

RESOLUTION # _____

A RESOLUTION AMENDING BY REFERENCE CERTAIN LANGUAGE IN THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTIONS UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.01 THROUGH 223-114.05 AND 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a recommendation for approval from the Madison County Joint Planning Commission and proper notice been given and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into Article Two sub-section 202 and Article Four, Sub-sections 402, 403 and 404. New additional language is shown in *italics* and passages removed are shown as ~~stricken~~ as described in detail below.

202: Definition of Terms

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1. Farming: 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. In contrast to a Animal Feeding Operation (AFO), as hereinafter defined, any person or entity operating within the following categories shall be considered to be a farming operation and shall not be considered as operating a AFO unless the operation exceeds the following:
 - a. Two (2) Head Equivalent (HE) as defined in the definition for Animal Feeding Operation herein, for the first acre and an overall density of One (1) HE per acre for a parcel less than forty (40) acres in size;
 - b. One (1) HE per acre for a parcel of land greater than forty (40) acres, but less than eighty (80) acres; or
 - c. Two (2) HE per acre for parcels over eighty (80) acres.
 - d. Exception: When a temporary permit is issued for animals used strictly for educational purposes in conjunction with a non-profit sponsor, school district or other political subdivision to a maximum of four (4) HE. Said Temporary Permit shall be valid for a period of twelve (12) months and is validated by the program sponsor/instructor.

Notwithstanding the provisions of A-C above, anytime the number or combination of Head Equivalent (HE) exceeds three hundred (300), regardless of the size of the parcel of land, and where the confined area is for more than forty-five consecutive days in an area not used to grow crops or considered pasture, the operation shall be considered a AFO and the owner/operator shall be required to obtain a Conditional Use Permit, in these Regulations. *Except a livestock producer may have up to 500 head equivalent in confinement on a minimum of one quarter of land without a Conditional Use Permit unless required by Nebraska State Statute.*

402: AG1 Intensive Agriculture

Permitted Principal Uses

The following principal uses are permitted in the AG1 Intensive Agriculture District.

1. 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.
 - d. Small animal feeding operations and small confined animal feeding operations. *Except a livestock producer may have up to 500 head equivalent in confinement on a minimum of one quarter of land without a Conditional Use Permit unless required by Nebraska State Statute.*

403: AG2 General Agriculture

Permitted Principal Uses

The following principal uses are permitted in the AG2 General Agriculture District.

1. 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.
 - d. Small animal feeding operations and small confined animal feeding operations. *Except a livestock producer may have up to 500 head equivalent in confinement on a minimum of one quarter of land without a Conditional Use Permit unless required by Nebraska State Statute.*

A duly advertised hearing has been held by the Madison County Joint Planning Commission and the Madison County Board of Commissioners after a recommendation for approval by the said Joint Planning Commission.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that this Resolution shall take effect and be in force no sooner than the 16th day of September, 2008.

THIS RESOLUTION WAS ADOPTED at Madison, Nebraska this 16th day of September, 2008.

BOARD OF COMMISSIONERS
MADISON COUNTY, NEBRASKA

Chairman

ATTEST:

Commissioner

Commissioner

Madison County Clerk

Issued this 16th day of September, 2008

Madison County Zoning Administrator