

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

October 2, 2014

7:00 p.m.

Supervisors Room, County Courthouse, 1555 Colfax Street, Blair, Nebraska

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“All Commission members receive staff reports approximately one week prior to the meeting”

MEMBERS PRESENT

STAFF PRESENT

Gary Lambrecht, President  
Matt Mathiesen, Vice Chairman  
Wes Petznick  
Terry Rasmussen  
Steve Neuverth  
Lyle Schjodt

Tanna Wirtz  
Terri Stanford  
Teresa McBride

COMMISSION ACTION:

Chairman Lambrecht called the meeting to order at 7:00 p.m.

At time of roll call, six members were present.

With regard to the September 4, 2014 minutes, the following action was taken:

MOTION: Schjodt  
I move the minutes be approved as presented  
SECOND: Petznick  
VOTE: Aye – Schjodt, Neuverth, Mathiesen, Petznick, Lambrecht, Rasmussen  
Nay – none MOTION CARRIED

With regard to the agenda, the following action was taken:

MOTION: Schjodt  
I move the agenda be approved, as presented.  
SECOND: Mathiesen  
VOTE: Aye – Rasmussen, Lambrecht, Neuverth, Schjodt, Mathiesen, Petznick  
Nay – none MOTION CARRIED

Chairman Lambrecht welcomed everyone and stated this meeting will be conducted in accordance with the Nebraska Open Meetings Act and a copy of that Act is posted in the room; and noted that copies of material the Commission has is also available on the table in the hall.

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OLD BUSINESS/RENEWALS

1. Conditional Use Permit reviews:

FILE # APPLICANT PURPOSE STAFF RECOMMENDATION

**12-07 Rhea Cattle Co. Long Term Stockpiling Permit (Gypsum) Renew 1 year**

MOTION: Neuverth  
I move this Conditional Use Permit be approved with a review in one year.  
SECOND: Rasmussen  
VOTE: Aye – Lambrecht, Neuverth, Schjodt, Mathiesen, Petznick, Rasmussen  
Nay – none MOTION CARRIED

**13-01 Monte Christensen Corn Milling Bio-solids Renew 1 year**

MOTION: Petznick  
I move this Conditional Use Permit be approved with a review in one year.  
SECOND: Mathiesen  
VOTE: Aye – Lambrecht, Neuverth, Schjodt, Mathiesen, Petznick, Rasmussen  
Nay – none MOTION CARRIED

**01-02 Abe's Trash Service Sanitary Landfill, Contractors Yard & Office Renew 5 years**

MOTION: Lambrecht  
I move this Conditional Use Permit be approved with a review in five years.  
SECOND: Mathiesen  
VOTE: Aye – Lambrecht, Neuverth, Schjodt, Mathiesen, Petznick, Rasmussen  
Nay – none MOTION CARRIED

PUBLIC HEARINGS

LOT SPLIT

**1. Lot Split request for Northside Farms, Inc.**

To create a 6.04 acre split to separate the existing house and outbuildings from existing farm ground in the NE ¼ of NE ¼ in Section 15 Township 18 North Range 9 East of the Sixth P.M. (location: 10861 County Road 7 Nickerson, NE.)

Chairman Lambrecht recognized the staff report.

Rollyn Hilgenkamp explained the request noting they wish to separate the existing house and outbuildings from farm ground to sell to Emmett Sheer.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

Planning Commission discusses the setbacks, tax lots, wells, along with driveway and road access to the property.

MOTION: Schjodt  
I move the lot split request for Northside Farms, Inc. be approved as presented  
SECOND: Rasmussen  
VOTE: Aye – Schjodt, Mathiesen, Petznick, Rasmussen, Lambrecht, Neuverth  
Nay – none MOTION CARRIED

REZONE

**2. Rezone request for Northside Farms, Inc.**

Request to rezone from A-1 Agriculture Primary to A-LSR Agricultural - Lot Split Residential of a proposed 6.04-acre tract in Section 15 Township 18 North Range 9 East of the Sixth P.M. (location: 10861 County Road 7 Nickerson, NE.)

Chairman Lambrecht recognized the staff report.

Chairman Lambrecht opens the public hearing.

Chairman Lambrecht closes the public hearing.

MOTION: Petznick  
I move to approve the rezone request from A-1 Agriculture Primary to A-LSR Agricultural - Lot Split Residential of a proposed 6.04-acre tract in Section 15 Township 18 North Range 9 East of the Sixth P.M. (location: 10861 County Road 7 Nickerson, NE.)  
SECOND: Neuverth  
VOTE: Aye – Schjodt, Mathiesen, Petznick, Rasmussen, Lambrecht, Neuverth  
Nay – none MOTION CARRIED

WASHINGTON COUNTY

**3. Bio-solid Regulation Amendment**

Chairman Lambrecht recognized the staff report.

Wirtz states that the current Bio-solid Regulations pertains to "liquid" state and now there is a "cake" state that can be spread. Composition similar to gypsum and this can be stockpiled. Wirtz advises that the red lettering is what has been added to the Bio-solid Regulations for the amendment.

Schjodt questions the 1500 feet language in 7.18.02, (4) that has been highlighted.

Wirtz explains that she had a question as to whether this board would agree to that or does the board think it should be changed.

Schjodt asks is it different then gypsum?

Wirtz states that she believes it is the same. Commission agreed upon the 1500 ft setback.

Commission discusses the added language that is blue & red.

Petznick asks how long stockpiling and would a CUP be needed?

Lambrecht inquires as to stockpiling, if there were 80 acres, you could pretty much stockpile without it being noticed, compared to 40 acres. It was questioned whether the setbacks were too restrictive. Is "Cake" being produced yet?

Wirtz states "yes", it is identical makeup to the "liquid" state, and dehydrated to a "cake" state. It is being produced and has been applied to properties that have a Bio-solid CUP. Current regulations do not allow for stockpiling.

Petznick right now they are taking product out and spreading it right away?

Neuverth inquires as to the chemical makeup.

Wirtz advises it is the same Bio-solid liquid, just in "cake" form.

Neuverth questions #5 under long-term stockpile, does that have to be a registered well or can that be a livestock well.

Wirtz states that there is a 500 ft. setback whether well is registered or not.

Schjodt asks if there is an odor and will there be issues with flies?

Wirtz states that the smell is not bad and is comparable to fishing worm dirt, no noticeable flies from what they could see when a group traveled to Iowa to look at product that had been stockpiled.

Commission discusses stockpiling and setbacks.

Wirtz states that 7.18.05 (4) in blue should have an exclusion in it. That it should then read exactly like 7.18.02 (4) in red.

Petznick inquires about Long Term Stockpile on front page pertaining to "Cake" stored for a period greater than three weeks and up to 10 months. So what happens within the first three weeks?

Wirtz explains the way it is looked at is that they can have the product there for up to three weeks before spreading. Based on weather and condition, it may not be conducive to spread immediately. After three weeks it then goes into a stockpiling situation.

Petznick, so for that three weeks they do not have to notify the office?

Wirtz a CUP would be required prior to it being delivered. This regulation would allow for the stockpiling.

Lambrecht, so do we have a interest in amending our zoning regulation to include this language?

Mathiesen states that it would probably be in the best interest to amend to include, since product is already being manufactured and applied.

Neuverth asks about redacting the language.

Wirtz explains that the changes can be made and corrected before it is sent to the Board of Supervisors.

Lambrecht inquires as to whether it is on the agenda as an agenda item to move forward.

Lambrecht is interested in the zoning regulations and would like to review the setbacks for stockpiling.

Commission discusses gypsum, chemical makeup of product, stockpiling and setbacks.

Wirtz explains changes to the language under 7.18.05 (4) in blue should have the same exclusion as 7.18.02 (4) in red.

Chairman Lambrecht opens the public hearing.

Jean Andrews from Dodge County inquires if there are regulations in floodplain, either for applying or stockpiling? If it does not run off that is one thing, Dodge County had issues for several years, people complained that they did not want it on their property. Dodge County has nothing in their regulations regarding floodplain, so that is why she is here. If Washington County has it in their regulations, Dodge County is thinking seriously about amending their regulations.

Wirtz states that it has been spread in the floodplain, as for stockpiling it is a totally different situation.

Petznick would that not be covered under the first paragraph "Shall meet all applicable State and Federal regulations for safe and beneficial reuse".

Mathiesen stated the use is no different than fertilizer.

Andrews explains their setbacks from wells and residences, along with the chemical makeup or smell of products. Was just wanting to know if Washington County regulations specifically state that it cannot be applied or stockpiled in floodplain.

Lambrecht states it does not.

Commission discusses long term, short term stockpiling and regulations of such.

Chairman Lambrecht closes the public hearing.

MOTION: Mathiesen  
I move to approve the text amendment for the Bio-solid Regulations as presented with the changes to the language under 7.18.05 (4) in blue should have the same exclusion as 7.18.02 (4) in red  
SECOND: Petznick  
VOTE: Aye – Schjodt, Mathiesen, Petznick, Rasmussen, Lambrecht, Neuverth  
Nay – none MOTION CARRIED

## NEW BUSINESS

### 1. Discuss amending Lot Split Regulations for exceptions for ROW takings

Wirtz states that Deputy County Attorney is working on amendment to lot split regulations due to construction on Hwy 133, there is concerns that property owners who were eligible prior would not be eligible for a lot splits now due to right-of-way taken.

Petznick asks what is Deputy County Attorney's take on it?

Wirtz states that this is a taking of the right-of-way that some should be allowed to do a lot split and since it may be a reoccurring event all the way down the line, this is something that needs to be looked into.

Lambrecht inquires as to whether the Deputy County attorney has indicated how small of a parcel would be allowed? It would have to be a 10+ acre track.

Wirtz states it would have to be eligible prior to right-of-way being taken.

### 2. Update Livestock Friendly Application

Steve Martin from the State will be coming on October 7, 2014 at 1:00 pm to meet with Tanna and Gary.

### 3. Discuss Scrap Feed

Wirtz states that she has been approached by the Environmental Land Management with a new product. It is feed that has been contaminated in some way, say the plastic bag has been compromised and they can no longer sell it as feed. So they have this scrap feed that is applied back to the land. I have been provided this information and my concern is that we do not have a regulation on it and there could be quite a smell from it as it is feed that could be fermenting. I thought you should be made aware of it, since we may have to look at it later.

Commission discusses the different issues related to this product.

## REPORTS FROM STAFF

### ITEMS FROM THE MEMBERSHIP

### ITEMS FROM THE PUBLIC

## ADJOURNMENT

MOTION: Mathiesen  
I move to adjourn the meeting  
SECOND: Rasmussen  
VOTE: Aye – Schjodt, Mathiesen, Petznick, Lambrecht, Rasmussen, Neuverth

The meeting was adjourned at 8:01 p.m.

***Gary Lambrecht, Chairman***