

**MINUTES  
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:45 P.M., Tuesday, October 15, 2019 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Hansen, Ruzicka and Wagner. Absent: Giesselmann, Rolf, Schole and Taylor.

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting.

Motion was made by **Ruzicka** to accept the Minutes of the September 17, 2019 meeting as mailed. Seconded by **Fooker**. Motion carried by voice vote with the following voting yes: Fooker, Hansen, Ruzicka, Wagner and Brabec. Absent: Giesselmann, Rolf, Schole and Taylor.

**Public Hearing:** Consider request of Kevin L. & Nicole V. Ortmeier, Landowner, at 217 County Rd. H, Dodge, NE 68633 and Deven Ortmeier, Operator, at 753 County Rd. I, Scribner, NE 68057 to obtain a Conditional Use Permit to construct and operate a Swine LFO (999 animal units) as per Article 12, Section 2.19 Conditional Uses located in the SE ¼ SW ¼ Section 6, Township 20 North, Range 6 East in Cuming Township, Zoning District A-1, Intensive Ag.

Chairman Brabec declared the Public Hearing open.

**Testimony:**

**For:** Deven Ortmeier was present to explain his request. Andrews asked what size hogs did he plan on raising at the LFO. He stated anything from 15 to over 55 pounds. He went on to say he and his family have farmed together and that he had tried to purchase ground, but was out of the question. He said they farm over 300 acres and this particular farm needs the nutrients. A question was asked as to how many hogs totally would be raised. Ortmeier stated 2400 hogs or a medium operator. Wagner asked if the manure would be injected. Ortmeier stated yes. Wagner asked if this operation would have a deep pit or a lagoon. Ortmeier stated it would have a deep pit and would only have one building.

Appendix Item # 239  
Date 10-23-2019

**Nicole Ortmeier**, Deven Ortmeier's mother spoke in favor of this proposal. She stated that they plan on installing irrigation on this section where they would then spread the manure thru the irrigator. She stated that part of the total acres are owned by them and their mother owns the other 160.

**Allen Kampschneider** representing Nutrient Advisors stated they were helping the Ortmeier's go thru the process. He stated that the application meets the setback requirements of 1,320 feet, the ground water is at 50 to 75 feet and there are plenty of acres to spread the manure. He added that the request scored 105 points over the required 75 on the Site Matrix. Wagner asked if they had taken a soil sample? Kampschneider stated yes.

**Against:**

**Cheryl Pribnow** stated that she, her husband and son were against this proposal and had written a letter to the Planning Commission. She stated that presently they farm across the road 180 acres and are in the process of constructing a farmstead as they already have 2 grain bins at this location. She stated that they planned on new construction of a house that her and her husband could possibly move to this location and her son would then live on the home place or her son would move to this area or possibly a farm hand. She stated they do not want a hog facility across the road due to smell issues. She stated they farmed around other hog facilities and dealt with dead hogs. She added that there is a large water hole north of this site. If they put one barn on this site, will there then be another barn? She stated this not a vacant area that there was a place west of there. Wagner asked if she had been around a deep pit lagoon. She stated yes. She stated that it made a difference if they were feeding their own hogs or for someone else. She added that they had operated farrowing barns in the past so they are very well aware of hogs.

No one else spoke.

Andrews stated the letter from Jim and Cheryl Pribnow should be entered into the record. We will need a motion to receive the letter. Motion was made by **Ruzicka** and seconded by **Fooker** to receive the letter into record. Motion carried by voice vote. Those voting yes: Hansen, Ruzicka, Wagner, Brabec and Fooker. Absent: Giesselman, Rolf, Schole and Taylor.

No further questions were asked by the board or public.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Hansen**. Motion carried by voice vote. Those voting yes: Ruzicka, Wagner, Brabec, Fooker and Hansen. Absent: Giesselmann, Rolf, Schole and Taylor.

**Possible Action:**

Motion was made by **Ruzicka** to recommend approval of the Conditional Use Permit based on the Conditional Use conforms to the intent and purpose of the regulations and

the use conforms to regulations of the district which it is located. Seconded by **Hansen**. Motion carried by roll call vote. Those voting yes: Wagner, Brabec, Fooker, Hansen and Ruzicka. Absent: Giesselmann, Rolf, Schole and Taylor. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, October 23, 2019 at 9:30 A.M.

**Public Hearing:** Consider request of Nextera Properties, LLC of 4650 – 26<sup>th</sup> Ave. S, Fargo, ND 58104 (Platte Valley Implement) to request a Lot Split and a Residential Registration for a 5.24 acre tract located in part of Tax Lot 8 in the West ½ NW ¼ Section 26, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional Ag.

Chairman Brabec declared the Public Hearing open.

**Testimony:**

**For:** Matt Lamb of Platte Valley Implement stated that they were approached to purchase a 5-acre tract for a lady from Minnesota to raise horticulture and landscaping. Wagner asked if this property was directly west of this acreage on the corner. Lamb stated that the 5 acre tract was adjoining the previous subdivided farmstead and he stated that this prospective buyer's intent was to purchase all the rest of the remaining ground. Wagner stated he had concerns regarding the spraying from this garden area.

**Diana Madsen**, Realtor for the prospective owner, stated she plans on growing organic vegetables and flowers that she would sell in Fremont. She asked if there was something that could be done to protect both the farmer to the west and the organic garden such as a buffer. No one spoke.

**Against:**

Andrews stated she didn't receive any written or oral communication either for or against the matter.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Hansen**. Motion carried by voice vote. Those voting yes: Brabec, Fooker, Hansen, Ruzicka and Wagner. Absent: Giesselmann, Rolf, Schole and Taylor.

**Possible Action:**

Motion was made by **Ruzicka** to recommend approval of the Lot Split and seconded by **Hansen**. Motion carried by roll call vote. Those voting yes: Fooker, Hansen, Ruzicka, and Brabec. Wagner voted no. Absent: Giesselmann, Rolf, Schole and Taylor. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, October 23, 2019 at 9:35 A.M.

Item #7. Consider amending Zoning Regulation Fees to become effective January 1, 2020 Fee Schedule. Motion was made by **Ruzicka** and seconded by **Wagner** to continue this item to the next meeting when more members of the planning commission could be present. Motion carried by voice vote. Those voting yes: Hansen, Ruzicka, Wagner, Brabec and Fooker.

With no further business **Hansen** moved to adjourn at 5:10 P.M. and seconded by **Wagner**. Motion carried: Ruzicka, Wagner, Brabec, Fooker and Hansen. Absent: Giesselmann, Rolf, Schole and Taylor. The next scheduled meeting will be November 19, 2019 at 4:30 P.M. if business arises.

Respectfully submitted,

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Allen Rolf  
Secretary, Dodge County  
Planning Commission

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Dodge County  
Planning & Zoning Commission

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Approval Date

October 8, 2019

RE: Conditional Use Permit to construct and operate a Swine LFO

Dear Dodge County Building Inspection & Zoning Department:

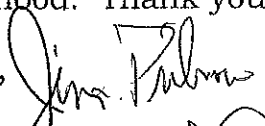

After receiving the letter about the proposed hog barn next to our property, we want to be on the record that we **totally object** to this happening. We have begun to establish a farm place directly across the road from this proposed site. We have two grain bins already in place with a windbreak and a farm well nearby. This has been in the planning stages for quite some time. This farm place would be for a family member or for a hired hand. We farm the land directly east, west and south of this site as well. We already farm land in another area that is across the road from a hog barn. We are very aware of the dead carcasses, smell, and flies from a hog barn. With this barn being so close to our farm site it would be a huge problem for whoever is living there, as well as working with the grain bins and farm work in general.

We farm directly east of the proposed site so we know that just north of the proposed site there is a waterhole that has been deemed wetlands and restricted use. We feel that a hog barn built so close to a wetland would cause ground water issues.

We are asking you; **please do not allow this hog barn** to be built in our neighborhood. Our plans are to attend your meeting, but with us being right in the middle of harvest and with the starting time of 4:30 p.m., it is going to be difficult for us.

If we are unable to attend, please consider our letter as our testimony of **objection** to this proposed hog barn being built across from our farm or in our neighborhood. Thank you.

Sincerely,

RECEIVED  
Dodge Co Hwywy Dept

OCT 11 AM 11:49

**STAFF REPORT**  
Dodge County Bldg. Insp. & Zoning Dept.  
Meeting of October 15, 2019

Zoning Signs were placed on the property Tuesday, October 8, 2019

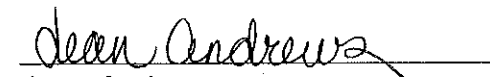
**Kevin L & Nicole V. Ortmeier – Landowner**  
**Deven Ortmeier – Operator**

The request is located on property approximately 4 miles north and ½ mile west of Scribner, NE on County Road B just west of County Road 14. The property is on a well-maintained road and is not in the flood plain. There are no buildings on the property. No residences are located near the site.

**Nextera Properties, LLC (Platte Valley Equipment)**

The property is located west of an acreage that was split off just recently. It is bare ground that abuts up to the tree line on the east. It is situated on the north side of Rosedale Road approximately 3 miles north of Fremont, NE. The new owner of the acreage that is located at the corner of Rosedale Road and US Highway 77/275 plans on purchasing the ground to have an organic garden and flowers that will be sold in Fremont.

Respectfully submitted,



Jean Andrews,  
Dodge County Zoning Administrator



Deven Ortmeier





Deven Ortmeier





Nextera Properties





Nextera Properties

