th</sup> Subdivision** – located north of Faidley Avenue and west of Allen Drive. (2 lots and 2.9 acres)

**7. Final Plat – Mike Dobesh Subdivision** – located south of Stolley Park Road and east of 110<sup>th</sup> Road. (1 lot and 3.3 acres)

**8. Hall County Zoning Review Committee Report**

**a. Primary Agriculture Zoning Review/Matrix**

**b. Livestock Friendly County Designation Application**



**9. Director's Report.**

**10. Next Meeting May 3, 2017.**

**11. Adjourn.**

**PLEASE NOTE: This meeting is open to the public, and a current agenda is on file at the office of the Regional Planning Commission, located on the second floor of City Hall in Grand Island, Nebraska.**

**Staff Recommendation Summary  
For Regional Planning Commission Meeting  
April 5, 2017**

- 4. Public Hearing – Rezone - Cairo** - A request to rezone all of Robinson Estates Subdivision from R-9 Single-Family Residential to R-6 Multiple-Family Residential in the Village of Cairo, Hall County, Nebraska. The proposal is for developing duplexes. (Hearing, Discussion and Action) (C-12-2017C)
- 5. Public Hearing – Zoning Text Amendment – Wood River** – This is a request from the City of Wood River to amend Article 5, Section 5.11.02(4) of the Wood River Zoning Ordinances to include dwelling units as a permitted use. (Hearing, Discussion and Action) (C-13-2017WR)

**Consent Agenda**

- 6. Final Plat – Meadowlark West 10<sup>th</sup> Subdivision** – located north of Faidley Avenue and west of Allen Drive. (2 lots and 2.9 acres)  
(Discussion and Action)
- 7. Final Plat - Mike Dobesh Subdivision** – located south of Stolley Park Road and east of 110<sup>th</sup> Road. (1 lot and 3.3 acres)  
(Discussion and Action)
- 8. Hall County Zoning Review Subcommittee**
  - a. Primary Agriculture Zoning Review/Matrix** – The subcommittee will update the commission on its review of the A-1 Primary Agriculture District zoning and a suggested Animal Feeding Operation Siting Matrix. (Discussion only)
  - b. Livestock Friendly County Designation** – The subcommittee will update the commission on its suggested application to the Nebraska Department of Agriculture to designate Hall County as a Livestock Friendly County. (Discussion only)



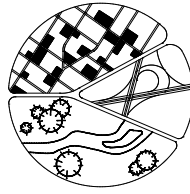
# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017  
Regular Meeting**

## **Item E1**

**Minutes 3-1-17**

**Staff Contact: Chad Nabity**



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,  
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN,  
NEBRASKA

Minutes  
for  
March 1, 2017

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The meeting of the Regional Planning Commission was held Wednesday, March 1, 2017, in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" on February 18, 2017.

Present: Dean Sears	Pat O'Neill
Les Ruge	Carla Maurer
Hector Rubio	Derek Apfel
Judd Allan	Leonard Rainforth
Greg Robb	

Absent: Jaye Monter, John Hoggatt, Dean Kjar

Other: Hall County Supervisor Karen Bredthauer, Merrick County Zoning Administrator Jennifer Myers.

Staff: Chad Nabity, Tracy Overstreet Gartner.

Press: Austin Koeller, Grand Island Independent.

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**1. Call to order.**

Chairman O'Neill called the meeting to order at 6:05 p.m.

O'Neill stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O'Neill also noted the Planning Commission may vote to go into Closed Session on any agenda item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

**2. Minutes of the February 1, 2017 meeting.**

A motion was made by Maurer and seconded by Apfel to approve the Minutes of the February 1, 2017 meeting as sent.

The motion carried with 9 members in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Rainforth, Rubio and Sears), with no members abstaining or voting no.

**3. Request Time to Speak.**

None.

**4. Review – Landfill Siting** – located north of Old Potash Highway and west of Alda Road on nearly 57 acres at the former Cornhusker Army Ammunition Plant. (C-11-2017HC)

Chairman O'Neill, as owner of the siting applicant O'Neill Wood Resources, recused himself from the chambers and turned the meeting over to Secretary Ruge at 6:07 p.m. Nabity explained that the Nebraska Department of Environmental Quality had received an application from O'Neill Wood Resources for a construction and demolition landfill at the Cornhusker Army Ammunition Plant. Per the Nebraska Local Siting Act for landfills, planning commissions are to review the site and provide advice to the Hall County Board, which is holding a May 2 public hearing and will consider a conditional use permit request on the landfill.

Nabity said the proposed site is located in an AG-SI (Agriculture-Special Industrial) zone which allows recycling yards as a conditional use. Nabity said the former ammunition site has severe restrictions on no housing, so that lack of residential use makes it a good site for a landfill. The construction and demolition landfill would not have hazardous waste. It would be a site for waste materials such as wood, bricks, concrete and shingles.

Attorney Stephen Mossman from Mattson Ricketts Law Firm in Lincoln spoke on behalf of O'Neill Wood Resources. He said the Hall County board will consider six siting criteria, but the Planning Commission only needs to provide advice. The commission's advice, which focuses on whether the land use is consistent with the zoning regulations, will be part of the May 2 county board hearing, after which public comment time will remain open for 30 days. Following the county board hearing and decision on a local conditional use permit, the applicant advances to obtaining a Title 132 permit from Nebraska DEQ. Mossman answered questions about drainage, cell size, cell slope and permit processing.

A motion was made by Robb and seconded by Apfel to recommend approval of the local siting permit based on the zoning being consistent with the applied for use.

The motion carried with 8 members voting in favor (Apfel, Allan, Ruge, Maurer, Robb, Rainforth, Rubio and Sears) and no members voting no. O'Neill abstained and was not present for the vote.

#### **Consent Agenda**

- 5. Final Plat – Isley Acres Subdivision** – located south of One-R Road and east of Engleman Road, in Hall County, Nebraska (1 lot and 8.88 acres)
- 6. Final Plat – Sterling Estates Ninth Subdivision** – located south of Capital Avenue and east of North Road, in the City of Grand Island, Hall County, Nebraska (2 lots and 7.2 acres)

A motion was made by Ruge and seconded by Maurer to approve the final plats of Isley Acres Subdivision and Sterling Estates Ninth Subdivision.

The motion carried with 9 members voting in favor (Apfel, Allan, O'Neill, Ruge, Maurer, Robb, Rainforth, Rubio and Sears) and no members voting no or abstaining.

- 7. Hall County Zoning Review Subcommittee (C-06-2017HC)** – Nabity reported the Hall County Zoning Study Committee met on February 9 and March 1 and a small subcommittee met between those two meetings to begin reviewing a local version of a livestock siting matrix. The matrix would be used primarily in siting livestock feeding operations ranging from 1,001 to 5,000 animal units in size. The operations would be required to meet Nebraska Department of Environmental Quality regulations and certain setbacks, but would gain or lose points based on other factors of the operation, such as waste management. Merrick County Zoning Administrator Jennifer Myers also spoke briefly about the state version of the livestock siting matrix, which she helped develop. The county zoning review committee is also working on developing a waiver system so that a house or feeding operation could locate inside required setbacks provided the affected owners signed off. Nabity said ag definitions are also being updated, including the addition of a hoop house. He anticipates the proposed new regulations will come back to the Regional Planning Commission for a report around June. The commission can receive the report and forward any recommendations it has on to the Hall County Board. Nabity said he believes the committee will also recommend applying for Livestock Friendly status for the county at that same time. While there is no direct financial incentive for that status, Nabity said it means having Hall County included on a state list that is often reviewed by potential ag business owners when considering expansion or new start-ups
- 11. Director's Report** – Nabity said the Nebraska Planning and Zoning Association annual conference will be held in Kearney on March 8, 9 and 10. Commissioners are invited to attend and the department will pay their registration.
- 12. Next Meeting April 5, 2017.**
- 13. Adjourn**

O'Neill adjourned the meeting at 6:39 p.m.

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Leslie Ruge, Secretary  
By Tracy Overstreet Gartner



# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017  
Regular Meeting**

## **Item F1**

**Rezone in Cairo from R9 to R6**

**Staff Contact: Chad Nabity**



## Agenda Item #4

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

#### COMMISSION:

March 27, 2017

**SUBJECT:** *Zoning Change (C-12-2017C)*

**PROPOSAL:** To rezone all of Robinson Estates Subdivision in Cairo, Nebraska from R9-Single-Family Residential to R6- Multi-family Residential. Robinson Estates Subdivision is located between Oasis Street and Syria Street on both sides of the platted extension of Suez Street in the municipal limits of the Village of Cairo.

#### OVERVIEW:

##### Site Analysis

*Current zoning designation:*

**R9-** Single-Family District

*Permitted and conditional uses:*

**R9-** Residential uses on 9,000 square foot lots, schools, churches and parks

*Comprehensive Plan Designation:*

Residential

*Existing land uses.*

Vacant lots

##### Adjacent Properties Analysis

*Current zoning designations:*

**North: R6-**Multi-family Residential District

*Permitted and conditional uses:*

**South West and East: R9-** Single-Family District  
**R6-**Residential uses on 6,000 square foot lots, schools, churches and parks  
**R9-** Residential uses on 9,000 square foot lots, schools, churches and parks

*Comprehensive Plan Designation:*

**All Directions:** Single Family Residential

*Existing land uses:*

**North:** Residential

**East:** Residential and commercial

**West:** Residential

**South:** Mobile Home Park

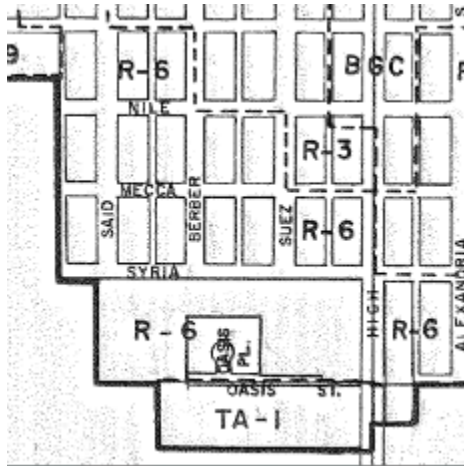
#### EVALUATION:

When the Robinson Estate Subdivision was originally approved in late 1995 it was zoned R6 in the Village of Cairo. Twice since then, Cairo has adopted a new zoning map and regulations, following completion of a comprehensive development plan and revised zoning regulations. The R6 district as now proposed is very close to the original R6 zoning district that was in place at the time of the subdivision's original approval. Because of the size and shape of the lots in this subdivision, it is appropriate to consider changing them back to the R6 zoning district.

#### Positive Implications:

- *Consistent with the Cairo Comprehensive Plan:* This property is planned for residential development.

- *Is adjacent to a similar use in Residential Zones:* This is an extension of the R6 zoning district and the property was originally zoned R6 at the time Robinson Estates Subdivision was approved in 1995. The extension of similar uses to this area of the community would be beneficial to the community and consistent with existing development.



1996 Zoning Map, Cairo Nebraska

- *More Housing Opportunities for Cairo:* Development of this property will provide additional housing options in Cairo.

#### **Negative Implications:**

- *None Foreseen:*

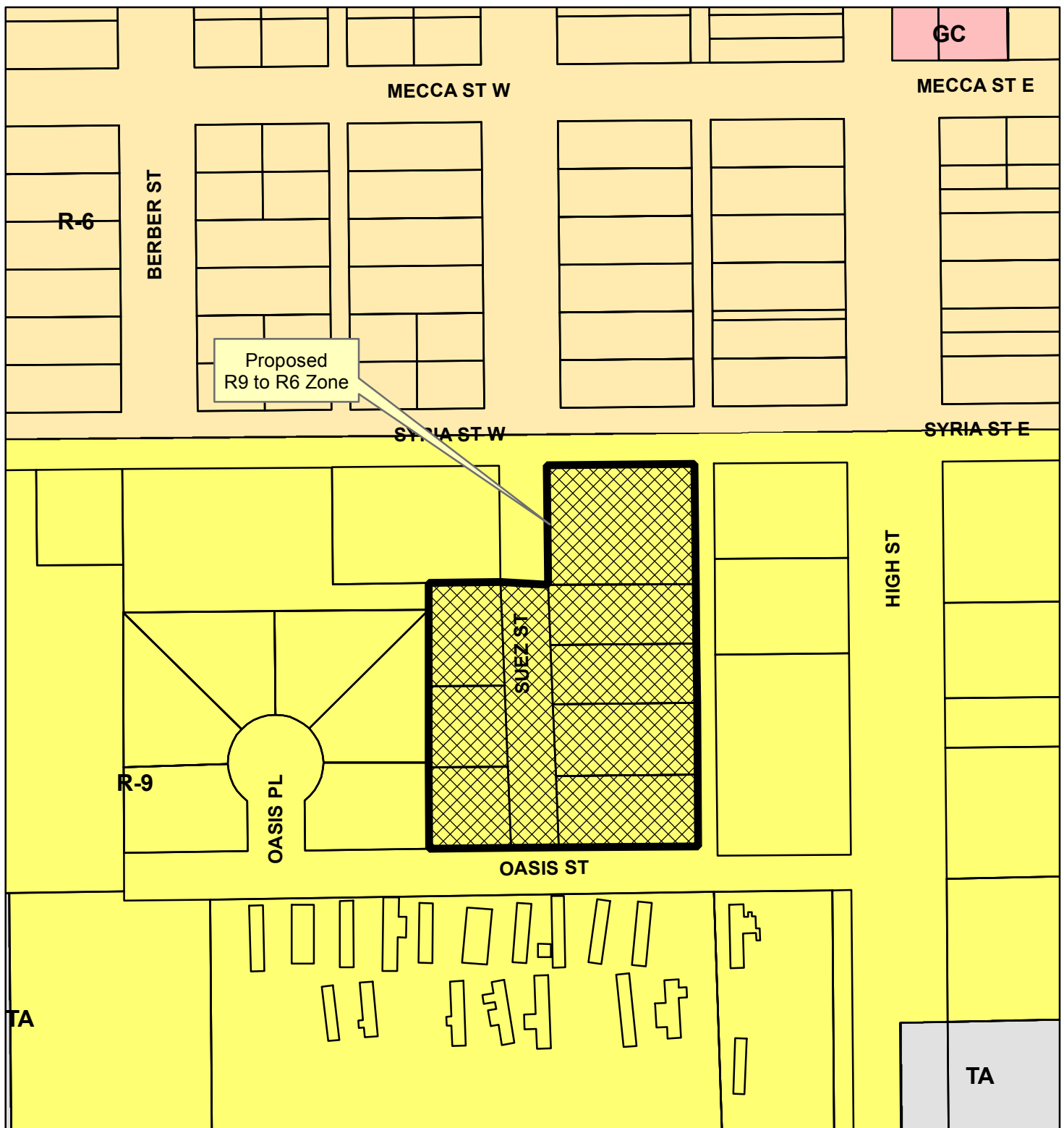
#### **RECOMMENDATION:**

That the Regional Planning Commission recommend that the Cairo Village Board change the zoning on this site from R9 Single-Family Residential Zone to R6- Multi-family Residential Zone.



Cairo Future Landuse Map from 2004 Comprehensive Plan

Chad Nabity AICP, Planning Director



# Proposed Zoning

Scale : NONE

C-12-2017C



- R9 - Single-Family Residential Zone
- to R6 - Multiple-Family Residential Zone



Area that is requested for rezoning

( SEE MAP )



# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017  
Regular Meeting**

## **Item F2**

### **Wood River Zoning Text Amendment**

**Staff Contact: Chad Nabity**

## Agenda Item # 5

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

#### COMMISSION:

March 24, 2017

#### SUBJECT:

*Concerning amendments to the Zoning Ordinance for the City of Wood River and its 1 mile extra-territorial jurisdiction. Amendments to be considered pertain to the addition of Dwelling Units as a permitted use in the BGC Central General Business District, §5.11.02 (C-13-2017WR))*

#### PROPOSAL:

The City of Wood River has had zoning regulations since 1972. The latest full update was completed and approved in 2004. A variety of minor changes have been approved since that time. The Wood River City Council has submitted a request for a recommendation on whether to specifically allow dwelling units as a permitted use in their Central General Business District Zone. The propose changes are highlighted below.

All areas with changes are highlighted. Additions are *Italicized and underlined* and deletions are in ~~strike out~~.

#### Section 5.11 BGC Central General Business District

5.11.01 *Intent:* The (BGC) Central General Business District is intended to provide for commercial development within the existing downtown area of Wood River that will benefit the retail trade, business, cultural, and social activities of the entire community.

#### 5.11.02 *Permitted Uses:*

- 1 Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
- 2 Dance studio, not including uses defined in Adult Establishment.
- 3 Meeting hall, not including uses defined in Adult Establishment.
- 4 Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
  - a Apparel shop.
  - b Appliance store.
  - c Antique store.
  - d Automobile parts supply store, not including repair or service facilities.
  - e Bakery shop.
  - f Barber and Beauty shop.
  - g Bookstore, not including uses defined in Adult Establishment.
  - h Clothing and tailoring shops.
  - i Communication services.

j	Computer store.
k	Drug stores and prescription shops.
l	Floral shop and commercial greenhouses.
m	Furniture store or showroom.
n	Gift and curio shop.
o	Grocery store.
p	Hardware store.
q	Hobby, craft, toy store.
r	Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
s	Laundry and dry cleaning pick-up and delivery stations.
t	Liquor store.
u	Newsstands, not including uses defined in Adult Establishment.
v	Photography studio.
w	Picture framing shop.
x	Restaurants.
y	Second hand stores.
z	Shoe store.
aa	Tanning salon.
bb	Variety store, not including uses defined in Adult Establishment.
cc	Video store, not including uses defined in Adult Establishment.
dd	Telephone exchange.
ee	Telephone answering service.
<i>ff</i>	<i><u>Dwelling Unit</u></i>

5.11.03 *Permitted Conditional Uses:*

1. Automobile parking lot.
2. Automobile sales and service facilities, including tire sales and installation.
3. Business or professional school.
4. Car wash.
5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
6. Convenience store with limited fuel sales.
7. Dance club, not including uses defined in Adult Establishment.
8. Dry cleaners and establishments (not over two-thousand (2,000) square feet in floor area) with one dry cleaning unit having a capacity not to exceed 35 pounds per cycle using nonflammable or non-explosive solvents.
9. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
10. Frozen food locker.
11. Garden supply and retail garden center.
12. Gas station.
13. Liquor store.
14. Lumber yard, home improvement center.
15. Outdoor advertising signs.
16. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
17. Veterinarians' offices and hospitals, and boarding kennels, provided that no structure or building used to house horses or other animals is located closer than one-hundred feet (100') to any residential use.

5.11.04 *Accessory Uses*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Sections 7.02 through 7.05.
3. Signs pursuant to Sections 7.06 through 7.08.
4. Temporary buildings and uses incidental to construction work, which will be removed upon completion or abandonment of the construction, work.
5. Landscaping pursuant to Section 7.15.

5.11.05 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height
Permitted Uses	-	-	-	*	**	60 feet
Permitted Conditional Uses	-	-	-	*	**	60 feet
Accessory Buildings	-	-	-	*	**	-

\* None, except that when adjacent to any district requiring a side yard, the side yard setback shall be ten feet (5').

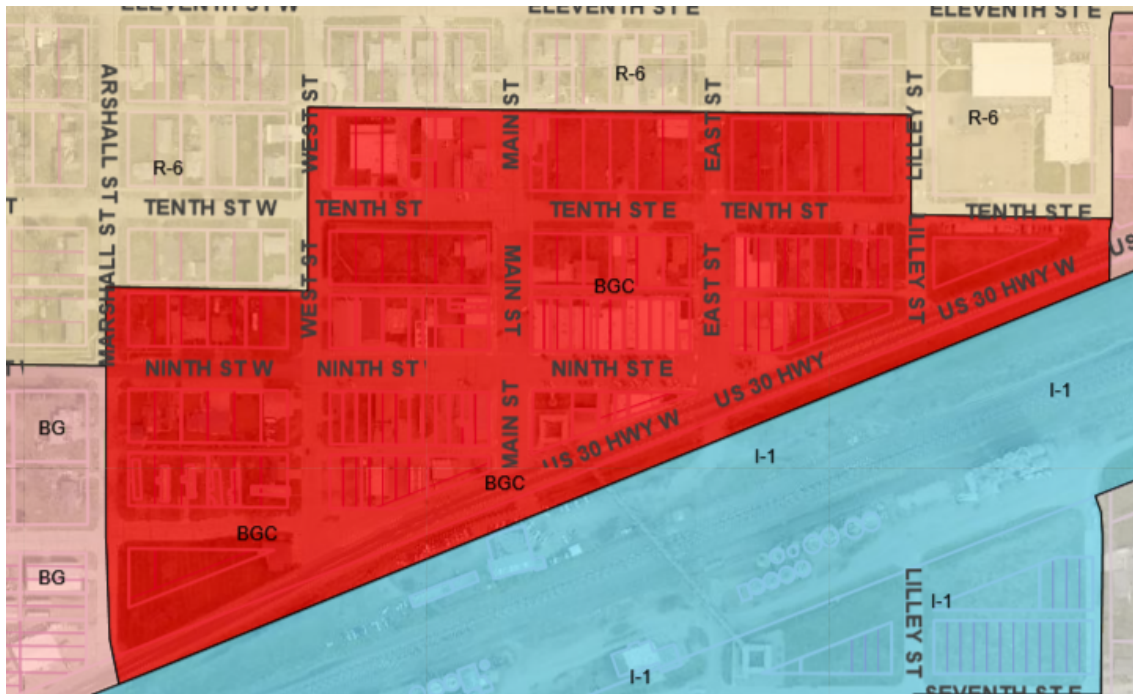
\*\* Ten feet (10'), except that when adjacent to any residential district, the rear yard setback shall be twenty-five feet (25').

5.11.06 *Use Limitations:*

- 1 When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within fifteen feet (15') of such residential district.
- 2 When adjacent to any residential district, new construction shall provide a six foot (6') high permanent screen in order to minimize impacts on residentially zoned property, pursuant to Section 7.13.
- 3 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 4 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5 When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

## OVERVIEW:

The BGC zoning district is located north of the UPRR tracks and bounded on the west by Marshall Street and West Street and generally located south of the alley between Tenth and Eleventh Streets. A map of the BGC zoning district is attached.





This zoning district has traditionally had a mix of commercial and residential, especially at the edges of the district near the R6 residential zone. The proposed changes would allow residential development similar to the existing development.

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Wood River Zoning Ordinance as requested.

\_\_\_\_\_ Chad Nabity AICP, Planning Director

RESOLUTION NO 2017-104

**RESOLUTION OF INTENT TO AMEND ARTICLE 5 SECTION 5.11.02 (4)  
PERMITTED USES OF THE ZONING ORDINANCE OF THE CITY OF WOOD RIVER,  
NEBRASKA**

WHEREAS, Article 5, Section 5.11.02 (4) of the Zoning Ordinance of the City of Wood River, Nebraska includes permitted uses; and

WHEREAS, the Mayor and the City Council of the City of Wood River intend to amend Article 5 Section 5.11.02 (4) by adding the following permitted use to wit:

ff Dwelling Unit; and

WHEREAS, the Mayor and City Council of the City of Wood River desire to receive the advise and recommendations of the Grand Island, Hall County Regional Planning Commission prior to taking definite action on the proposed amendment.

NOW therefore it be it resolved by the Mayor and the City Council of the City of Wood River Nebraska:

1. The Mayor and the City Council of the City of Wood River, Nebraska hereby informs the Grand Island Hall County Regional Planning Commission of the Council's intent to amend Article 5, Section 5.11.02 (4) by adding the following permitted use to wit:

ff Dwelling Unit; and

2. Request the Grand Island Hall County Regional Planning Commission hold a public hearing on the proposed amendment as described above and provide its advice and recommendations regarding the proposed amendment to the Zoning Ordinance of and for the City of Wood River, Nebraska.

The above and foregoing resolution was passed and approved this 7TH of MARCH, 2017.

CITY OF WOOD RIVER,  
HALL COUNTY, NEBRASKA

  
Greg Cramer, Mayor

ATTEST:

  
Holly Plejdrup, City Clerk





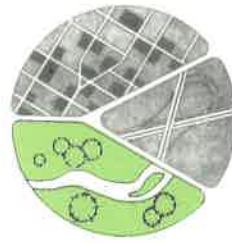
# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017  
Regular Meeting**

## **Item M1**

### **Meadowlark West 10th Subdivision**

**Staff Contact: Chad Nabity**



THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska

March 20, 2017

Dear Members of the Board:

**RE: Final Plat – Meadowlark West 10th Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Meadowlark West 10th Subdivision, located in Grand Island, in Hall County, Nebraska.

This final plat proposes to create 2 lots, in a subdivision being all of Lot 11, Meadowlark West 3<sup>rd</sup> Subdivision, in the City of Grand Island, Hall County, Nebraska, in a tract containing 2.944 acres.

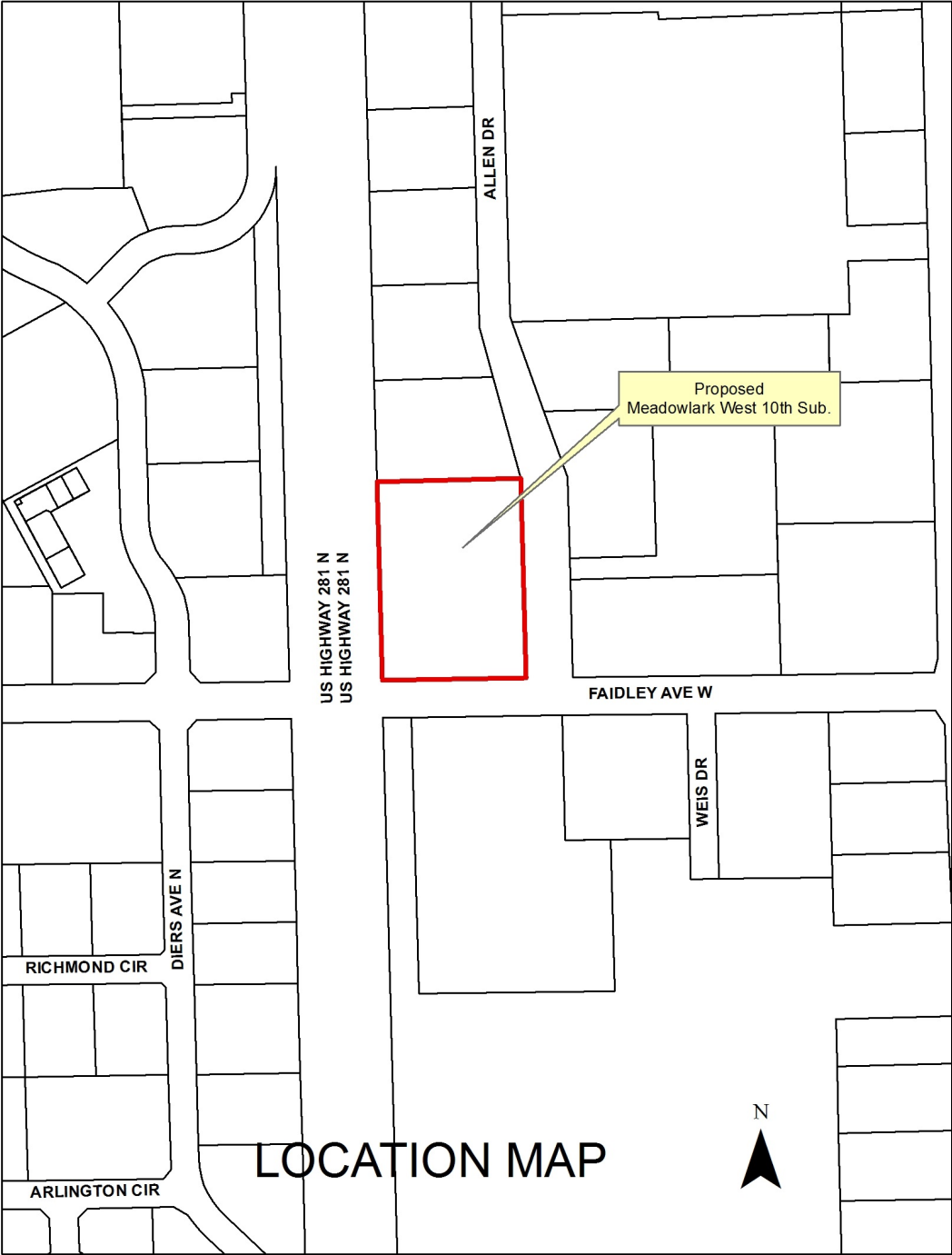
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on April 5, 2017, in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP  
Planning Director

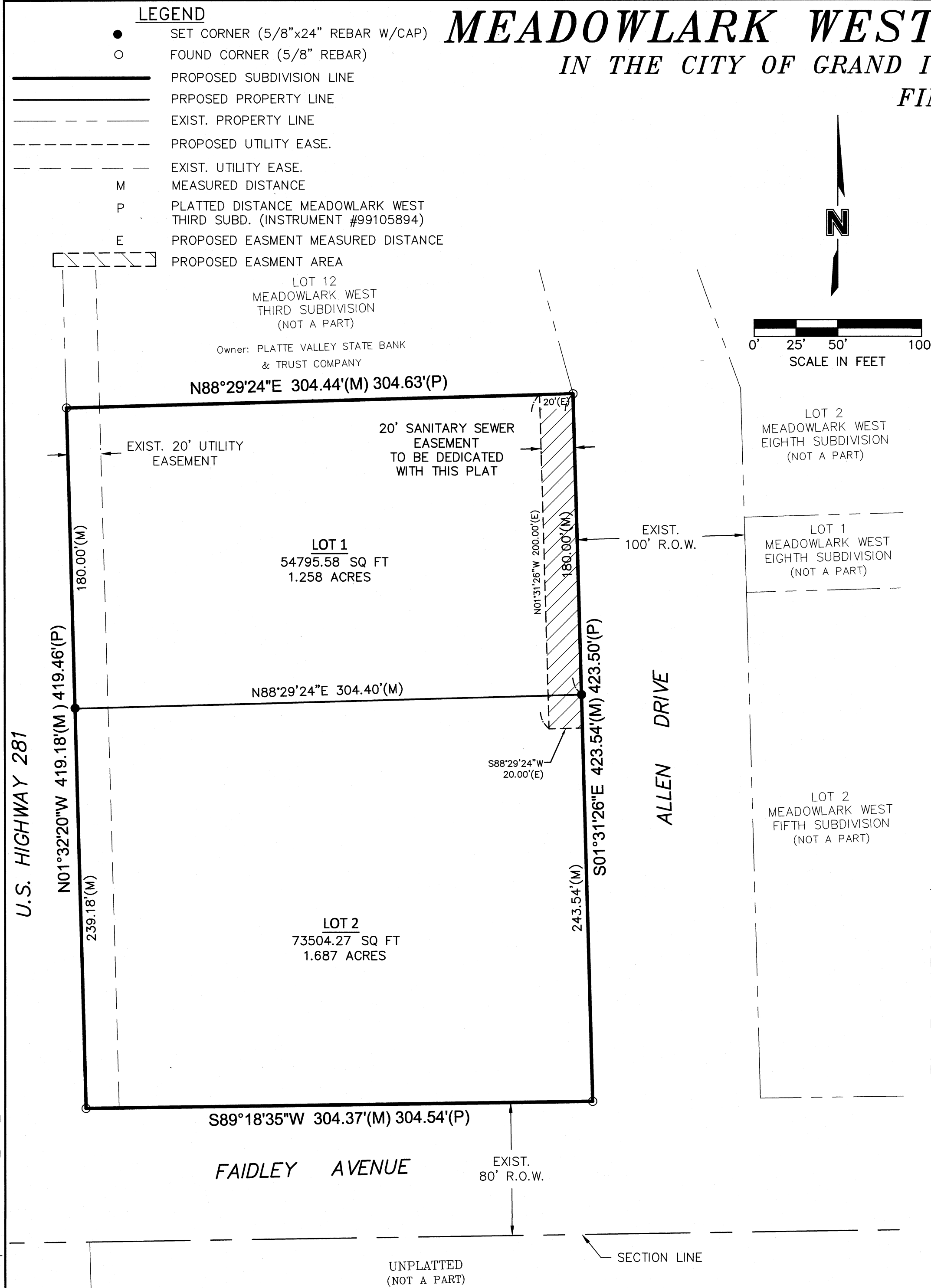
Cc: City Clerk  
City Attorney  
City Public Works  
City Utilities  
City Building Director  
Manager of Postal Operations  
Olsson Associates

This letter was sent to the following School Districts 2, 19, 82, 83, 100, 126.









# MEADOWLARK WEST TENTH SUBDIVISION

## IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA

### FINAL PLAT

#### LEGAL DESCRIPTION

A REPLAT OF ALL OF LOT 11, MEADOWLARK WEST THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTEEN (13), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA.

SAID TRACT CONTAINS A CALCULATED AREA OF 128,257.23 SQUARE FEET OR 2.944 ACRES MORE OR LESS.

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT ON \_\_\_\_\_, 2017, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION, OF A TRACT OF LAND LOCATED IN ALL OF LOT 11, MEADOWLARK WEST THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTEEN (13), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER, LS-630

#### DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS, THAT ALLEN PHASE III, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED HEREON, HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS **"MEADOWLARK WEST TENTH SUBDIVISION"** BEING ALL OF LOT 11, MEADOWLARK WEST THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTEEN (13), TOWNSHIP ELEVEN (11) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AS SHOWN ON THE ACCOMPANYING PLAT THEREOF AND THAT THE FOREGOING ADDITION AS MORE PARTICULARLY DESCRIBED IN THE DESCRIPTION HEREON AS APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, AT \_\_\_\_\_, NEBRASKA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ALLEN PHASE III, LLC, A NEBRASKA LIMITED LIABILITY COMPANY  
BY: KRISTIN M. ALLEN, MANAGER

#### ACKNOWLEDGMENT

STATE OF NEBRASKA  
COUNTY OF \_\_\_\_\_ SS

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED ALLEN PHASE III, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BY: KRISTIN M. ALLEN, MANAGER, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED HERETO AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HER VOLUNTARY ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT \_\_\_\_\_, NEBRASKA, ON THE DATE LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

#### APPROVAL

SUBMITTED TO AND APPROVED BY THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, CITIES OF GRAND ISLAND, WOOD RIVER, AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA.

CHAIRPERSON

DATE

APPROVED AND ACCEPTED BY THE CITY OF GRAND ISLAND, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

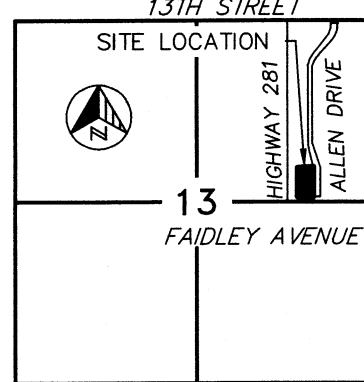
MAYOR

CITY CLERK

#### LOCATION MAP

SECTION 13, T11N, R10W

NOT TO SCALE





# Hall County Regional Planning Commission

Wednesday, April 5, 2017  
Regular Meeting

## Item M2

**Mike Dobesh Sub**

Staff Contact: Chad Nabity





THE REGIONAL PLANNING COMMISSION of Hall  
County, Grand Island, Wood River and the Villages  
of Alda, Cairo and Doniphan, Nebraska

March 20, 2017

Dear Members of the Board:

**RE: Final Plat – Mike Dobesh Subdivision.**

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Mike Dobesh Subdivision, located in Hall County, Nebraska.

This final plat proposes to create 1 lot, on a tract of land comprising part of the West Half of the Northwest Quarter (W ½ NW ¼) of Section Twenty Seven (27), Township Eleven (11) North, Range Eleven (11) West of the 6<sup>th</sup> P.M. located in Hall County, Nebraska, said tract containing 3.332 acres.

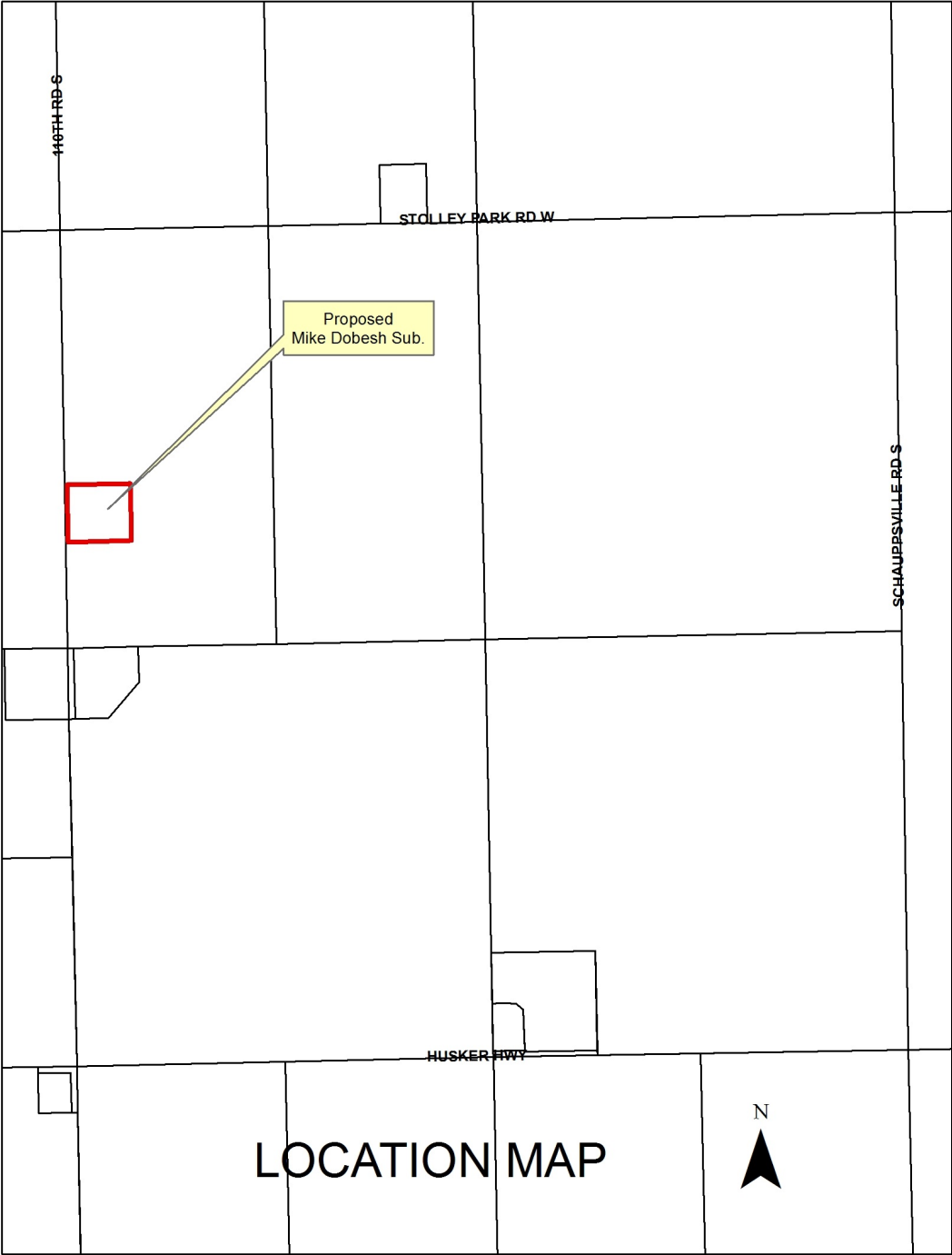
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on April 5, 2017 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

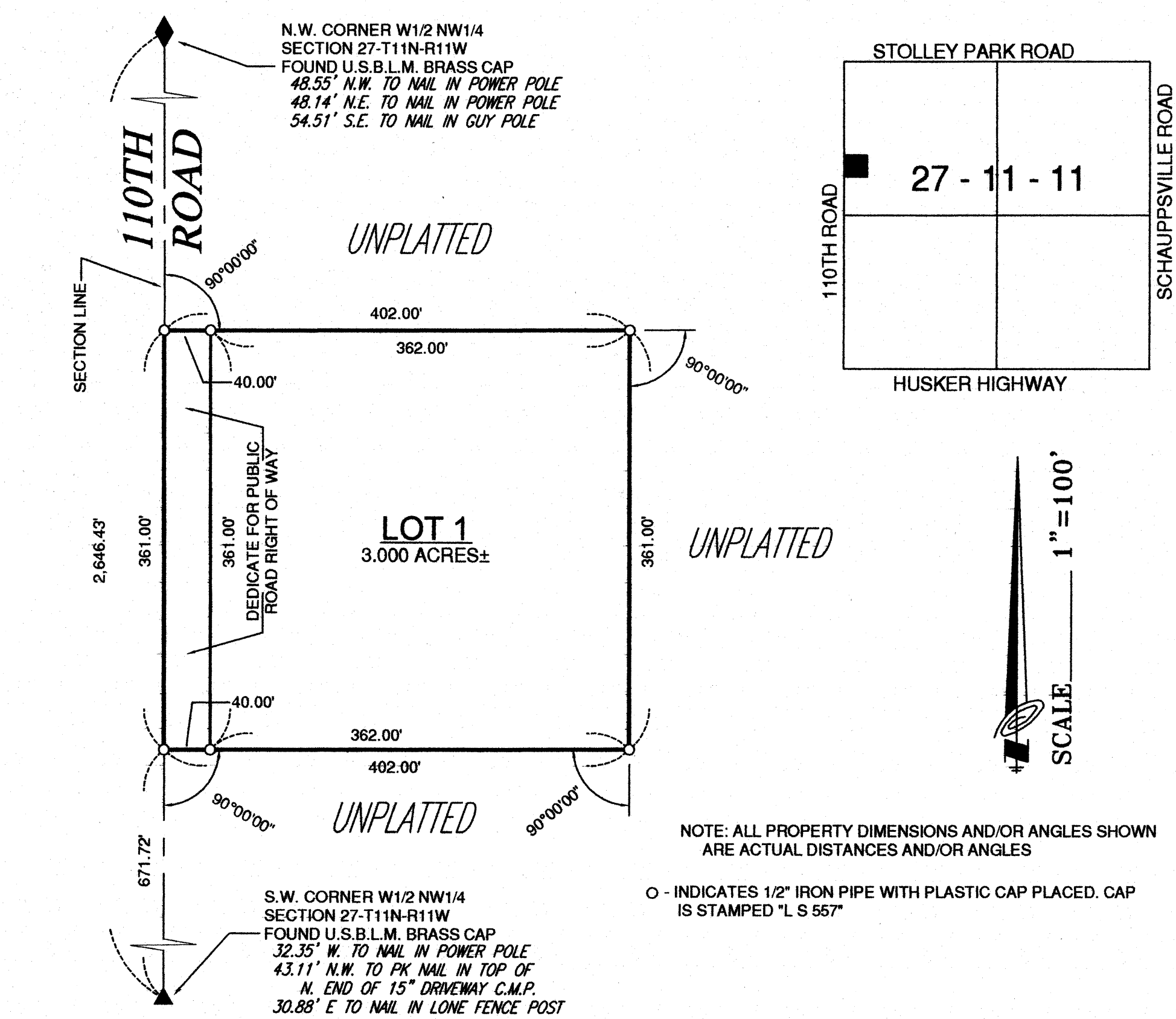
Chad Nabity, AICP  
Planning Director

Cc: County Clerk  
County Attorney  
County Zoning  
County Building  
County Public Works  
Manager of Postal Operations  
Benjamin and Associates

This letter was sent to the following School Districts 2, 19, 82, 83, 100, 126.







SURVEYOR'S CERTIFICATE

I hereby certify that on \_\_\_\_\_, 2017, I completed an accurate survey (made under my supervision) of "MIKE DOBESH SUBDIVISION", Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds as contained in said subdivision as shown on the accompanying plat thereof, are well and accurately staked off and marked; that iron markers were placed at all corners as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

Lee D. Wagner, Registered Land Surveyor No. 557

LEGAL DESCRIPTION

A tract of land comprising a part of the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Twenty Seven (27), Township Eleven (11) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Beginning at a point on the west line of said West Half of the Northwest Quarter (W1/2 NW1/4), said point being Six Hundred Seventy One and Seventy Two Hundredths (671.72) feet north of the southwest corner of said West Half of the Northwest Quarter (W1/2 NW1/4); thence continuing northerly, along and upon the west line of said West Half of the Northwest Quarter (W1/2 NW1/4), a distance of Three Hundred Sixty One (361.00) feet; thence deflecting right 90°00'00" and running easterly, a distance of Four Hundred Two (402.00) feet; thence deflecting right 90°00'00" and running southerly, parallel with the west line of said West Half of the Northwest Quarter (W1/2 NW1/4), a distance of Three Hundred Sixty One (361.00) feet; thence deflecting right 90°00'00" and running westerly, a distance of Four Hundred Two (402.00) feet to the point of beginning and containing 3.332 acres, more or less

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that DOBESH FARMS, INC., a Nebraska Corporation, being the owner of the land described hereon, have caused same to be subdivided, platted and designated as "MIKE DOBESH SUBDIVISION", Hall County, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the road as shown thereon, to the public for their use forever, and the easements, if any, for the location construction and maintenance of public service utilities forever, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements, and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner and proprietor.

IN WITNESS WHEREOF, I have affixed my signature hereto at \_\_\_\_\_, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

DOBESH FARMS, INC.  
a Nebraska Corporation

Mike Dobesh, President

ACKNOWLEDGEMENT

State of Nebraska ss  
County of Hall

On the \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, \_\_\_\_\_, a Notary Public within and for said County, personally appeared Mike Dobesh, President of DOBESH FARMS, INC., INC., a Nebraska Corporation, to me personally known to be the identical person whose signature is affixed hereto, and he did acknowledge the execution thereof to be his voluntary act and deed as such President, and the voluntary act and deed of said Nebraska Corporation, and that he was empowered to make the above dedication for and in behalf of said Nebraska Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at \_\_\_\_\_, Nebraska, on the date last above written.

My commission expires \_\_\_\_\_

Notary Public (SEAL)

APPROVALS

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and the Villages of Alda, Cairo and Doniphan, Nebraska.

Chairman Date

Approved and accepted by the Hall County Board of Supervisors, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Chairman of the Board County Clerk

MIKE DOBESH SUBDIVISION  
HALL COUNTY, NEBRASKA

BENJAMIN & ASSOCIATES, INC. - ENGINEERS & SURVEYORS - GRAND ISLAND, NEBRASKA



# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017**

**Regular Meeting**

## **Item 1**

### **Hall County Zoning Review Subcommittee Report-Primary Ag and Matrix**

**Staff Contact: Chad Nabity**



## **Agenda Item # 8.a.**

### **PLANNING DIRECTOR MEMO TO REGIONAL PLANNING March 28, 2017**

#### **SUBJECT: Proposed changes regarding livestock operations in Hall County.**

In January of 2017 the Hall County Regional Planning Commission appointed a committee to review livestock zoning regulations within Hall County. The committee was composed of five planning commissioners - all four of those appointed by Hall County, Pat O'Neill, Len Rainforth, Judd Allan, and Greg Robb, and Les Ruge of Alda, who was appointed in 1990 and is the longest-serving planning commissioner. The Planning Commission requested that the Hall County Board assign one or two members of the board to the committee as well and Steve Schuppan and Karen Bredthauer were appointed. The committee began meeting in the latter part of January and has met several times since then to review the A-1 zoning regulations, livestock definitions, livestock operation siting matrix as developed for the Nebraska Department of Agriculture (NDA) and the Livestock Friendly County designation through the Nebraska Department of Agriculture.

The committee began with a review of the current Hall County agriculture regulations and a comparison of those regulations with regulations from the surrounding counties. It was concluded that Hall County's regulations, allowing 1,000 animal units as a permitted use on a farming operation were less strict than Adams, Buffalo and Howard Counties. Hamilton County regulations do not provide any guidance regarding the size of operation and Merrick County regulations would permit 2,500 animal units without a conditional use permit. Hamilton, Merrick, Howard and Adams counties have all been designated as Livestock Friendly by the Nebraska Department of Agriculture.

The ag zoning regulation changes as proposed add a localized version of the Livestock Siting Matrix into the decision-making process. They also add another size category to the livestock operation mix, as well as addressing newer confinement technologies, such as hoop buildings. The committee did review the Nebraska Department of Agriculture definitions of types of feeding operations based on the manure management and the setbacks proposed by the NDA. The committee is recommending that Hall County continue to divide Livestock Feeding Operations (LFOs) by open lots and environmentally-controlled housing. The committee is recommending that the separation distances between LFOs and other uses remain as they are in the current regulations with the addition of an intermediate class of operation splitting the 1,001 to 5,000 into 1,001 to 3,000 and 3,001 to 5,000. The required separation for a 1,001 to 3,000 unit open lot would be 3/8<sup>th</sup> of a mile (1,980 ft.) as opposed to 1/2 mile (2,640 ft.) The required separation for environmentally-controlled housing would remain the same for all classes.

The Livestock Siting Matrix is a major change to the regulations. As proposed, the LFO Class II and above (1,001 animal units or more) would need to score at least 75 points to be considered as a permitted use. The first 25 point would come from approval and compliance with Nebraska Department of Environmental Quality (NDEQ) permits and regulations that apply to all LFOs with more than 1,000 animal units. The second 25 points would come from meeting the county separation distances or having impact easements that waive the separation distance. Those 50 points would be required. The other 25 points would be based on management practices including, but not limited to, environmental compliance, water quality protection, odor and dust control, manure application practices, traffic, economic impact and aesthetics.

Another significant change that has been suggested is that the county would recognize impact easements that could be agreed upon by all property owners that would allow feeding operations to locate closer to a neighboring use than the regulations would allow or allow a house to locate closer to a feeding operation than would otherwise be allowed. The Nebraska courts have validated these mutually agreed upon impact easements for livestock operations.

The purpose of introducing these proposed changes to the planning commission tonight is to open the public dialog on the proposals. We are inviting public comment from producers, rural residents and any other interested parties to comment on the proposed changes prior to bringing them forward for a public hearing.

\_\_\_\_\_ Chad Nabity AICP, Planning Director

**Hall County Zoning Review Subcommittee**  
**Meeting Minutes**  
**Wednesday, March 1, 2017**  
**Community Meeting Room, Grand Island City Hall**

**Present:** Hall County Supervisors Steve Schuppan and Karen Bredthauer; Hall County Planning Commissioners Leslie Ruge, Greg Robb, Leonard Rainforth and Judd Allan; Regional Planning Director Chad Nabity; Merrick County Zoning Administrator Jennifer Myers.

**Absent:** Hall County Facilities and Zoning Administrator Loren “Doone” Humphrey.

**Livestock Siting Matrix** – Nabity opened the meeting at 5:15 p.m. and introduced Merrick County Zoning Administrator Jennifer Myers, who helped with the livestock siting matrix prepared for the Nebraska Department of Agriculture. Nabity said he met with Robb and Schuppan as a small group to begin modifying the state matrix for local use. One change they made was to make the setbacks and Department of Environmental Quality sections required. Other categories serve as areas to gain or lose points. Projects that meet setbacks and DEQ sections, plus reach 75 points or above would be granted a special use permit by the county. A conditional use permit would only be required for those projects in excess of 5,000 animal units, along with compliance with the matrix. Robb said he is organizing a meeting with county livestock producers to share the matrix concept with them. The committee is working on language for a waiver to setbacks – meaning that if an operation wanted to locate closer to a house than setbacks allow, the operation could go in if the home owner signed a waiver. Robb requested that the waiver also work the other way – that a home could be built closer than setbacks allow to an operation if the livestock operation consented. Robb said that can occur particularly if the livestock operator or their direct family members chose to build a house nearby the business. Myer said Merrick County has used waivers around recently located chicken barns for the Hendrix Hatchery project. Protection easements are filed around the barns. The language was prepared by the Legal Department and then filed with the Register of Deeds in Merrick County. The committee discussed the need to measure distance from a house to a barn (not the lot lines), that any house used for measuring be a habitable house and they said any waiver would need to address the size of the operation consented to. The committee also discussed other potential buffer areas, such as around recreation areas, parks, historical landmarks or cemeteries. Nabity then presented an update to portions of the Hall County zoning regulations that would match the matrix changes – including some added definitions such as for a hoop house and nonfarm residents.

**Meeting adjourned at 6:00 p.m.**

**Documents handed out at the meeting were:**

- Nebraska Animal Feeding Operation Siting Matrix as modified to the 3-1-17 draft for local use.
- Hall County Zoning Regulations as modified to the 3-1-17 draft of definitions, general regs and provisions for A-1 Primary Agriculture District.

Respectfully submitted,  
Tracy Overstreet  
Planning Administrative Assistant



**Hall County Zoning Review Subcommittee**  
**Meeting Minutes**  
**Tuesday, March 21, 2017**  
**Fishbowl, Grand Island City Hall**

**Present:** Hall County Supervisors Steve Schuppan and Karen Bredthauer; Hall County Planning Commissioners Greg Robb, Leonard Rainforth, Judd Allan and Chairman Pat O'Neill; Regional Planning Director Chad Nabity; and Randy Stueven, who was appointed to the committee March 8 by Hall County Board Chairwoman Pam Lancaster.

**Absent:** Hall County Facilities and Zoning Administrator Loren "Doone" Humphrey, Planning Commissioner Les Ruge.

**Report out from Nebraska Planning and Zoning Association Conference (NPZA)** – Nabity opened the meeting at 5:15 p.m. He attended the March 8-10 conference in Kearney. Other commissioners who attended sessions at the conference were O'Neill, Allan and Rainforth. Nabity, O'Neill and Bredthauer attended sessions on the livestock siting matrix.

**Wind Rose/ Odor Risk Scoring** – Nabity handed out graphics of two livestock feeding operation siting concepts that were discussed at the NPZA conference. One is an Odor Risk Scoring Region developed by the Nebraska Department of Agriculture that forms concentric circles around a livestock operation. The setbacks are equal on all side and are based on both the number of animal units and the type of manure management system – solid manure, semi-solid/combination or liquid manure system. The second concept is the wind rose, which is prepared by the High Plains Regional Climate Center. It uses wind direction to determine setbacks with the goal of 94 percent odor-free days. Nabity said the wind rose is a more accurate and scientific method, but it is more confusing and likely more challenging to regulate. Stueven said he is against 94 percent odor reduction. Stueven said it's a rural area, people should deal with it. Nabity asked the committee if it wanted to switch to the state manure system definitions and setbacks or stay with the local definitions of confinement, environmentally controlled housing, hoop houses and the setbacks based on the livestock siting matrix the committee has been working on since January. Robb said he preferred staying with the matrix and committee's proposed definitions, which he finds to be more clear. Robb said the state's definition on mixed/semi-solid manure systems is murky. Nabity said the mixed/semi-solid definitions are more pertinent to dairy operations. Schuppan said Hall County hasn't dealt with dairies and he doesn't anticipate they will – but those definitions could be added in later if needed. Schuppan also preferred to stick with the committee's definitions and the matrix modified for local use. Allan said the local proposal is more black and white. Nabity recapped that the local proposal for open feedlots is for a setback of 1,320 feet for 1,000 and less animal units, 1,980 feet for 1,000 to 3,000 animal units, 2,640 feet for 3,001 to 20,000 animal units. After 20,001 animal units, the local setback increases to 3,960 feet. For environmentally-controlled operations, the setbacks are 1,320 for 1,000 and less animal units, 5,280 for 1,001 to 20,000 and then to 7,920 for more than 20,000 animal units. Nabity said the setbacks are measured from where a house is located and the edge of the feeding operation, not from property lines. Schuppan said the local proposal is more restrictive than the state's guidelines for livestock feeding operations, but less restrictive than neighboring

counties, many of which have livestock friendly designations. Schuppan said he'd like to see the proposed matrix and ag zoning changes be brought forward along with an application for a livestock friendly designation for Hall County. Stueven said he is opposed to the livestock friendly designation as it may result in giving up local control. He said the designation may result in entitlements for agriculture and it may be detrimental to the growth of rural residences, which are needed to lessen the property tax burden. O'Neill said he favors rural residential development, but not at the expense of agriculture. O'Neill said both can exist. He said any major changes or review of rural residential guidelines might best be handled by the county hiring a consultant to update the comprehensive plan. O'Neill wants the committee to finish the ag zoning review and livestock friendly application - likely within the next 30 to 60 days. Stueven again expressed concerns about giving up local control. Nabity and O'Neill pointed out that the livestock friendly program is administered by the Nebraska Department of Agriculture with promises of no loss of local control. They said counties are encouraged to adopt regulations that fit their county and then submit those proposals to the Department of Agriculture for acceptance. Bredthauer said the livestock friendly program states that a county can withdraw in the future by simple request. Robb said he sees no loss of local control – and in fact sees a benefit in being listed as a livestock friendly county from a marketing and economic development standpoint. Schuppan said the Grand Island Area Economic Development Corp. has asked the county to consider filing for the livestock friendly designation because some large companies call the state economic development office and request a list. If Hall County isn't on the list, it may be bypassed for a business expansion or relocation. With a growing number of livestock shows being recruited into the Nebraska State Fair Grounds, the designation would be a nice marketing tool too. Stueven asked for proof that a livestock friendly designation is advantageous to a county. O'Neill said the designation is similar to a gold-star rating. Stueven feared a livestock friendly designation would give feeders license for automatic expansions and that the only way the county could prevent the expansions would be through showing a justified environmental risk analysis. Schuppan said the committee has spent a lot of time going through the matrix and working on updates. Stueven said he has no problem with the matrix, but a designation as livestock friendly would deny opportunities for rural subdivisions that could help grow tax base for Northwest Public Schools. Bredthauer said 3-acre lots could be subdivided along One-R Road to aid in valuation for Northwest. Nabity said any rural residential policies will need to be made with all school districts in mind, not one. Stueven said all the school districts in Hall County could benefit from additional residential growth. Nabity distributed a map showing the school district territories in Hall County, as well as floodplain areas and where roads are paved or gravel. There are few areas outside the floodplain and along paved roads in the Northwest school district territory in Hall County. Nabity said it is a good time to complete the ag updates. The committee will meet again to finalize the ag policies to bring to the Planning Commission for a recommendation.

**Meeting adjourned at 6:17 p.m.**

**Documents handed out at the meeting were:**

- AFO Siting/Odor Risk Scoring Regions (graphic.)
- Wind rose for Grand Island, NE Annual 1996-2012 (graphic from High Plains Regional Climate Center.)
- School districts in Hall County with 100-year floodplain, GI zoning jurisdiction and CAAP (map.)

Respectfully submitted,  
Tracy Overstreet  
Planning Administrative Assistant

HALL COUNTY, NEBRASKA

ZONING RESOLUTION

A resolution, consistent with the Comprehensive Development Plan, Adopted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Hall County, Nebraska, to regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; the percentage of lot areas which may be occupied, building setback lines; size of yards, courts, and other open spaces; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; to divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of non-farm buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County; to provide for the adoption of a zoning map; to provide for a board of adjustment, its members, powers, and duties; to provide for off-street parking and loading area requirements; to provide for conditional uses by conditional use permit; to provide for the proper subdivision and development of land, as provided in the Subdivision Regulations; to provide for non-conforming uses, to provide for the administration and the enforcement of these provisions, and for the violations of its provisions and the prescribed penalties, and including among others such specific purposes as:

- (1) Developing both urban and non-urban areas;
- (2) Lessening congestion in the streets or roads;
- (3) Reducing the waste of excessive amounts of roads;
- (4) Securing safety from fire and other dangers;
- (5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
- (6) Providing adequate light and air;
- (7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- (8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- (9) Protecting the tax base;
- (10) Protecting property against blight and depreciation;
- (11) Securing economy in governmental expenditures;
- (12) Fostering the County's agriculture, recreation, and other industries;
- (13) Encouraging the most appropriate use of land in the County; and
- (14) Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with the comprehensive plan.

WHEREAS Nebraska Revised Reissued Statutes, 1943, Sections 23-114 through 23-114.05 and 23-164 through 23-174.06 as amended, empowers the County to adopt a zoning and subdivision resolution and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Hall County Board of Supervisors deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and  
WHEREAS, the Hall County Board of Supervisors has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Hall County Comprehensive Development Plan, 2003, as amended; and

WHEREAS, the Hall County Planning Commission has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the

overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

WHEREAS, the County Planning Commission has given reasonable consideration, among other things, to the prevailing agricultural and rural characteristics now predominant in the County, to the character of the districts and their peculiar suitability for the particular permitted uses, with a reasonable understanding of the objective to conserve the value of lands and improvements while encouraging the development of the most appropriate uses of land throughout the County; and

WHEREAS, the County Planning Commission has made a preliminary report, held public hearings, submitted its recommended final report to the County Board of Supervisors; and the County Board of Supervisors have given due public notice of hearings relating to the Comprehensive Development Plan, to the zoning districts, regulations, subdivision regulations, and restrictions, and has held such public hearing; and

WHEREAS, The County Board of Supervisors have deemed it necessary to adopt the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of the conservation of the existing rural agricultural developments and land uses, of providing for the harmonious development and orderly expansion of urban areas radiating outwardly from existing rural communities, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and health drinking water, and for reducing flood damage potentials; and

WHEREAS, the requirements of Neb. R.R.S. 1943, Section s 23-114 through 23-124.05, Sections 23-164 through 23-174, and Section 23-174.02, as amended, with regard to the recommendations of the Planning Commission, the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations and restrictions and the subsequent action of the County Board of Supervisors have been met;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF HALL COUNTY, NEBRASKA.



~~2.03.122 **CONFINED ANIMAL FEEDING OPERATION, MEDIUM** shall mean an farming operation which meets the following minimum numbers:~~

~~200 mature dairy cows~~

~~300 beef cattle or heifers~~

~~750 swine (each 55lbs or more)~~

~~3,000 swine (each under 55 lbs.)~~

~~10,000 ducks (other than liquid manure handling-system)~~

~~1,500 ducks (liquid manure systems)~~

~~9,000 chickens (liquid manure systems)~~

~~37,500 chickens except laying hens (other than liquid manure handling system)~~

~~25,000 laying hens (other than liquid manure handling system)~~

~~300 veal calves~~

~~150 horses~~

~~3,000 sheep or lambs~~

~~16,500 turkeys~~

~~Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation~~

2.03.123 **CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.

2.03.124 **CONFLICTING LAND USE** shall mean the use of property that transfers over neighboring property lines, negative economic or environmental effects. Including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

2.03.135 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.

2.03.170 **ENVIRONMENTALLY CONTROLLED HOUSING** shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which is roofed, and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept. Does not include Hoop Houses with dry bedding.

2.03.179 **FARM** shall mean an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed; provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

2.03.180 **FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

2.03.181 **FARMSTEAD**, In contrast to a farmstead dwelling, a tract of land of not less than one (1) acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.

2.03.182 **FEED LOT** shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals.

**HOOP HOUSE** shall mean a temporary or permanent structure typically constructed with, but not limited to, piping or other material covered with translucent material. Hoop houses are typically used for the purpose of growing food, ornamental crops and livestock, but not for storage of inorganic materials. A hoop house for raising livestock that uses a dry bedding systems shall be treated as an open feed lot. A hoop house for raising livestock with a slatted floor, deep pit or other liquid manure management system shall be treated as environmentally controlled housing."

**IMPACT EASEMENT** shall mean an easement or deed restriction recorded in the office of the County Register of Deeds. Impact easements shall run with the land. Impact easements are an agreement between property owners where the grantor shall hold the grantee harmless for odor, smoke, dust, or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction. Eg. The owner of a home may grant an impact easement to a Livestock Feeding Operation allowing the operation to expand or locate closer to the home than permitted by the County regulations. Conversely, the owner of a Livestock Feeding Operation may grant an impact easement to allow the construction of a house within the separation distance required between the feeding operation and a new residential structure under different ownership than the feeding operation.

2.03.233 **LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

2.03.239 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.

2.03.240 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

2.03.241 **LIVESTOCK** (See Animals, Farm)

2.03.242 **LIVESTOCK FEEDING OPERATION (LFO)** shall mean any farming operation exceeding the per acre Animal Unit (A.U.) ratio as defined under "farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six (6) months in any one calendar year, and where the number of animals so maintained exceeds three 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two (2) or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:

One (1) A.U.= One (1) Cow/Calf combination;  
One (1) A.U.= One (1) Slaughter, Feeder Cattle;  
One (1) A.U.= One-half (1/2) Horse;  
One (1) A.U.= Seven Tenths (.7) Mature Dairy Cattle;  
One (1) A.U.= Two and One Half (2.5) Swine (55 lbs or more);  
One (1) A.U.= Twenty Five (25) Weaned Pigs (less than 55 lbs);  
One (1) A.U.= Two (2) Sows with Litters;  
One (1) A.U.= Ten (10) Sheep;  
One (1) A.U.= One Hundred (100) Chickens;  
One (1) A.U.= Fifty (50) Turkeys;  
One (1) A.U.= Five (5) Ducks.

**LIVESTOCK SITING MATRIX** shall mean the matrix attached to this zoning resolution as APPENDIX ?/ARTICLE ? as adopted by the Hall County Board of Supervisors for the purposed of determining if a new or existing livestock operation in classes II, III, IV and V should be allowed to or considered for expansion or construction.



2.03.243 **LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

2.03.282 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

NON-FARM RESIDENCE any residential dwelling not located on a farm.

2.03.289 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

2.03.309 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

2.03.438 **WASTE HANDLING SYSTEM** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems

1. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
2. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
3. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
4. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.

2.03.439 **WASTEWATER LAGOON** (See Lagoon)

2.03.440 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

### **Article 3: General Regulations**

#### **Section 3.23 Building Setback**

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.

All new non-farm residences shall locate no less than at the corresponding distances provided in Section 4.02.08 from an Existing Agricultural Operation or LFO with more than 100 animal units located in any affected adjacent Zoning District.

**Section 4.02: A-1 Agricultural – Primary District**

**4.02.01 Intent**

The A-1 Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major uses to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses. The A-1 Agricultural District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

The nature of the A-1 Agricultural District and the uses allowed outright or by conditional use permit precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

**4.02.01 Permitted Principal Uses**

The following principal uses are permitted in the Agriculture A-1 District.

- A        Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
  - 1.                State Agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
  - 2.                The spreading of manure by a “Farming” Operation. (as defined in Article 2 of this Resolution)
  - 3.                Agricultural operations having up to 1,000 A.U.’s are considered a farm and are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Hall County Regional Planning Director is done.
  - 4.                Operations having up to 1,000 animal units shall locate at least 1,320 feet from a platted residential area, Public Park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.
  - 5.                Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one- (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
- B        Ranch and farm dwellings, subject to Section 4.02.08.
- C        Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, riding academies and other similar recreational uses.
- D        Single family dwelling subject to Section 4.02.08
- E        Utility substation, pumping station, water reservoir and telephone exchange
- F        Fire Stations.
- G        Churches, seminary and convent.
- H        Public and parochial school; college.
- I        Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- J        Private kennels and facilities, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- K        Roadside stands offering agricultural products for sale on the premises.
- L        Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.

- M Farm and industrial equipment sales.
- N Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line.
- O Class I, Class II and Class III Livestock Feeding Operations provided they meet the requirements of the Livestock Siting Matrix as adopted.
- P All other Permitted Uses as indicated as Permitted within the Zoning Matrix.

**4.02.03 Conditional Uses**

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the A-1 Agricultural District.

- A Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
  - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
  - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
  - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
  - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- B Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
- C Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- D Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- E All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- F Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary Regulations.
- G Radio, cellular and television towers and transmitters and are subject to the requirements of Section 6.01 of the Supplementary Regulations.
- H Airports.
- I Manufacture of light sheet metal products including heating and ventilation equipment.
- J Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
- K Truck and freight terminals.
- L Commercial mining, quarries, sand and gravel pits and accessory uses.
- M Storage of trucks, tractors, and trailers engaged in the transportation of explosives.

- N Race tracks, drag strips and similar uses and associated accessory uses.
- O Wind Energy devices.
- P Community sewage disposal facilities.
- Q Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than 1,000 feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution, see Section 6.04 of the Supplemental Regulations.
- R Lawn and Garden Nurseries.
- S Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- T The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- U The application of livestock manure in Hall County by operations located outside the County.
- V Class IV and Class V Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Hall County Comprehensive Plan.

**4.02.04 Standards for Livestock Feeding Operations**

1. The following setbacks and design standards are the minimum sanitation and odor practices for Hall County. In addition, the Hall County Board of Supervisors, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
  - property values,
  - dust,
  - lighting,
  - waste disposal and
  - Dead livestock.
2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
2. Agricultural Operations of 1,000 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit.
3. Class II and Class III Livestock Feeding Operations are permitted uses provided they comply with Sections A and B of the Livestock Siting Matrix and have a total of 75 points from the matrix.
4. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 1, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:
  - A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of ~~four~~ **five** levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:
    - Class I Facility = 301-1,000 animal units;
    - Class II Facility = 1,001-35,000 animal units;
    - Class III Facility = 3,001-5,000 animal units,
    - Class IV Facility = 5,001-20,000 animal units; and
    - Class V Facility = 20,001 or more animal units.

LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

**TABLE 1: LFO SPACING AND DISTANCE** (Distances given in feetmiles)

Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
<b>Class I</b> <b>301-1000</b>	ECH	1,320
	OPEN	1,320
<b>Class II</b> <b>1001-53000</b>	ECH	5,280
	OPEN	2,640/1980
<b>Class III</b> <b>3001-5000</b>	ECH	5,280
	OPEN	2640
<b>Class IIIV</b> <b>5001-20,000</b>	ECH	5,280
	OPEN	2,640
<b>Class IV</b> <b>20,000+</b>	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing

OPEN = Open Lot Operations

- B. LFOs having more than a 1,000 animal units shall also locate at a distance as specified under the ECH or Open Lots, in Table 1 from a a house under different ownership than the owner/operator of the LFO a platted, a residential area, public park, recreational area, church, cemetery (excluding abandoned and personal historic cemeteries), religious area, school, state or nationally designated historical site, and Rresidential Ddistrict. LFO's may locate closer than the specified distance if the owner of said property has granted an impact easement (distance waiver) and filed said documents against the property granting the easement.
  
- C. All LFO's over 20,000 Animal Units shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.
  
- D. The producer shall have a Pre-submission meeting with the Hall County Regional Planning Director and Hall County Building Inspector to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for Livestock Feeding Operations.
  1. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (NDEQ) or any other applicable State Agency.
  2. The applicant shall submit all pertinent materials and designs, as per the Conditional Use Permit Application for Livestock Feeding Operations.
  3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEQ approval if different from the proposed. Said plans shall be filed with the Hall County Regional Planning Director.
  4. Shall also file a copy of all approved NDEQ plans and permits with the Hall County Regional Planning Director within 30 days after they are issued by the NDEQ.
  5. An annual manure management plan shall be submitted to the Hall County Regional Planning Director which shall follow "best possible management practices" as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
  6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also located on the proposed site plan indicated in number (A) above.
  7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
  8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.

9. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize offer and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
  10. The setbacks from an LFO to any non-farm dwelling, other residence or other LFO are as follows in Table 2:
5. Exceptions:
- A. Any Class I Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with all of the following limitations:
1. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
  2. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
  3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Supervisors.
  4. If such expansion results in such LFO being required to obtain a new construction permit from NDEQ, introduction of additional animals shall be prohibited until said permit is issued by NDEQ or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

**4.02.05. Accessory Uses**

The following accessory buildings and uses are permitted in the A-1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

**4.02.06 Lot Requirements and Intensity of Use**

1. The following table lists the minimum lot requirements and maximum building requirements in an A-1 District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
<b>Permitted Uses</b>	<b>20</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>
<b>Conditional Uses</b>	<b>20</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>
<b>Agricultural uses</b>	<b>1</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

2. The following requirements are allowed in specific situations within the jurisdiction of Hall County. These requirements are:

A. ANY PERSON OR PERSONS WHO:

- (1) owns a tract of 80 acres or more may sell one tract per 80 acres for a single family dwelling, providing such sale has not been previously exercised on the large tract; and/or
- (2) owns an existing ranch or farm dwelling that is 10 years old or more may sell a tract containing such dwelling;
- (3) providing the following space limitations are complied with:

Min Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
		Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
20,000	80	30	25	15	40%	35 <sup>1</sup>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

**4.02.07 Prohibited Uses**

1. Any use not specifically listed as a permitted principal use or permitted accessory use.

**4.02.08. Supplementary Regulations**

1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.
2. All new and existing livestock feeding operations and farms with livestock of 10300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 31000 animal units shall need to score at least 75 point on the livestock Siting Matrix and those over 5000 shall also require a Conditional Use Permit as subject to in Section 4.03, subsection B of this Article.
  - A. New non-farm residences shall be located no less than at the following distances and those shown in Table 2: Non-farm Residential Spacing and Distance, from an existing agricultural operation having between 50 and 3001000 animal units and an LFO based upon the type of operation. New residences may be located closer to an LFO if the owner of such residence has been granted an impact easement from the owner of the LFO and the owner of the residence has granted an impact easement to the LFO.. Both easements shall be filed with the Register of Deeds.

**TABLE 2: NON-FARM RESIDENTIALCE SPACING AND DISTANCE (Distances given in feet)**

	SIZE OF EXISTING AGRICULTURAL OPERATION AND LFO IN A.U.				
	1000-1000300	301001-13,000	13,001-5,000	5,001-20,000	20,000+
<b>New Residence* near open lots</b>	1,980	1,9802,970	1,9803,960	3,960	5,940
<b>New Residence* near ECH</b>	1,980	1,9807,970	7,920	7,920	11,880

\*This shall not prohibit building a residence within the specified distance as part of the farming/feeding operation.



## Hall County Nebraska Animal Feeding Operation Siting Matrix

Livestock Operation Name  
 Address  
 Legal Description  
 Acreage of Property Owned with Operation

### BASIC INFORMATION

A Livestock Operation Size		Number		Points	Score
1	Number of animals (for multiple species or production phases, record separately)				
2	Animal Units (see Animal Units tab for calculator)				
		Yes	No		
1	Class II or Larger+ livestock operation (1,001 animal units or more)				
2					
3					

### NDEQ STATUS

B Environmental Protection Plans		Yes	No	Points	Score
1	NDEQ has issued letter that no construction and/or operating permit is required			25	
2	All NDEQ construction and operating permit(s) will be in place prior to operation, as required, including the following (if not applicable, write NA):			25	
3	Nutrient Management Plan				
4	Animal Mortality Management Plan				
5	Request for Inspection of Animal Feeding Operation (Title 130 - Form A)				
6	Permit Application (Title 130 - Form B)				
7	Applicant Disclosure (Title 130 - Form C)				
8	Livestock Feeding Operation Narrative				
9	Livestock Feeding Operation Site Plan, Construction Drawings, and Maps				
10	Construction Quality Assurance Plan				
11	Manure Production and Storage/Treatment Calculations				
12	Operation and Maintenance Plan				
13	Chemical Management Plan				
14	Emergency Response Plan				
15	Sludge Management Plan				
16	Livestock Operation Closure Plan				
17	Best Management Practices for Odor Control				
SUBTOTAL (subtotal not to exceed 25 points for this section)					0

### SETBACKS/SEPARATION DISTANCES

C Siting relative to dwellings and public places (refer to Separation Distances tab)		Yes	No	Points	Score
1	Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place			25	
SUBTOTAL (total not to exceed 25 points for this section)					0

## OTHER CONSIDERATIONS

D Environmental Compliance Record		Yes	No	Points	Score
1	Owner has operated an animal feeding operation (AFO) for at least 5 years AND is in good standing with all State and Federal enforcement agencies			5	
SUBTOTAL					0
E Water Quality Protection - Livestock Facilities		Yes	No	Points	Score
1	The majority of animals housed within a confinement building			2	
	For only the facility that contains the majority of manure or effluent, select any that describe the livestock waste control facility:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Open lot with stockpile			0	
3	Vegetative treatment system for runoff			1	
4	Runoff containment structures			2	
5	Roofed manure containment			2	
6	Concrete-equivalent containment structure			2	
7	Clay-lined or Geomembrane-lined containment structure			1	
10	Additional storage capacity (25% or more than NDEQ requirements)			2	
8	Select the smallest separation distance between any well used for domestic purposes and a Livestock Waste Control Facility:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	100 to 150 feet			0	
	151 to 300 feet			1	
	301 feet to 1,000 feet			2	
SUBTOTAL (total not to exceed 15 points for this section)					0

F Odor and Dust Control for Facilities		Yes	No	Points	Score
	Check all that apply for the majority of animal confinement or manure storage:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	Biofilter treatment of exhaust air from fans (primarily for odor control)			3	
2	Oil/water sprinkling for dust control in animal areas			2	
3	Electrostatic/Ionization system for dust control in animal areas			2	
4	Windbreaks placed to intercept air emissions			2	
5	Solids routinely separated from liquids and:			1	
	Stockpiled for later application to land			0	
	Composted, dried and used for bedding, or equivalently treated.			1	
6	Cover on manure storage or first (settling) cell of multi-cell system			1	
	Impermeable cover with flare or gas treatment			2	
7	Aerobic treatment			1	
8	Anaerobic digester			3	
9	Other supplemental odor reduction measures (supported by verifiable scientific data)			2	
SUBTOTAL					0

G Manure Application Practices		Yes	No	Points	Score
1	Select the <u>primary method of manure application under normal conditions for the majority of manure applied</u> and indicate any <u>control practices followed for application to 50% or more of the land receiving manure</u> :				
1a	Subsurface application (also referred to as "injection")			3	
1b	Surface-applied solids			-2	
	Incorporated within 2 days of application			3	
	Incorporated within 3 to 7 days of application			2	
	Incorporated prior to planting but more than 7 days after application			1	
1c	Surface-applied slurry or effluent (excl. sprinkler irrigation)			-5	
	Application equipment discourages drift and encourages entry into soil			2	
	Incorporated within 2 days of application			3	
	Incorporated within 3 to 7 days of application			1	
1d	Sprinkler irrigation			-3	
	Utilize drop nozzles or distribution hoses			1	
	Utilize a monitoring and alarm system			1	
	Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDEQ, during application			1	
	Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDEQ			-2	
2	Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure)				
	Conservation tillage is implemented			1	
	No-till farming is implemented			2	
	Application is primarily to fields with a growing crop			1	
	Application is primarily to fields with an established crop canopy			2	
	Cover crops or additional approved erosion-control practices are used			2	
	<b>SUBTOTAL (total not to exceed 6 points for this section)</b>				0
H Manure Application Separation		Yes	No	Points	Score
1	Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas.				
	Additional 50 to 100 feet			1	
	Additional 101 to 500 feet			2	
	Additional 501 to 1,320 feet			3	
	Additional 1,321 to 2,640 feet			4	
	Additional 2,641 feet and greater			5	
2	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places			2	
3	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters			3	
4	Vegetative buffers present on 25 to 50% of natural surface drains on all application areas			1	
5	Vegetative buffers present on 51 to 100% of natural surface drains			3	
	<b>SUBTOTAL</b>				0

I Additional Assurance of Environmental Protection		Yes	No	Points	Score
1	Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation:				
	Operation and Maintenance Plan			1	
	Animal Mortality Composting Plan			1	
	Chemical Management Plan			1	
	Emergency Response Plan			1	
	BMP for Odor Control Plan			1	
	Nutrient Management Plan			1	
2	Assurance that earthen livestock waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate $\leq 0.125$ inch/day			1	
3	Assurance that earthen livestock waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained			1	
SUBTOTAL					0
J Traffic		Yes	No	Points	Score
1	Main entrance to livestock operation located on minimum maintenance road			-3	
2	Livestock operation has a cost-share agreement with the county for road maintenance			5	
3	Vehicle entrance and turnaround is designed so that traffic will not be required to back into the livestock operation from the county road			3	
4	Heavy vehicle route established that avoids bridges or roads with weight restrictions			3	
5	For the primary application method under normal conditions, the livestock operation can avoid county roads to apply:				
	Up to 25% of manure nutrients generated			1	
	25 to 50% of manure nutrients generated			2	
	More than 50% manure nutrients generated			3	
SUBTOTAL					0



<b>K Authorized Representative and Manager Residency</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Authorized representative lives or will live within one year of beginning operation:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	On the site or within the separation distance for odor	<input type="checkbox"/>	<input type="checkbox"/>	5	
3	Between separation distance for odor and 10 miles of the livestock operation	<input type="checkbox"/>	<input type="checkbox"/>	3	
4	Between 10 miles and 50 miles of the livestock operation	<input type="checkbox"/>	<input type="checkbox"/>	1	
5	Manager lives or will live within one year of beginning of operation:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6	On the site or within the separation distance for odor	<input type="checkbox"/>	<input type="checkbox"/>	5	
7	Between separation distance for odor and 10 miles of the livestock operation	<input type="checkbox"/>	<input type="checkbox"/>	3	
8	Between 10 miles 50 miles of the livestock operation	<input type="checkbox"/>	<input type="checkbox"/>	1	
<b>SUBTOTAL</b>					0
<b>L Economic Impact Factors</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Will add property value as of county permit issue date by:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	\$50,000-\$250,000	<input type="checkbox"/>	<input type="checkbox"/>	1	
	\$250,000-500,000	<input type="checkbox"/>	<input type="checkbox"/>	2	
	\$500,000-\$1,000,000	<input type="checkbox"/>	<input type="checkbox"/>	3	
	More than \$1,000,000	<input type="checkbox"/>	<input type="checkbox"/>	4	
2	Will create the following number of new full-time or equivalent jobs:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	1 to 3	<input type="checkbox"/>	<input type="checkbox"/>	1	
	4 to 9	<input type="checkbox"/>	<input type="checkbox"/>	2	
	10 or more	<input type="checkbox"/>	<input type="checkbox"/>	3	
<b>SUBTOTAL</b>					0
<b>M Landscape and Aesthetic Appearance</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
	Check all that will apply:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	Landscaping plan will be implemented	<input type="checkbox"/>	<input type="checkbox"/>	2	
2	Visual barriers (i.e. fences, gating, trees) will be put in place	<input type="checkbox"/>	<input type="checkbox"/>	2	
3	Animal mortality will be managed so as to not be viewable from a public road	<input type="checkbox"/>	<input type="checkbox"/>	1	
	Handling of animal mortalities will be viewable from public road	<input type="checkbox"/>	<input type="checkbox"/>	-3	
4	Site designed to facilitate clean surface water drainage away from livestock operation	<input type="checkbox"/>	<input type="checkbox"/>	2	
5	Separation distance of at least 1.5 times county required distance from centerline of frontage road to livestock facility	<input type="checkbox"/>	<input type="checkbox"/>	3	
<b>SUBTOTAL</b>					0
<b>Cummulative Points</b>					#REF!

Score (A project that reaches 75 points or above shall be granted a conditional/special use permit by the county) = **#REF!**



# **Hall County Regional Planning Commission**

**Wednesday, April 5, 2017  
Regular Meeting**

## **Item 2**

### **Hall County Zoning Review Subcommittee-Livestock Friendly Designation**

Staff Contact: Chad Nabity

## **Agenda Item # 8.b.**

### **PLANNING DIRECTOR MEMO TO REGIONAL PLANNING March 28, 2017**

#### **SUBJECT: Proposed regarding Livestock Friendly County (LFC) designation for Hall County.**

In January of 2017 the Hall County Regional Planning Commission appointed a committee to review livestock zoning regulations within the County. The committee was composed of five planning commissioners - all four of those appointed by Hall County, Pat O'Neill, Len Rainforth, Judd Allan, and Greg Robb, and Les Ruge of Alda, the longest-serving planning commissioner. The Planning Commission requested that the Hall County Board assign one or two members of the board to the committee as well, Steve Schuppan and Karen Bredthauer were appointed. The committee began meeting in the latter part of January and has met several times since then to review the A-1 zoning regulations, livestock definitions, livestock operation siting matrix as developed for the Nebraska Department of Agriculture (NDA) and the Livestock Friendly County designation through the Nebraska Department of Agriculture.

The committee began with a review of the current Hall County agriculture zoning regulations and a comparison of those regulations with regulations from the surrounding counties. It was concluded by the committee, that Hall County's regulations, which allow 1,000 animal units as a permitted use on a farming operation, were less strict than Adams, Buffalo and Howard Counties. Hamilton County regulations do not provide any guidance regarding the size of operation. Merrick County regulations would permit 2,500 animal units without a conditional use permit. Hamilton, Merrick Howard and Adams counties have all been designated as Livestock Friendly by the Nebraska Department of Agriculture.

The Nebraska Department of Agriculture created the LFC Designation following a similar model in Minnesota after authorization by the Nebraska Legislature with the passage of LB 754 in 2003. A report on the LFC program was produced in response to LR 320 and presented to the Unicameral in December 2006.

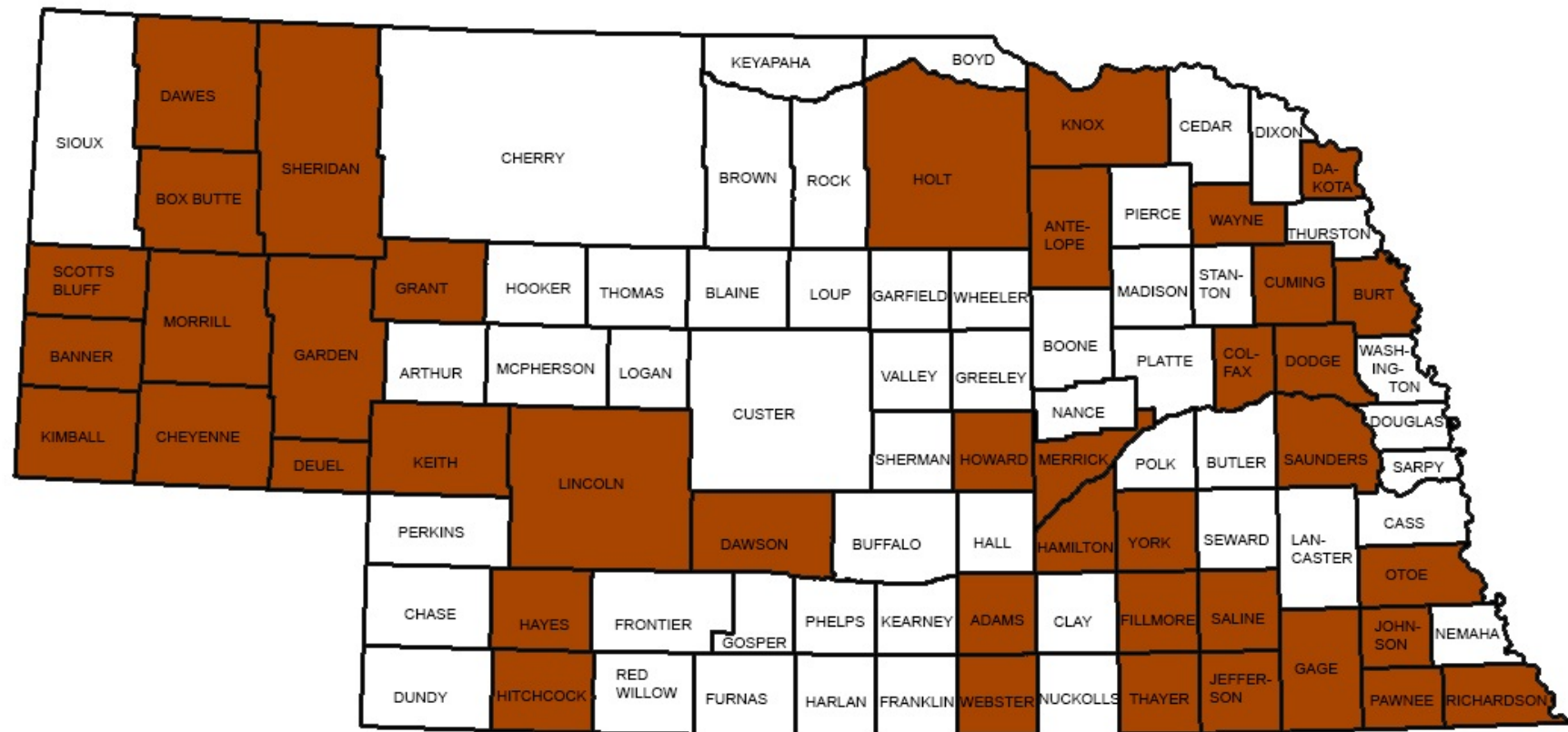
Any Nebraska County can apply for the LFC designation following a public hearing by the county board and passage of a resolution declaring an interest in developing the livestock and processing sectors of the county economy, the importance of livestock to the economic well-being of the county, commitment to working with other jurisdictions in the county to implement livestock development, commitment to compliance with the Livestock Waste Management Act and commitment to enter into a letter of understanding with the Nebraska Department of Agriculture.

The process of becoming designated as LFC does include gathering assurances from other jurisdictions in the county that they are supportive of the livestock industry. Cairo and Doniphan have both allowed existing feeding operations to expand within their zoning jurisdictions. Grand Island is home to the Nebraska State Fair with numerous ag and livestock shows, and home to JBS where 5,000 head of cattle are slaughtered every day. Livestock is extremely important to the economic vitality of the area. After the county board has passed a resolution declaring their interests, each of the communities will also be asked to pass a resolution or send a letter of support for the declaration.

While the various communities are considering their support of the declaration, staff will gather the remaining data needed for the application, including the current zoning regulations, and map, wellhead protection areas, and comprehensive plan.

The designation as a Livestock Friendly County does not convey any specific benefit to the county or producers within the county, but does encourage the Nebraska Department of Agriculture to highlight agricultural-based development within Hall County. If at some point conflicts develop between the goals of Hall County and the NDA Livestock Friendly County program, Hall County can, after a public hearing, rescind their resolution of interest.

\_\_\_\_\_  
Chad Nabity AICP, Planning Director





# Program Summary

The Nebraska Unicameral Legislature has directed the Nebraska Department of Agriculture (NDA) to develop a Livestock Friendly County program to recognize counties that support Nebraska's livestock industry. The Livestock Friendly County program assists counties and agriculture producers promote the Nebraska livestock industry.

## **What is the Livestock Friendly County program?**

- The Nebraska Livestock Friendly County program is a voluntary program that recognizes counties that actively support the livestock industry. NDA partners with counties in the program to encourage development of the livestock industry in the county.

## **How does the Livestock Friendly County program work?**

- Counties must apply to NDA to be designated as a Livestock Friendly County. Application materials are available from NDA, and any county may apply.
- The county board is required to hold a public hearing and pass a resolution asking NDA to designate the county as a Livestock Friendly County. The county submits an application to NDA. Local producer and community groups can work together to ask the board to submit a Livestock Friendly County application to NDA.
- Counties that are accepted by NDA may include the Livestock Friendly County designation in materials promoting the county. The information gathered as part of the application process will also be a valuable resource for local producers and others interested in supporting the county.

## **How will NDA evaluate county applications?**

- Each county is different. There are a wide variety of activities and regulations adopted by Nebraska counties that support the livestock industry. NDA will look at all of the things county government and groups in the county are doing to support livestock.
- If the county is zoned, NDA will evaluate county zoning regulations that apply to livestock operations. The Livestock Friendly County regulations include examples of things counties can do to be considered livestock friendly, but a county can apply even if they do not fit any of the examples given.

## **Why should a county apply for the Livestock Friendly County designation?**

- Every county has something to gain from pursuing the Livestock Friendly County (LFC) designation. However, designation is not something the state does to a

county, but rather it is recognition for the work the county does to establish a thriving livestock industry.

- Nebraska's agriculture economy depends on livestock. Livestock is Nebraska's largest agriculture industry with nearly 50% of all agriculture receipts originating from livestock sales. Livestock processing is the largest single employment class in Nebraska and provides many jobs in rural communities.

# Frequently Asked Questions

## **Does a county give up zoning authority and local control by participating in the Nebraska Department of Agriculture's Livestock Friendly County program?**

No. Applying for or receiving a Livestock Friendly County (LFC) designation under the Department program does not in any way affect a county's ability to zone. There is nothing in the statute that created the LFC program or in the regulations that govern the Department's administration of the program that allows for the state to take over the county's responsibility for zoning. Zoning is a function given to the county by the Nebraska Legislature in Neb. Rev. Stat. §23-114 and following. The LFC program, created by the Legislature as a promotional program, was codified to §§54-2801 and 54-2802. Neither the statute nor the regulations speak about the State, or any of its agencies, controlling zoning.

The only authority the Department has under the program is to evaluate how the county has used its zoning powers in terms of treatment of the livestock industry and to make a determination as to whether or not the county is consistent in its approaches with livestock and whether the county and its actions related to the livestock industry warrant an LFC designation.

## **Can my county be designated as a Livestock Friendly County if it has setbacks that are different than those outlined in the Department's regulations?**

Yes. The regulations governing the Department's LFC program were carefully crafted recognizing the unique differences in landscape and needs in the individual counties across Nebraska. The regulations include a series of criteria in which individual counties will be evaluated by the Director of Agriculture. The setback distances identified in the regulations, like most of the other evaluation criteria, are not definitive, but rather are guidance for the Director in evaluating county applications. The regulations clearly provide opportunities for counties to have practices different than those identified in the guidance (like the setbacks).

## **The Livestock Friendly County program will cost too much to comply with in both dollars and personnel time.**

There is no better way to address the concern of too much financial and personnel cost than to refer to the application form. The county need only originate a resolution and a narrative to apply. The balance of the application requirements are that the county attach copies of documents that already exist. The regulations require an annual report from program participants. The annual report is a simple update of changes to any of the county's filed documents and a description of activities taken by the county to nurture and support livestock during the preceding year.

**The Livestock Friendly County program is nothing more than a way to force big livestock operations into my county.**

The type of economic activity that is allowed in any county is controlled by that county. A county designated a LFC county, through its own zoning regulations, would retain control of zoning for any livestock operation, just as it does now. Whether a county has been designated an LFC county does not influence in any way the activities that are allowed in that county.

**Why should our county seek a Department Livestock Friendly County designation when our county can self declare without going through the Department's certification process?**

Working with the Department to secure an LFC designation brings with it recognition and credibility that cannot be achieved simply through self-declaration.

Like any third-party appraisal, the purpose of the Department LFC program is to give the applying county an unbiased evaluation of how the county's zoning regulations and other requirements on livestock production are affecting the future development and growth of the industry in the county. A self-declaration does not provide the same unbiased appraisal as is provided by going through the Department LFC certification program.

Applying for the Department designation sends a strong message of commitment to local farmers and businesses that rely on livestock production. It recognizes their importance to the local community and economy and demonstrates a willingness to have county regulations and actions evaluated to ensure the county is doing all that it can to foster a good environment for growth of those businesses and operations.

**The program doesn't do anything there is no incentive to becoming designated a Livestock Friendly County.**

While the LFC program itself does not bring with it a direct financial incentive to the county, the incentive to the county for participating in the program is clear - the promotion and growth of the livestock industry within a county, in general, carries both substantial direct and indirect benefits to the county's local economy. Local livestock production generates jobs, an additional marketing outlet for local crop producers, increased tax dollars, and markets for ethanol co-products and other benefits too numerous to list. The Legislature intended this program for economic development in all counties that participate.

Although a specified financial incentive is not currently attached to the LFC program, it is not out of the realm of possibility in the future. The idea of having a direct financial incentive to counties that obtain Department LFC designations was discussed by lawmakers at the time of the program's creation but did not come to fruition due in part to the State's financial difficulties at the time.

**My county doesn't get anything for participating in the program except a logo to use on promotional materials and on our county letterhead.**

Department staff participate in trade missions and trade promotion throughout the year. The Department is continually promoting the agricultural products of this state, and promoting Nebraska as a positive place to conduct agricultural business. Counties designated as LFC counties will be promoted as such during these trade missions and promotions. It's important to note that Nebraska commodity boards and agricultural associations also travel extensively in support of the agriculture industry. They, too, would have the option of promoting LFC counties in their numerous contacts. Essentially, a county receives free advertising to a state, national, and international audience advertising that is designed to help the county grow its economy. Without a formal designation, counties will be missing out on numerous exposure opportunities for future economic development.



## Nebraska Department of Agriculture

### Application for Designation as a Livestock Friendly County

County: \_\_\_\_\_

#### Contact Information:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

In the following sections, check all items that apply to your county. For each item checked, include the appropriate document or other information clearly marked with the corresponding exhibit.

#### Declaration of the County Board (to be completed by every applicant):

- ☐ Attach, as Exhibit A, a formal declaration adopted by the county board in a duly enacted resolution following a public hearing, which includes, but is not limited to, the following:
- ☐ An expression of interest in developing the livestock production and processing sectors of the county's economy.
  - ☐ An acknowledgment that livestock is important to the economic well-being of the county.
  - ☐ An assurance that the county intends to work with all other governmental jurisdictions within its boundaries in implementing livestock development within the county.
  - ☐ A commitment to compliance with the Livestock Waste Management Act.
  - ☐ A commitment to enter into a letter of understanding with the Department of Agriculture agreeing to:
    - Develop a plan to support the livestock industry in the county, and
    - Submit reports as directed by the Department of Agriculture.

**Narrative Describing Fulfillment of Intent** (to be completed by every applicant):

- ☐ Attach, as Exhibit B, a narrative describing how the county meets the overall intent of Neb. Rev. Stat. §§54-2801 and 54-2802 (see attached), including steps taken to support the livestock industry within the county and actions taken or information provided to avoid conflicting land uses.

**Zoning Adopted by the County** (to be completed if the applicant has adopted zoning):

- ☐ Attach the following exhibits if the county has adopted zoning pursuant to Neb. Rev. Stat. §23-114.
- ☐ County comprehensive development plan and zoning resolution (attach as Exhibit C-1).
  - ☐ Zoning regulations applicable to animal feeding operations (attach as Exhibit C-2).
  - ☐ Zoning map indicating districts in which animal feeding operations are a permitted use (attach as Exhibit C-3).
  - ☐ Any other procedures, guidelines, or other requirements applicable to livestock producers in the county (attach as Exhibit C-4).
  - ☐ The conditional use permits, including any conditions or requirements, for animal feeding operations granted by the county board during the prior 24 months (attach as Exhibit C-5).
  - ☐ The written statement of fact, if available, for any applications by animal feeding operations for conditional use permits granted or applications for conditional use permits denied during the prior 24 months (attach as Exhibit C-6).
  - ☐ Any zoning regulations related to rural housing development (attach as Exhibit C-7).

**Animal Feeding Operations Restrictions** (to be completed if jurisdictions other than the county impose restrictions on animal feeding operations):

- ☐ Attach the following exhibits if any city, village, or other governmental jurisdiction within the county imposes restrictions on animal feeding operations.
- ☐ The ordinances or regulations applicable to animal feeding operations (attach as Exhibit D-1).
  - ☐ Map designating areas subject to such ordinances or regulations (attach as Exhibit D-2).
  - ☐ Resolution or written statement of the city council, village board, or board of any other governmental jurisdiction within the county acknowledging that livestock is important to the economic well-being of the area and expressing an interest in supporting the livestock production and processing sectors (attach as Exhibit D-3).

**Wellhead Protection Area** (to be completed if the following applies):

- ☐ Attach the following exhibits if any controlling entity has designated a wellhead protection area, as both terms are defined in the Wellhead Protection Area Act.
- ☐ Map identifying the wellhead protection area designated by the controlling entity and approved by the Director of the Department of Environmental Quality in accordance with the Wellhead Protection Area Act that are applicable to animal feeding operations (attach as Exhibit E-1).
- ☐ The wellhead protection plan or other document containing the applicable controls approved by the Director of the Department of Environmental Quality in accordance with the Wellhead Protection Area Act that are applicable to animal feeding operations (attach as Exhibit E-2).

**Other Considerations** (not required, but this is where your county can demonstrate what you do to make your county livestock friendly):

- ☐ Identify and attach other information the county wishes to have considered in this application for designation as a livestock friendly county. You may wish to refer to the general principles, evaluation criteria and standards the Department will consider when evaluating applications for approval. These are found in the Nebraska Administrative Code, Title 29, Chapter 2, Subsections 008.04 and 008.05 (see attached). Please provide complete details about all attachments. Identify the attachments as Exhibit F and following.

**Authorization** (to be completed by every applicant):

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Authorized representative of \_\_\_\_\_ County

Date: \_\_\_\_\_

Return completed form with exhibits to:

Livestock Friendly County Program  
Nebraska Department of Agriculture  
P.O. Box 94947  
Lincoln, NE 68509-4947

For questions, contact:

Mr. Steve Martin  
Ag Promotion and Development Division  
Telephone: (402) 471-4876  
Fax: (402) 471-2759  
E-mail: [steve.martin@nebraska.gov](mailto:steve.martin@nebraska.gov)





## Nebraska Department of Agriculture

### Annual Report of a Livestock Friendly County

County: \_\_\_\_\_

Annual Report for the Calendar Year: \_\_\_\_\_

**1. LFC Contact Information:** \_\_\_\_\_

Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail \_\_\_\_\_

Please submit the following information by January 31.

**2. Changes to zoning regulations, processes, and/or zoning map for the agricultural zone(s).**

- ☐ Attach copies of any changes from the past year.
- ☐ No Changes

**3. Conditional/Special Use Permits**

- ☐ Attach copies of any conditional/special use permits approved and denied in the past year for livestock activity.
- ☐ No conditional/special use permits applications in the past year.

**4. Description of Activities**

- ☐ Include a summary of activities undertaken by county officials, extension, or private groups to support and nurture the livestock industry. (This can include recognition/appreciation days, consumer education activities, or any other activity.)
- ☐ A summary of any livestock development activity that did not need a conditional/special use permit. (This would include expansions, repopulations, new construction, and any new or expanded support businesses (feed mill, veterinarian, etc.).)
- ☐ No known activities or growth

**5. Livestock Development Contact – please provide contact information for a county economic development or similar person:**

Name and Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Return completed form with exhibits to:

Livestock Friendly County Program  
Nebraska Department of Agriculture  
P.O. Box 94947  
Lincoln, NE 68509-4947

For questions, contact:

Steve Martin  
Ag Promotion and Development Division  
Telephone: (402) 471-4876  
E-mail: [steve.martin@nebraska.gov](mailto:steve.martin@nebraska.gov)

To: The Committee, and The Hall County Board

From: Randy Stueven

Date: 3/28/17

The committee that is working on studying livestock friendly and subdivision is only focusing on livestock friendly. Subdivision is left out. Title 29 requires subdivision to be part of the discussion. No input from the Home Builders Association, what about the Board of Realtors, none of them. The only voice is livestock. They are ready to push through a resolution to adopt livestock friendly before any discussion on subdivision. If this livestock designation takes place without subdivision there is no reason to discuss subdivision, it is over in rural areas. Grand Island is a metropolis, do they really want to do this? Lancaster, Seward, Sarpy, and Douglas Counties have not done this. Why? Local control, they are not going to jeopardize development. There is plenty of room for livestock and they don't need to constrict growth by this restrictive branding and marketing scheme.

This came about because of Nuisance laws and the industry does not want to deal with their neighbors. This came about because of the change in raising livestock. In the past 3 or 4 decades livestock has gone from being raised on open ranges and many local farms, to Confined Animal Feeding Operations, or known as CAFO's. The processing industry is also behind this. Just 20 years ago we had big discussions on large hog operations. This is where livestock friendly got its financing, large hog feeders, industry, not local farmers. Large corporations, not local farmers pushed this and are the ones that benefit from it.

This is what was the law of the land was for many many years until corporations started to push the local farmer out of the market place. Similar things are happening in the grain market today. This is what we called a nuisance, this is the land rights we use to have and are being given away by self-serving bureaucrats.

"A nuisance may be defined as whatever is injurious, offensive to the senses, indecent, or an obstruction to the free use of property so as materially to interfere with the comfortable enjoyment of life or property. It is anything that unlawfully worketh hurt, inconvenience, or damage. It is a term applied to that class of wrongs that arise from the unreasonable, unwarrantable, or unlawful use by a person of his own property, real or personal, or from his own improper, indecent, or unlawful personal conduct, working an obstruction of or injury to the right of another or the public, and producing such material annoyance, inconvenience, discomfort, or hurt, that the law will presume a consequent damage. There must not only be a violation of a right, but an essential inconvenience, annoyance, or discomfort must result therefrom. A party is entitled to free use and enjoyment of his own property, but must so use it as not to interfere with the rights of others. Enjoy your property in such a manner as not to injure that of another person, This is the maxim of the law."

The industry, in efforts to prevent those suits went to the legislature to restrict ones ability to and restrict the public from seeking such action. This is what brought about these land right restrictions so innocently called "Livestock Friendly". There is a history of the legislature trying to shield livestock production from nuisance laws.

The industry had the legislature address things like this,

1. "The Department of Agriculture has promulgated regulations under the statute that touch on county zoning efforts. A large part of the evaluation criteria and standards found in the regulations speak directly to types of requirements typically found in county zoning ordinances. One overarching regulatory theme is that the requirements counties place on animal feeding operations should be objective and science based."
2. The industry is not done with the legislature. They also say "The state has not, however, repealed or changed the zoning statutes that have vest zoning authority in counties since the 1960s. Why would the industry want the legislature to repeal zoning regulations?"
3. "Once a county has been designated livestock friendly it may use that designation in its promotional materials. This designation is subject to a yearly review, however, and the county is under a continuing duty to report any changes in its zoning requirements or its comprehensive development plan to the Department of Agriculture."
4. It is also stated "But, the concerns about local control remains: "The loss of local control is a concern expressed by many in the zoning community."."

This is not my opinion, the research is there, the regulations and language is clear. This is a branding and marketing devise that contains a set of regulations that does not appear to work well for the general welfare of this county. Grand Island is a metropolis, Lincoln and Omaha are also, more counties say they are not interested than say OK. Why? LOCAL CONTROL, it is what the propaganda tries to confuse.

It is premature to move this forward to the County Board. It is far from being ready and compliant.

1. Chad needs to show the sections and show just how did we comply with that. This is not unreasonable it is the same thing required of him in the application.
2. I asked Chad to show me what he was directed to do from the board. It is clear from the conversation and Chad's first agenda that livestock and subdivision was to be considered for review. It did not say revise livestock to the point of passing regulations discouraging subdivision in rural hall county.
3. Northwest's Administrator Matt Fisher, and 2 board members came to the County Board expressing just how important rural subdivision was to their tax base. It was expressed, for years subdivision was only done when the land was annexed into the city first. Northwest was not successful like Adams Central and Hastings in getting

an inter-local agreement over annexation. Grand Island Public Schools was not interested in doing that. Northwest has been losing population through annexation, Ag land values are through the roof. Many issues were discussed that shows subdivision is very important for a healthy tax base, and enough people to support a growing school district. After that conversation I was put on that committee because of my position on subdivision. That should help show subdivision and livestock were to be reviewed together. Most of the County Board is obviously looking for a way that both are to be able to exist and just where should that be, and how.

4. The Home Builders Association, the Board of Realtors, and others that have an interest in land use regulations need involved. The livestock industry has been very well represented in this committee. There should be one person from each Village Board and one from the Grand Island City Council, they have to commit to this also. No thought was given to any other interest other than livestock.

5. It says in:

008.05A (3) In areas with significant existing non-agriculture uses and areas near cities and villages programs that permit reasonable modernization and expansion of existing animal feeding operations in a manner that is compatible with nonfarm land uses.

008.05B (1) Expression of commitment in a resolution of the city council or village board.

008.05C County has taken steps to reduce nonfarm development and nonfarm residential density and to discourage land uses that conflict with animal agriculture in areas identified for agriculture or predominately used for agricultural production.

008.05C (2) Density restrictions allowing for not more than one dwelling for every quarter- quarter section of land unless additional dwellings are occupied by employees or operators of the farm or ranch or in areas designated for nonfarm rural housing (based on proximity to surrounding natural resources, cities or villages and ability to efficiently provide county services.).

008.05C (3) Education programs communicating impacts of agriculture activities to developers considering non-agriculture activities in rural areas.

008.05C (4) County has completed rural housing study analyzing housing patterns and density and identifying areas suitable for livestock development.

008.05C (5) Activities by the county or groups within the county to determine the economic impact of animal feeding operations on the county.

008.05C (6) Conditional use permit not required in identified livestock zones for animal feeding operations meeting established specifications.

In Chad's message on the 22<sup>nd</sup> he mentions the Department of Agriculture changes in the legislation not being the same as the original. Those changes are describing the authority, it did not change Title 29, or its regulation requirements. In his message he shows the language from this. It references the rules in 54-2802 (4), look at the rules language on the first page, and you see Title 29, chapter 2. The very regulations I have been talking about.

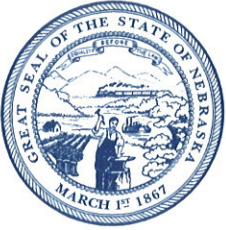
I do not agree with increasing the setback distances beyond what the setbacks suggested distance. These setbacks are designed to be free of odor and dust 93% of the time. With your distances you say it will be more like 96% dust and odor free beyond the setbacks. I believe the best method is least restrictive, I would prefer to use the winds as the determining factor.

Chad says he will not support any request for subdivision that would displace irrigated ground. He said anyone can apply, but he will not recommend a favorable vote, and it has to get past his board. Chad says if I want to get a land owner out in the hills that does not have irrigation, then he will recommend that for subdivision. How mind boggling is that. We are changing livestock regulations because of complaints. There is no mechanism to monitor the producers compliance, ask Chad about it and he will say, we will use complaints, really? We don't want subdivision out there, that is where the livestock will most likely locate. We don't want to pave roads. Just what is he thinking? Water rights can be sold, transferred, or leased now. Subdivision just off of existing paved roads makes way more sense. Regulations that allow neighbors the ability to use their land for their own use, the way they want. If a farmer in that setback has a family member that wants to build a house on their own land, can't be done without permission from the livestock entity. If the producer family wanted to build in the same location, that is no problem, that should not be.

If the committee had a proper makeup, and understood the regulations, its work would be credible. This committee will not be able to do the job until it has a good legal opinion on how and if we should proceed with livestock friendly designation consideration.

Subdivision is important to Northwest and its future. Grand Island Public School has no interest in coming together to assure Northwest can survive the constant annexation. Northwest continues to educate those same students, but now are Grand Island students. Northwest is a very important entity. They have a multi-million dollar budget, facilities worth millions of dollars. All paid for by the tax payers from Hall, Merrick, and Howard County. It was greatly appreciated to have the County Board express their concern about subdivision and improving the tax base.

This is why Chad's comments about rural subdivision, and Mr. Schuppan saying, I don't care about Northwest, are concerning. It makes me want to ask, Well, does Hall County want Northwest around or not? Chad said in the paper, if Northwest wants to improve their tax base, develop in Merrick, and Howard County. He did not want us to try to get development going in rural Hall County again. Supervisor Schuppan doesn't care to allow rural subdivision in the northwest area of hall county. He does point out just how many subdivisions there are in his area. Yes, Doniphan has many, and to the great benefit their school district. Doniphan was not trying to become a metropolis, Grand Island was.



**Pete Ricketts**  
Governor

## STATE OF NEBRASKA

**Department of Agriculture**  
**Greg Ibach**  
Director

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March 28, 2017

The Livestock Friendly County (LFC) program, as defined by the legislature and in regulations under Title 29, is a program that evaluates how a county uses its zoning powers in the rural parts of the county. In particular the LFC is looking for fair and consistent application of the county regulations. The program does not require changes to the county regulations, the program only evaluates county regulations, processes and procedures. Nebraska Department of Agriculture (NDA), who administrates this program, cannot require changes to county zoning regulations, our only power is to either approve an application for designation or deny an application for designation. Also, 008.04 – Principles, is guidance for the evaluators to follow in looking at an application.

As to the question regarding the Evaluation Criteria and Standards, Section 008.05 A-F

A careful reading of the 008.05 introductory paragraph shows that this section is guidance for NDA to evaluate applications. This is not directions or requirements for the county to follow. As NDA evaluates an application based on those six criteria we are to look for certain activities that prove or substantiate the county's LFC claim. The "A through F" sections are the standard the county should be meeting, the following numbered sections are, as stated in the Lettered sections, examples of activities a county could be doing to satisfy that section. If a county is not doing one of those exact activities then we look for other activities that would satisfy that section. However, if a county is not doing any of those activities and does not satisfy a particular section that does not disqualify the county. As stated under 008.05, "the criteria is not weighted and the Director may determine that a county satisfies a specific criterion if it has no regulations regarding that area."

For example, if a community either can't or won't submit a resolution to support the LFC program, the county can satisfy 008.05B by other examples of their work with other governmental entities as proof that the county satisfies this section. Example could be where the county and communities all work together to support an economic development director or entity.

Again, a county does not have to complete all or any of the numbered items under the A-F sections to prove that they satisfy the section. This is just a short list of examples of activities that fit under that section.

In regards to subdivisions, one thing to point out is that in the county's comprehensive plan the goals for land use in the agriculture zone include limiting or reducing encroachment by non-farm residences into productive farm land. The plan does address subdivisions and rural residences and where they are appropriate.





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After designation there is a required annual report. This report asks for an update on the county contact person, a contact for economic development matters, and if there are any changes to the zoning regulations. Keeping contacts for county zoning and new business development updated helps all parties stay in touch and working together. If there are changes to zoning, then there is a re-evaluation to ensure that a county still meets the definition of livestock friendly. Most programs require some update or re-certification to ensure the person or entity continues to meet standards. If there are no changes, then all that is needed is updated contact information.

Finally, in all of this it is important to remember that NDA is a 3<sup>rd</sup> party verifier for this program. The legislature set the standards, the county – in believing that they meet or exceed the standards – applies, and NDA evaluates that application against the legislature's standards. If a county meets the standard they are approved. If not they are denied. If a designated county were to change regulations to a point where they no longer meet standards then our only power is to remove them from the LFC designated list; we cannot change a county's regulations.

If you have further questions about the program please let me know.

**Steve Martin**

*Ag Promotion Coordinator* | AG PROMOTION & DEVELOPMENT

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