

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

April 5, 2018

7:00 p.m.

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

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

MEMBERS PRESENT

Gary Lambrecht
Matt Mathiesen
Steve Neuverth
Wes Petznick
Terry Rasmussen
Lyle Schjodt
Doug Wolfe

STAFF PRESENT

Ryan Sullivan
Teresa McBride
Lori Diefenbaugh

COMMISSION ACTION:

With regard to the March 1, 2018 minutes, the following action was taken:

Ryan Sullivan mentioned a correction to the minutes. Doug Wolfe's name was removed from those voting to adjourn. Wolfe was not present at that meeting.

MOTION: Mathiesen
I move the minutes be approved as corrected.

SECOND: Schjodt

VOTE: Aye - Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe
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: Petznick

VOTE: Aye - Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe
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 on the door.

Chairman Lambrecht also instructed the public on the required behavior expectations for the evening and that public comments would be held to three minutes.

OLD BUSINESS

Conditional Use Permit reviews: Approved Administratively per County Zoning Regulations Section 6.14 and 6.18.

94-11 Tom & Carol Kyral Family Child Care Home - Revoked
16-02 Dam Farms, Inc. Sludge - Renewed

CONDITIONAL USE PERMIT

1. Request by Bill Rhea to Operate Borrow Pit on Property

A request to excavate soil under Article 7, Section 7.02 of the Zoning Regulations for Tax Lot 12 in the NW 1/4 SE 1/4 in Section 10 Township 18 North-Range 9 East of the Sixth P.M. (General Location: Co. Rd 7 and State Hwy 91, Fontanelle, NE).

Bill Rhea explained that he would be removing dirt from this site and moving to another site for a construction project in Fremont.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Neuverth
I make a motion to approve the CUP request as presented.

SECOND: Rasmussen

VOTE: Aye - Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe

Nay - none

MOTION CARRIED

The Commission asked for a report from Lincoln Premium Poultry (LPP)

Walt Schaefer, COO of Lincoln Premium Poultry (LPP), gave a report for the Planning Commission. He explained the purpose of LPP was to promote and support the family farm and help them diversify. LPP has criteria the applicants must follow. The applicants must obtain a State Operating Permit. The nutrient management plan must be in place. LPP is there to help and support farmers.

Andy Scholting, Nutrient Advisors, gave a report to the Planning Commission. The purpose of Nutrient Advisors is to develop a nutrient management plan for each site and help them meet all NDEQ and EPA guidelines. Each site is completely encased, no outside waste storage or lagoons. They are not required to have a permit with the NDEQ. The NDEQ has visited all sites and have written letters to all applicants that no permit is required. LPP and Costco is requiring all growers to obtain a NDEQ permit anyway. All growers have voluntarily submitted a nutrient management plan. The Nebraska Siting Matrix (NSM) has been completed for each site. These sites are completely housed and under roof. A score of 70 is required to get a CUP. Most of these sites score over 100. The odor footprint tool was also provided by UNL. Scholting explained how the odor footprint was developed and what it means. Scholting also explained how much liter would be created by each barn, the nitrogen content and phosphoresce content and how much would be produced by these six sites.

He then answered questions from the Planning Commission regarding the process, the building, the shavings, the compost building, and the truck traffic.

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CONDITIONAL USE PERMIT

**2. Request by Calli Soll to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for the SW ¼ NE ¼, W ½ SE ¼ in Section 28 Township 18 North-Range 9 East of the Sixth P.M. (General Location: Co. Rd 28 and Co. Rd 3, Arlington, NE).

Chairman Lambrecht opened the public hearing.

Sullivan presented comments provided to the Planning Office prior to the opening of the public hearing which were asked to be part of the public hearing. Reasons cited for opposition were: property value decreases, will ruin the view, wrong location, does not fit with the Comprehensive Development Plan for the County, water and soil contamination, smell or odor, water usage, will stymie economic growth, disease outbreak, will spread pathogens to humans, air pollution, negative impact on roads, will ruin lives, opposed to any animal confinement site, inhumane practices, will bring in crime, too many residential sites in the immediate area, and they are industrial by nature.

Scott VanderSchaaf, County Attorney, explained how he advised Sullivan to categorize the emails received and report that to the Planning Commission. They are to be made part of the public record but not read out loud. VanderSchaaf stated he would be there all night to answer questions.

Eric and Calli Soll presented information to the commission. They propose to have four poultry barns on their property. They are both long term residents of Washington County and wish to build a home on the site of the barns. The liter will be going to their fields.

Matt Johann, Chase Kratochvil, Tony Riecken, Nick Bell, Dusty Bell, Julie Hindmarsh, Jeff Burianek, Jim Wilkening, Amanda Barron, Jill Reel, Bob Lossi, Chris Start and Tracy Scalf spoke against the proposed operation.

Gene Soll and Kristin Hasalbrook spoke in favor of the operation.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

The Commission asked more questions and discussed the information. Schjodt made mention that this land is currently zoned A-1 and in the Future Land Use Map it is still zoned A-1.

MOTION: Rasmussen

I make a motion to approve the CUP request for 25 years with a review after one year of operations with the truck traffic to go down Hwy 91 to County Road 7 to County Road 28 until the bridge on County Road 28 is improved. The operation needs to follow all State regulations including NDEQ guidelines.

SECOND: Schjodt

Schjodt also mentioned that this is a suggested route that could be worked out differently.

VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt

Nay – Wolfe

MOTION CARRIED

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CONDITIONAL USE PERMIT

**3. Request by Kelli Shaner to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for Tax Lots 13 and 14 of the SW ¼ in Section 26 Township 20 North-Range 11 East of the Sixth P.M. (General Location: Co. Rd P31, Herman, NE).

Andy Scholting, Nutrient Advisors, gave a site-specific report for this project.

Jeff and Kelli Shaner presented their information to the commission. Their site will have four poultry breeder barns. The barns will contain one flock per year. They are both long term residents of Washington County and have already received approval for a broiler barn in Ft. Calhoun.

Chairman Lambrecht opened the public hearing.

Sullivan stated there were no public comments noted on this particular property. There were, however, 25 public comments received against any CAFO's in the county.

Kristin Hasalbrook spoke for the proposed operation.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

The Commission asked more questions and discussed the information.

MOTION: Neuverth

I make a motion to approve the CUP request for 50 years to follow all State regulations including NDEQ guidelines.

SECOND: Wolfe

VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe

Nay – none

MOTION CARRIED

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#### CONDITIONAL USE PERMIT

##### **4. Request by Andrew Ruwe to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for the W ½ NW ¼ in Section 23 Township 19 North-Range 9 East of the Sixth P.M. (General Location: Co. Rd 7 and Co. Rd 12, Telbasta, NE).

Andrew Ruwe presented his information to the Planning Commission. Ruwe is asking to have four poultry broiler barns on his land. He was raised in this community and is eager to farm like his family. He has signed documents from farmers wanting his liter.

Andy Scholting, Nutrient Advisors, gave a site-specific report for this project.

Sullivan stated there was one public comment received against this property and also mentioned the 25 against all CAFO's in the County.

Chairman Lambrecht opened the public hearing

Craig Burns spoke against the project.

Kristin Hasalbrook spoke for the proposed project.

Bill Rhea stated that he would not be using County Road 7 for his borrow pit project.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

The Commission asked more questions and discussed the information.

MOTION: Mathiesen

I make a motion to approve the CUP request for 50 years to follow all State regulations including NDEQ guidelines

SECOND: Petznick

VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Schjodt, Wolfe

Abstain - Rasmussen

Nay – none

MOTION CARRIED

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#### CONDITIONAL USE PERMIT

##### **5. Request by Adam Wrich to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for Tax Lots 24 and 52 in Section 27 Township 19 North-Range 11 East of the Sixth P.M. (General Location: Co. Rd 14 and State Hwy 75, Blair, NE).

Adam Wrich presented his project to the Commission. He is requesting approval for four poultry breeder barns. He has been raising livestock and farming all his life. He wants to be a good neighbor and a good grower. The barns are very nice looking and he will also be landscaping. The neighbor within ¼ mile signed a waiver. He plans to build a house there in a couple of years.

The Planning Commission asked questions regarding the driveway and the waiver.

Andy Scholting, Nutrient Advisors, gave a site-specific report for this project.

Chairman Lambrecht opened the public hearing.

Sullivan presented comments provided to the Planning Office prior to the opening of the public hearing which were asked to be part of the public hearing. Reasons cited for opposition were: property value decreases, wrong location, does not fit with the Comprehensive Development Plan for the County, water and soil contamination, smell or odor, water usage, will stymie economic growth, disease outbreak, air pollution, negative impact on roads, opposed to any animal confinement site, inhumane practices, too close to Deerfield elementary school and the golf course, well water trickling, recharge rate, and internal monitoring at barn site.

John Martell, Jim Lippincott, Stephanie O’Keefe, Bruce Kies, Bill Lippincott, Joe Dickerson (golf course) and Pat Boyd spoke against the project.

Kristin Hasalbrook and Walt Schaefer spoke in favor of the project.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

The Commission asked more questions and discussed the information.

MOTION: Lambrecht

I make a motion to approve the CUP request for 50 years with a review in one year after operation begins to follow all State regulations including NDEQ guidelines.

SECOND: Petznick

AMENDED MOTION: Schjodt

I move to amend the motion to include a green space is to be maintained on the South side of the property by the Golf Course

SEOND: Petznick

VOTE ON AMENDMENT:

Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe

Nay – none

MOTION CARRIED

AMENDED MOTION:

Lambrecht

I make a motion to approve the CUP request for 50 years with a review in one year after operation begins to follow all State regulations including NDEQ guidelines to include a green space to be maintained on the South side of the property.

SECOND: Petznick

VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Schjodt, Rasmussen

Nay – Wolfe

MOTION CARRIED

CONDITIONAL USE PERMIT

**6. Request by Case Camenzind to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for the W ½ of the NW ¼ and Tax Lot 52 in Section 2 Township 17 North-Range 11 East of the Sixth P.M. (General Location: Co. Rd P30 and State Hwy 133, Blair, NE).

Case and Jocelyn Camenzind presented their information to the Planning Commission. They are proposing eight poultry broiler barns on their property. They wish to diversify the farm. They are long term family farmers and wish to be full-time farmers. They have educated themselves on the animals and agriculture. They will use the liter on their land. They intend to build a house on the site and be good neighbors. They intend to landscape.

Andy Scholting, Nutrient Advisors, gave a site-specific report for this project.

Chairman Lambrecht opened the public hearing.

Sullivan presented comments provided to the Planning Office prior to the opening of the public hearing which were asked to be part of the public hearing. Reasons cited for opposition were: property value decreases, wrong location, does not fit with the Comprehensive Development Plan for County, water and soil contamination, smell or odor, water usage, dry up the aquifer, will stymie economic growth, disease outbreak, will spread pathogens to humans, air pollution, negative impact on roads in the county, degradation to quality of life, opposed to any animal confinement site, inhumane practices, will bring in crime, too many residential acreage sites in vicinity, industrial not ag, stunts growth of Hwy 133 corridor, and the composting of the carcasses on site.

Ted Japp, Brian Shald, Sherman Berg, Deeann Rosenau, Glen Andersen, Dr. Steve Bonasera, Jessica Westerfield, Bob Sweeney, Maria Bledsoe, Jeff Farnham, Suzanne Novak Haas, Don Rosloniec, Justin Novak, Mike Anderson, Pat Boyd, Chad Kuchta, Mary Berg, Gary Wohlman, Linda Cahoon, Alan Gagnon, Eric Belles, Travis Vanhouten, Stacy Barney, Dan Gaskill, and Janette Nielsen spoke against the operation.

Danna Grinnell spoke for the project.

Chairman Lambrecht closed the public hearing.  
Chairman Lambrecht asked for thoughts and actions from the Commission.  
The Commission asked more questions and discussed the information.

MOTION: Schjodt  
I make a motion to deny the CUP request.  
SECOND: Mathiesen  
VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe  
Nay – none

MOTION CARRIED

CONDITIONAL USE PERMIT

**7. Request by Amy Trinh to Operate Confined Animal Feeding Operation on Property**

A request for a Poultry Barn under Article 5, Section 5.03.03 of the Zoning Regulations for the E ½ NE ¼ in Section 9 Township 19 North-Range 11 East of the Sixth P.M. (General Location: Co. Rd 8 and Co. Rd 29, Herman, NE).

Willow Holoubek was present to represent Amy Trinh who had a family emergency.

Andy Scholting, Nutrient Advisors, gave a site-specific report for this project.

Chairman Lambrecht opened the public hearing.

Sullivan stated there were no public comments noted on this particular property. There were, however, 25 public comments received against any CAFO’s in the county.

John Forsen, Julie Hindmarsh, Terry Lang, Matt Gunderson, John Martell and Liz Veracruz spoke against the project.

Walt Schaefer asked that the request be continued until more information could be obtained.

Mike Anderson was not against the project but would also recommend waiting for more information.

Chairman Lambrecht closed the public hearing.  
Chairman Lambrecht asked for thoughts and actions from the Commission.  
The Commission asked more questions and discussed the information.

MOTION: Mathiesen  
I make a motion to deny the CUP request.  
SECOND: Neuverth  
VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe  
Nay – none

MOTION CARRIED

NEW BUSINESS

ITEMS FROM THE STAFF

ITEMS FROM THE MEMBERSHIP

ITEMS FROM THE PUBLIC

ADJOURNMENT

MOTION: Petznick  
I move to adjourn the meeting.  
SECOND: Rasmussen  
VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe  
Nay – none

MOTION CARRIED

The meeting was adjourned at 1:05 am.

Gary Lambrecht, Chairman