

File No. \_\_\_\_\_

**MADISON COUNTY, NEBRASKA  
CONDITIONAL USE PERMIT FOR LIVESTOCK FEEDING OPERATION**

Name of Applicant \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address \_\_\_\_\_  
Current Zoning of Property \_\_\_\_\_  
Complete Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the Requested Conditional Use Allowable in the Current Zoning District? Yes or No  
*If the answer to the question is "no," then a Change of Zoning Request will need to be approved prior to any approval of the Conditional Use Permit.*

**The following list is the required submissions for an Application to Obtain a Livestock Feeding Operation Conditional Use Permit for TENTATIVE APPROVAL to be considered (additional information may be required at the discretion of the Planning Commission and/or County Board). Failure to submit any or all of the following information and data will be cause to deny the application or delay the Public Hearing process and action on the application. Property owner's list prepared by a registered abstractor for property located within 1,000 feet of the boundary of the proposed site.**

- A completed Conditional Use Permit Application listing all owners and operators, signed by all of the owners and a signed certification of the truth and accuracy of the information in the application;
- An application fee as set by the Madison County Board of Commissioners.
- A completed copy of the Madison County Livestock Siting Matrix.
- A statement as to the maximum number of animals and type of animals, with corresponding total number of animal units, that will be confined at the Livestock Feeding Operation for ninety (90) or more days in one year.
- Proof of ownership or control of all livestock waste storage facilities and animal confinement buildings, demonstrated by copies of relevant legal instruments.
- A closure plan of any livestock waste storage facilities, including demonstration of financial assurance.
- Total acreage of the facility, including animal confinement buildings, animal waste storage facilities, and stormwater retention ponds.
- A description of the geologic condition and soil types at the proposed location of the facility.
- A scaled map or aerial photograph of the site showing the following information:
  - The locations and dimensions of all animal confinement buildings including outside lots;
  - The locations, dimensions, and design criteria of all animal waste storage facilities;
  - The location of any known well, active or abandoned, within 1,320 of the nearest confinement building or outside lot;
  - The drainage patterns at the site;
  - The location of all homes, buildings, lakes, ponds, watercourses, wetlands, surface drains, roads within the required setback of the L.F.O.
- Estimated number of full-time and part-time employees with estimated salaries;
- 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 at least one (1) mile from a platted residential area, school, or church. Said area shall also be located on the proposed site plan indicated in number 9 above.

**The following is the Procedural Requirements for an Application to Obtain a Livestock Feeding Operation Conditional Use Permit to be considered (additional information may be required at the discretion of the Planning Commission and/or County Board).**

1. The applicant returns the completed application with and the required documents, a list persons owning property within one-thousand feet (1,000') of the proposed Livestock Feeding Operation prepared by a certified abstractor, and a completed and signed Matrix and the supporting documentation.
2. The producer shall have a Pre-submission meeting with the Planning Commission, as an agenda item, to verify the scoring of the Matrix prior to formal submission of the Conditional Use Permit for Livestock Feeding Operations.
3. Any application for a Conditional Use Permit by a Livestock Feeding Operation shall be submitted to the Planning Commission for a Public Hearing.
  - The local unit of government shall notify by first-class mail within 10 days of the scheduled Public Hearing all persons owning property within one-thousand feet (1,000') of the proposed Livestock Feeding Operation.
  - All exhibits must be entered into the record During the Public Hearing. These exhibits may be identified by the title and exhibit number.
  - The County Comprehensive Plan shall always be submitted as Exhibit Number 1.
  - The County Zoning and Subdivisions Regulations shall be submitted as Exhibit Number 2.
  - The County Zoning Map shall always be submitted as Exhibit Number 3.
  - The Conditional Use Permit Application and documentation shall be submitted as Exhibit Number 4.
  - The Livestock Feeding Operation Siting Matrix and supporting documentation shall be submitted as Exhibit Number 5.
  - Letters, written comments and material presented during the public hearing shall be given an Exhibit Number as they are presented.
4. After closing the Public Hearing, the Planning Commission shall not vote on the application until the next meeting.
5. At the meeting following of the Planning Commission, the Zoning Administrator will present a "Statement of Finding of Facts" drawn from the Public Hearing and exhibits. The Planning Commission shall then make a recommendation, or defer a recommendation to the next meeting, to the County Board of Commissioners to approve or deny the application based on the Public Hearing.
6. The Madison County Board of Commissioners shall schedule a Public Hearing and make proper notice of such.
7. The Zoning Administrator shall prepare a resolution containing the "Statement of Finding of Facts" and any conditions to be placed on the Applicant if the application is approved.
8. If during the Public Hearing held by the Board of Commissioners, no new facts, in the opinion of the County Board are entered at the hearing, a vote on the application may be taken after the hearing is closed.
9. If new facts are entered at the public hearing of the Board, the decision shall be postponed until the next meeting or until the "Statement of Finding of Facts" in the resolution can be revised.
10. Following approval of the application by the Board of Commissioners, the applicant shall be notified in writing of the decision, including conditions imposed and a finding of fact as to support the Board's decision, if any.
11. In the case of denial of the application by the Board, the applicant shall be notified in writing of the decision and the specific and detailed reasons for the decision. The applicant shall have the opportunity to amend the application and resubmit the application, with no additional fee, to the Planning Commission for a Public Hearing with submissions that address the specific reasons for denial. If the County Board again denies the application, the applicant may seek declaratory relief and an injunction in the appropriate District Court.

The Madison County Planning Commission has held a Public Hearing on a Conditional Use Permit Application for a Livestock Feeding Operation and has recommended **Approval**. This recommendation is based on the Statement of Finding of Facts listed below and is subject to any additional conditions listed below. **Approval** by the County Board of Commissioners is also necessary prior to the issuance of a permit.

\_\_\_\_\_  
Chair, Pierce County Planning Commission

\_\_\_\_\_  
Attest: Madison County Zoning Administrator

The Madison County Board of Commissioners has held a Public Hearing on a Conditional Use Permit Application for a Livestock Feeding Operation and has **approved the application**. This **Approval** is based on the Statement of Finding of Facts listed below and is subject to any additional conditions listed below, and an annual completion and passage of the Livestock Siting Matrix review Upon submission of NDEQ Construction Permit (if required), the applicant may proceed with the development of said operation and shall follow the conditions and approved design.

\_\_\_\_\_  
Chair, County Board of Commissioners

\_\_\_\_\_  
Attest: Madison County Clerk

Upon completion of construction, the applicant shall submit to an inspection by the County to determine if the facility is in compliance to the application.

The Applicant has completed construction of the Tentatively Approved facility and has complied with all conditions set forth by the Planning Commission and County Board of Commissioners. The facility has been constructed as indicated to the County at both Public Hearings. In addition, NDEQ has completed their final inspection and have accepted the facility as being in compliance with the permit application.

\_\_\_\_\_  
Chair, County Board of Commissioners

\_\_\_\_\_  
Attest: Zoning Administrator

**Statement of Finding of Facts**

The Statement of Finding of Facts is based solely on documents submitted during the application and Public Hearing process. The Madison County Planning Commission and the Madison County Board of Commissioners agree that these facts are relevant and actual and therefore have based their decisions of approval or denial on this Statement of Finding of Facts.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
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12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_

Additional Conditions placed upon use and property, if any, as determined by the Planning Commission and/or County Board:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**I HEREBY CERTIFY THAT ALL REQUIRED INFORMATION AND MATERIALS ARE HERewith ATTACHED AND SAID MATERIALS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**Official Office Use Only**

The following information has been supplied and completed:

- Complete Legal Description of property (including address)
- Existing Zoning
- Existing Use of property
- Proposed use consistent with zoning district
- All required information has been submitted with the application
- Application Fee **\$75** paid
- Notice of hearing published minimum of ten days (attach copy)
- Date of Planning Commission Public Hearing
- Planning Commission Action (circle one): Tentative Approval  
Denial  
Tentative Approval w/ conditions
- Date to County Board
- County Board Action (circle one): Tentative Approval  
Denial  
Tentative Approval w/ conditions