

Agenda Item # 26a
Date 12-4-2019

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:30 P.M., Tuesday, November 19, 2019 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Hansen, Rolf and Schole. Absent: Giesselmann, Ruzicka, Taylor and Wagner

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

Chairman Brabec asked if there was any communication with the applicants and the board. None were reported.

Motion was made by **Fooker** to accept the Minutes of the October 15, 2019 meeting as mailed. Seconded by **Hansen**. Motion carried by voice vote with the following voting yes: Fooker, Hansen, Rolf, Schole and Brabec. Absent: Giesselmann, Ruzicka, Taylor and Wagner.

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 7 East in Cuming Township, Zoning District A-1, Intensive Ag.

Chairman Brabec declared the Public Hearing open.

Brabec stated that due to a clerical error on the legal description, this item was placed back on the agenda for today's meeting.

Testimony:

For: Deven Ortmeier of 753 County Road I, Scribner, proposed operator of the livestock feeding operation, was present to explain the request. He stated that he wanted to return to the farm and with 300 acres of ground, there would be enough acres to incorporate the nutrients back on the ground.

Jesse Sindelar with Nutrient Advisors located at 449 E. Deere St. of West Point, spoke of the request for permitting to NDEQ which is now DEE. He stated that the proposed livestock facility meets all the setbacks, utilized the odor footprint tool which also meets the setbacks. He went on to say they completed the livestock matrix with 30 points over the required 75. He stated they looked at adjacent wells with the water table of 60 – 90 feet which is plenty high and there is enough acres for the spreading of the manure as nitrogen as well as all the phosphorus.

Against:

Jim Pribnow residing at 1443 County Road A, Scribner stated that he is employed with Kaup Seed and Fertilizer of West Point and according to their testing, the soil is very sandy and will not hold enough nutrients. He questioned what the operator of the proposed hog facility's plan for the removal of dead hogs and the odor.

Brabec stated that the operator had an expert who had no problem with the soil.

Cheryl Pribnow residing at 1443 County Road A, Scribner asked if her letter from the October Plan meeting was still a part of the record. Andrews stated that her letter was attached to the minutes and was sent out to all plan members.

No further questions were asked by the board or public.

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

Possible Action:

Motion was made by **Rolf** 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: Rolf, Schole, Brabec, Fooken and Hansen. Absent: Giesselmann, Ruzicka, Taylor and Wagner. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, December 4, 2019 at 9:30 A.M.

Public Hearing: Consider request of James Marshall c/o Pathfinder Company of 1416 E. 23rd St., Fremont, NE 68025 to obtain a Conditional Use Permit to store and apply biosolids as per Article 13, Section 2.18 Conditional Uses located at the W ½ W ½ Section 26, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag.

Chairman Brabec declared the Public Hearing open.

Testimony:

For: Andy Langemeier with Pathfinder Company located at 1416 E. 23rd St. Fremont was present representing James Marshall, landowner. He stated that their plans were to obtain the Bio-Solids from the City of Fremont, to store and apply on 120 acres of ground. He went on to say that they were working with Nathan Mueller, Extension Service and the ground was favorable for the Bio-Solids. Everything was in place to store and apply the material.

Against:

No one spoke and no communication had been received either for or against the request.

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

Possible Action:

Motion was made by **Fooker** to recommend approval of the Conditional Use Permit and seconded by **Schole**. Motion carried by roll call vote. Those voting yes: Brabec, Fooker, Hansen, Rolf and Schole. Absent: Giesselmann, Ruzicka, Taylor and Wagner. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, December 4, 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 **Hansen** and seconded by **Rolf** 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: Fooker, Hansen, Rolf, Schole and Brabec.

With no further business **Rolf** moved to adjourn at 4:46 P.M. and seconded by **Schole**. Motion carried: Hansen, Rolf, Schole, Brabec and Fooker. Absent: Giesselmann, Ruzicka, Taylor and Wagner. The next scheduled meeting will be December 17, 2019 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date

STAFF REPORT
Dodge County Bldg. Insp. & Zoning Dept.
Meeting of November 19, 2019

Zoning Signs were placed on the property Thursday, November 14, 2019

Appendix Item # 26a
Date 12-4-2019

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

This was continued due to the incorrect range number being published. 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. Enclosed please find picture of grain bins that are across to the southwest of the request site.

James Marshall c/o Pathfinder Company

This property is located approximately 4 miles north of Highway 30 and 3 miles west of Fremont, NE on County Road 17 between County Roads Q and R. County Road 17 is maintained by the county. There is an acreage to the south side of County Road R and 17.

Respectfully submitted,



Jean Andrews,
Dodge County Zoning Administrator

Kevin Ortmeier



Kevin Ortmeier



James Marshall



James Marshall

