


Agenda Item # 28A
Date 1/10/24

**DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT**

**JEAN ANDREWS, Zoning Administrator
Flood Plain Manager**

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

January 8, 2024

 **COPY**

Holle Evert
Ag Promotion Partnership Specialist
Nebraska Department of Agriculture
P.O. Box 94947
Centennial Mall South
Lincoln, NE 68509-4947

Re: Annual Report of a Livestock Friendly County

Good Day:

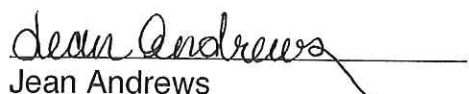
As per your request, enclosed please find the 2023 Annual Report. One livestock conditional use permits was issued or and no permits were denied during the year.

Enclosed please find copies of the livestock conditional use permit.

If you have any questions or concerns, please feel free to contact me.

Thank you for your time and consideration.

Sincerely,


Jean Andrews
Dodge County Zoning Administrator

Enclosures
Cc: File



Nebraska Department of Agriculture

Annual Report of a Livestock Friendly County



COPY

County: Dodge

Annual Report for the Calendar Year: 2023

1. LFC Contact Information:

Name: Jean Andrews

Title: Dodge County Zoning Administrator

Address: 435 N. Park Rm. 204

City/State/Zip: Fremont, NE 68025

Telephone: 402-727-2724

Email: zoning@dodgecountyne.gov

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.

[] Sent copies to NDA when changes were made in _____.

[x] No changes.

3. Conditional/Special Use Permits

[x] 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: unknown

Title: _____

Organization: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____

6. Nebraska Livestock Siting Assessment Matrix

Our county uses the Nebraska Livestock Siting Assessment Matrix.

I would like more information on the Nebraska Livestock Siting Assessment Matrix.

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:

Nebraska Department of Agriculture
Ag Promotion and Development
Telephone: 402-471-4876
E-mail: agr.webmaster@nebraska.gov

DODGE COUNTY CLERK

Micki Gilfry

Deputy Clerk – Lori Welbes
Clerical - Kelly Irvin, Shauna Neal & Rychie Schroeder

Courthouse – Room 102, 435 North Park, Fremont, Nebraska 68025-4977
Phone (402)727-2767

 **COPY**

November 30, 2023

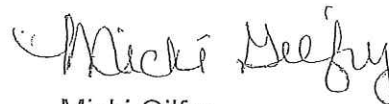
Larry D. & Mona T. Faltin
438 County Road B
Dodge, NE 68633

Dear Mr. & Mrs. Faltin:

At the November 29, 2023 meeting of the Dodge County Board of Supervisors, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and grant your request to obtain a Conditional Use Permit (CUP) to expand a Livestock Feeding Operation to a Class 1 (999 AU) as per Article 12, Section 2.19 Livestock Feeding Operations located in the SE ¼ SW ¼ and N ½ SW ¼ Section 3, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag. The permit was approved based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located.

I have filed your permit with the Register of Deeds at no additional cost to you. A copy is enclosed for your records.

Sincerely,



Micki Gilfry
Dodge County Clerk

encl:

cc: Planning Commission
Gary Faltin

DODGE COUNTY CLERK
Micki Gilfry

Deputy Clerk – Lori Welbes
Clerical - Kelly Irvin, Shauna Neal & Rychie Schroeder

Courthouse – Room 102, 435 North Park, Fremont, Nebraska 68025-4977
Phone (402)727-2767

 **COPY**

November 30, 2023


Gary Faltin
126 County Road 5
Dodge, NE 68633

Dear Mr. Faltin:

At the November 29, 2023 meeting of the Dodge County Board of Supervisors, the Board unanimously passed a motion to accept the recommendation of the Planning Commission and grant your request to obtain a Conditional Use Permit (CUP) to expand a Livestock Feeding Operation to a Class 1 (999 AU) as per Article 12, Section 2.19 Livestock Feeding Operations located in the SE ¼ SW ¼ and N ½ SW ¼ Section 3, Township 20 North, Range 5 East in Webster Township, Zoning District A-1, Intensive Ag. The permit was approved based on the conditional use conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located.

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Sincerely,


Micki Gilfry
Dodge County Clerk

encl:

cc: Planning Commission
Larry D. & Mona T. Faltin

COPY

DOCUMENT#: 202304913
Recorded 11-30-2023 at 1:04 PM

Carol Givens

Carol Givens, Register of Deeds
DODGE COUNTY NE
Pages: 2 Fee: \$0

**APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska**

Date 10-31-23
Property Owner's Name Larry D. & Mona T. Fallin (Trustee), Landowner Gary Fallin, Operator
Address: Landowner: 438 County Rd B, Dodge, NE 68633 Operator: 126 County Rd 5, Dodge, NE 68633
Phone No. (402) 372-6449 (Operator) (Home) _____ (Work) _____

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: Expand to Class I Open-Lot Feeder Cattle LFO (999 AU). The operation is currently permitted for 160 AUs.

Section 3 Township 20 Range 5E Lot No. 270089446

Location within Section SE1/4 SW1/4 & N1/2 SW1/4 Lot Size 120.00 acres (Sq.Ft./Acres)

Estimated Cost of Structure/Use \$ 60,000 Zoning District A-1

Will use in all other respects conform to the applicable regulations of the district in which it is located?
Yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? Yes

How are Adjoining Properties Used (Actual Use)

North Cropland South Cropland
East Cropland West Cropland

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe.
Rolling cropland
2. Can soil conditions support the proposed development? What is the soil classification of the area?
Yes, See attached soils map.
3. Will use have adequate water, sewer and drainage facilities (approved by the Dodge County Board of Health, Dodge County Board of Supervisors, and the State of Nebraska Department of Health)? Yes

2023 NOV - 1 PM 12:30
RECEIVED
Dodge Co Highway Dept



4. Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads?
Yes _____ How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be? Traffic will not be affected.

Enclosed:

Site Plan Soil Suitably Map Easements None. House to the east is abandoned.
Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency _____

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

Application Fee of \$ 200 is Non-Refundable.

The Zoning Administrator or Building Inspector, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

In consideration of the issuance of this Certificate, the applicant hereby certifies that the information in this application is true and correct, and hereby certifies that compliance with the zoning, subdivision and floodplain regulations which are in effect have been met.

Applicant's Signature *Larry Kaiter* Mailing Address 438 County Rd B, Dodge, NE 68633
J. Fur 126 County Rd 5, Dodge, NE 68633

OFFICE USE ONLY

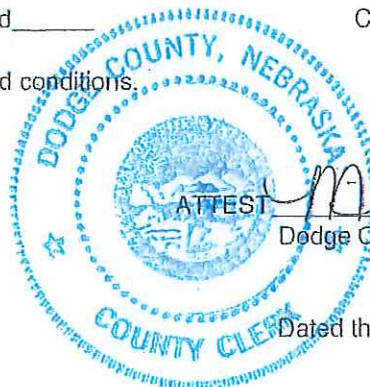
PERMIT NO. 2023-008

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 11-21-23 Approved
Approved with Added Conditions _____ *Maui Boren*
Disapproved _____ Chair, Dodge County Planning Comm

Date 11-29-23 Approved
Approved with Added Conditions _____ *Bob Moring*
Disapproved _____ Chair, Dodge County Board of Comm

_____ See attachment for added conditions.



ATTEST *Micki Meljny*
Dodge County Clerk

Dated this 29 day of November 2023

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

COPY



Jim Pillen, Governor

November 16, 2023

Gary Faltin
Gary Faltin Livestock
438 County Road B
Dodge, NE 68633-4206

RE: Gary Faltin Livestock Animal Feeding Operation
NDEE ID: 120143
Program ID: LWC 5-1107
Subject: **Conditional Exemption Requirements**
S 1/2, NW 1/4, Section 02, Township 20N, Range 05E , Dodge County

2023 NOV 21 PM 3:34
RECEIVED
Dodge Co Hwyway Dept

Dear Mr. Faltin:

Your existing and proposed animal feeding operation may be required to obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations (CAFOs), unless the conditions and requirements listed below are met. This determination is based on the initial site inspection conducted on November 16, 2023 by Kevin Franzluebbbers from the Nebraska Department of Environment and Energy (Department), in accordance with the Livestock Waste Management Act and Title 130, *Livestock Waste Control Regulations*.

- 1) Confine no more than 999 head of feeder cattle at any time.
- 2) Scrape the pens on a regular basis and land apply the livestock waste at agronomic rates for nitrogen and phosphorus.
- 3) Stockpile livestock waste in a location that will prevent runoff to waters of the State.
- 4) Plant crops on east and west sides of the feedlot in a north south direction to prevent runoff.

These conditions are set on a trial basis. If at any time it is determined that the conditions are not effectively preventing discharges to waters of the State additional requirements or controls may be required.

At the time of the inspection, the Department considered your operation a **medium** animal feeding operation that included and proposed the following:

Livestock Species	Maximum No. of Head Capacity	Existing or Proposed?
Feeder Cattle	150	Existing
Feeder Cattle	849	Proposed

✓ COPY

The Department recommends that you implement an inspection and record keeping protocol to document runoff events. Your documentation should record the amount of rainfall during each event and summarize a survey of the facility that verifies the effectiveness of the above conditions to prevent pollution of Nebraska's waters. It is your responsibility to notify the Department of any discharge. If it is determined that the conditions are not sufficiently protecting waters of the State, please contact the Department and a Program Specialist will coordinate a re-inspection to assess the need for modifications to these conditions.

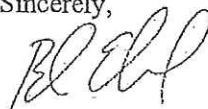
Prior to making any major modification (as defined in Title 130) to the operation, you must submit a Request for Inspection form to the Department with the appropriate fee. The Department will conduct an inspection of your operation to reevaluate the need for a Construction and Operating Permit or an NPDES Permit for CAFOs.

The Department does not require that you obtain the above mentioned permits provided these conditions are satisfactorily accomplished and effectively protect Nebraska's environment. However, you are responsible for complying with any Natural Resources District, county or local zoning requirements, and for preventing or reporting any discharge to waters of the State in compliance with Title 130, Chapter 2, 008.02, 008.10 and 010. Your operation may be required to obtain a Construction and Operating Permit or an NPDES Permit for CAFOs if a discharge occurs or if revisions to state laws and regulations impact the status of your operation.

Additionally, please be aware that any construction activity that disturbs a land area of one (1) acre or more must obtain coverage under the NPDES Construction Storm Water General Permit Number NER160000, which authorizes storm water discharges from construction sites. This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. Application for permit coverage can be made by accessing the following website:
<https://ecmp.nebraska.gov/DEQ-CSW>.

A copy of Title 130 is enclosed for your information. If you have any questions, please contact Kevin Franzluebbbers at (402) 471-6687 or myself at (402) 471-0282.

Sincerely,



Brad Edeal, Supervisor
Livestock Compliance Section
Inspection & Compliance Division
brad.edeal@nebraska.gov

cc: Nutrient Advisors