

Agenda Item # 27a
Date 8/26/20

**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, August 18, 2020 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Hansen, Rolf, Ruzicka, Taylor and Wagner. Absent: Giesselmann.

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

Chairman Brabec asked if ex-parte had been received. None were reported.

Motion was made by **Ruzicka** to accept the Minutes of the July 21, 2020 meeting as mailed. Seconded by **Hansen**. Motion carried by voice vote with the following voting yes: Fooker, Hansen, Rolf, Ruzicka, Taylor, Wagner and Brabec. Absent: Giesselmann.

Public Hearing: Consider request of Vaughn & Christine Gross-Rhode of 1219 County Road 4, North Bend, NE 68649 to subdivide a 5.42 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 33, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag.

Chairman Brabec declared the Public Hearing open.

For:

Christine Gross-Rhode was present to explain their lot split and conditional use request. She stated that their son was taking over the farming operation and would be living in the acreage. No board members had any questions regarding the proposal.

Against:

No one was present. Ruzicka asked if Andrews had received any communication. Andrews stated no.

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

Possible Action:

Motion was made by **Ruzicka** to recommend approval the lot split and conditional use request 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 and seconded by **Hansen**. Motion carried by roll call vote. Voting yes: Rolf, Ruzicka, Taylor, Wagner, Brabec, Fooker and Hansen. Absent: Giesselmann. The applicant was advised the County Board would hear their request on Wednesday, August 26, 2020 at 9:30 A.M.

Public Hearing: Consider request of Ryan Kuester of 1225 County Road B, Scribner, NE 68057 to obtain a Conditional Use Permit to operate a home occupation for Federal Firearms as per Article 13 Section 2. Conditional Uses 2.3 located in NW ¼ Section 12, Township 20 North, Range 6 East in Pebble Township, Zoning District A-2, General Ag.

Chairman Brabec declared the public hearing to be open.

Testimony:

For: Ryan Kuester was present to explain his request. He stated he had moved to 1225 County Rd B from Cuming County and in order to retain his license to sell and repair firearms, he was required to obtain a Conditional Use Permit. He stated that when he sells any kind of firearms, he obtains a background check on the purchaser. Ruzicka asked if he was licensed. Kuester stated yes. Brabec asked if there were any other homes close to the property. Andrews stated that there was a home to the northeast across the road and also one across to the northwest. Kuester stated he talked to one of his neighbors regarding the sign requesting the zoning action. Andrews asked if there was a home on the property. Kuester stated there was a home around the corner and down the hill and also a camper trailer in the machine shed.

Against:

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

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

Possible Action:

Motion to recommend approval of the Conditional Use request was made by **Taylor** 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 **Wagner**. Motion carried by roll call vote. Voting yes: Taylor, Wagner, Brabec, Fooker, Hansen, Rolf and Ruzicka. Absent: Giesselmann. The applicant was advised that the County Board would hear his request at Wednesday, August 26th, 2020 at 9:35 A.M.

Public Hearing: Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in N ½ NW ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag.

Chairman Brabec declared the public hearing to be opened.

Testimony:

For: Scott Nunn of NE-IA Agrinomics was present as well as Keith Kantor of the City Waste Water Treatment Plant and applicant, Clayton Wacker. Nunn explained that 10 ton per acre is spread on the land and comes out of the Fremont plant. Soil tests are done prior to being spread and also after. He stated normally in the 5-year time period, they spread the product once, but they are now planning on spreading it twice. After each spread, testing of the soil is done. He stated there is minimal odor.

Clayton Wacker spoke to say the product would be delivered near his home, stored until the crops are out and then it would be applied. Said he couldn't say much about it except it would be stored near his home.

Keith Kantor with the City of Fremont Waste Water Treatment Plant stated that the product is 25% solids, sets on the property until the crops are out and then spread. He went on to say this procedure had been done since 2004 and since that time, no one has ever complained about the material.

Larry Voss stated he had some questions regarding the material and about the near by water. He said his house was straight to the south of where they wanted to spread.

Kantor stated he maintains setbacks of 100 feet from any water wells and there is no leaching. Voss asked if they work it in. Wacker stated his ground was no-till. Kantor stated they have spread it on frozen ground in the past and they have hauled a lot of the product on no-till farm ground. Voss asked about the time frame for spreading it on the ground. Kantor stated it depended as to when they could obtain the commercial spreader. He stated they have ground in Saunders County and other locations so, it just depends on when they can get in line to spread. Voss stated that trucking is also involved.

Against:

Frank & Mary Oshel: Mary Oshel stated there is a waterway that comes within 40 feet of their house and is concerned about the run-off as it would not be far from their well.

Kantor stated there is no run-off of the product. Oshel asked how tall would the pile of material be. Kantor stated it would be approximately 6 feet tall, 40' wide x 60' long. Mary Oshel asked if there was a guarantee that it will not affect their well. Kantor stated there is no guarantee, but when we are inquiring about possible locations for the product, we identify all the water wells and areas. Nunn stated they will not be spreading it all the way to the south. Frank Oshel asked about the metals. Kantor stated they are certain about the metals as there is pre and post sampling of the soils. He added that EPA monitors our testing to ensure that the metals are at a minimum. Frank Oshel asked about the heavy ground. Kantor stated the product works well in heavy ground.

Rodney Frost of 1856 County Rd. 17, Ames commented on the product.

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

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 in which it is located. Seconded by **Taylor**. Motion carried by roll call vote. Voting yes: Brabec, Fooker, Hansen, Rolf, Ruzicka, Taylor and Wagner. Absent: Giesselmann. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, August 26th, 2020 at 9:40 A.M.

Public Hearing: Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NE ¼ SE ¼, SW ¼ SE ¼, Pt NW ¼ SE ¼, Pt SW ¼ NE ¼, TL 11 & Pt TL in Maple Township, Zoning District A-2, General Ag.

Chairman Brabec declared the public hearing open.

Testimony:

For: Scott Nunn with NE-IA Agrinomics, Keith Kantor and Clayton Wacker were present regarding the request for another parcel of ground requesting the Bio-Solids. Nunn stated again that they would be spreading 10 ton per acre and after the spread, the public would not be able to see any of the product.

Against:

No one spoke and no communication had been received.

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

Possible Action:

Motion to recommend approval of the Conditional Use request was made by **Taylor** and seconded by **Wagner** based on the Conditional Use Permit conforms to the intent and purpose of the regulations and the use conforms to the regulations of the district in which it is located. Motion carried by roll call vote. Voting yes: Hansen, Rolf, Ruzicka, Taylor, Wagner, Brabec and Fooker. Absent: Giesselmann. The applicant was advised the request would be heard by the Dodge County Board of Supervisors at the August 26th, 2020 meeting at 9:45 A.M.

With no further business **Rolf** moved to adjourn at 5:10 P.M. and seconded by **Ruzicka**. Motion carried: Hansen, Rolf, Ruzicka, Taylor, Wagner, Brabec and Fooker. Absent: Giesselmann. The next scheduled meeting will be September 15, 2020 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date

AGENDA
DODGE COUNTY PLANNING COMMISSION

Dodge County Planning Commission, Tuesday, August 18, 2020 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Declaration of Exparte
4. Approval of Minutes of July 21, 2020 Meeting

5. **Public Hearing:** Consider request of Vaughn & Christine Gross-Rhode of 1219 County Road 4, North Bend, NE 68649 to subdivide a 5.42 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 33, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag.

Testimony:
For:
Against:
Possible Action:

6. **Public Hearing:** Consider request of Ryan Kuester of 1225 County Road B, Scribner, NE 68057 to obtain a Conditional Use Permit to operate a home occupation for Federal Firearms as per Article 13 Section 2. Conditional Uses 2.3 located in NW ¼ Section 12, Township 20 North, Range 6 East in Pebble Township, Zoning District A-2, General Ag.

Testimony:
For:
Against:
Possible Action:

7. **Public Hearing:** Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in N ½ NW ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag.

Testimony:
For:
Against:
Possible Action:

8. **Public Hearing:** Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NE ¼ SE ¼, SW ¼ SE ¼, Pt NW ¼ SE ¼, Pt SW ¼ NE ¼, TL 11& Pt TL in Maple Township, Zoning District A-2, General Ag.

Testimony:

For:

Against:

Possible Action:

9. Other business brought to the board (By Published Addendum)

10. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON AUGUST 5, 2020. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC MEETING AND HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN, that public hearing of the Dodge County Planning Commission will be held during their regularly scheduled meeting, August 18, 2020 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, August 26, 2020 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following item:

1. Consider request of Vaughn & Christine Gross-Rhode of 1219 County Road 4, North Bend, NE 68649 to subdivide a 5.42 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2 Conditional Uses 4.2 Exemptions B. (1-3) located in NE ¼ NE ¼ Section 33, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag.
2. Consider request of Ryan Kuester of 1225 County Road B, Scribner, NE 68057 to obtain a Conditional Use Permit to operate a home occupation for Federal Firearms as per Article 13 Section 2. Conditional Uses 2.3 located in NW ¼ Section 12, Township 20 North, Range 6 East in Pebble Township, Zoning District A-2, General Ag.
3. Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in N ½ NW ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag.
4. Consider request of Clayton Wacker of 1753 County Rd. 17, Ames, NE 68621 to obtain a Conditional Use Permit to apply and store Bio-Solids as per Article 13 Section 2. Conditional Uses 2.18 in NE ¼ SE ¼, SW ¼ SE ¼, Pt NW ¼ SE ¼, Pt SW ¼ NE ¼, TL 11& Pt TL in Maple Township, Zoning District A-2, General Ag.

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.

STAFF REPORT
Dodge County Bldg. Insp. & Zoning Dept.
Meeting of August 18, 2020

Zoning sign was placed on the property Tuesday, August 11, 2020.

Vaughn & Christine Gross-Rhode

The property is located on County Road 4 and L approximately 3 miles west and 8 miles north of North Bend on a well-maintained county road. It has a nice ranch home with a good set of out buildings. The property is not in the flood plain.

Ryan Kuester

The property requesting the Conditional Use Permit to operate a Home Occupation for Federal Firearms is located at the intersection of County Road 12 and County Road B approximately ¾ miles east of US Highway 275 – 3 ½ miles east of Snyder and 1 ½ miles north on a paved road. The property has a nice machine shed and a fair home with other out buildings. The buildings set back behind a grove of mature trees, secluded. The property is not in the flood plain.

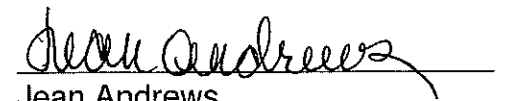
Clayton Wacker Request #1

The property requesting the Conditional Use to store and apply Bio-Solids is located in West Platte Township at the intersection of County Road S and 17 approximately 3 miles west and 2 miles north of Fremont. Currently, the farm ground is in beans. There is an acreage to the south of the ground.

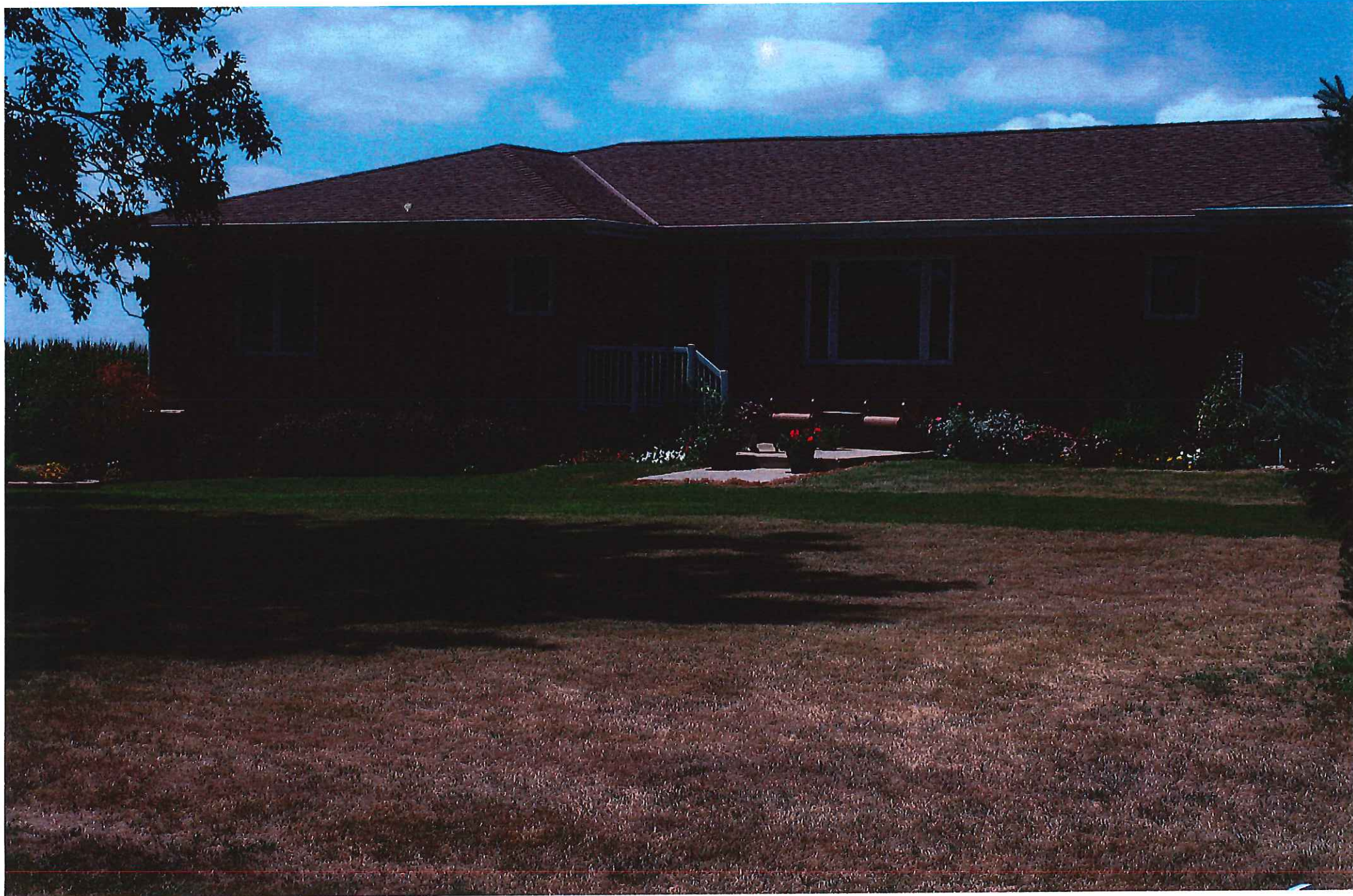
Clayton Wacker Request #2

The property is located off of County Road Q and east of County Road 16 approximately 3 ½ miles north and 3 ½ miles west of Fremont. The farm ground requesting the conditional use permit is not located adjacent to the county road. The farm ground is in beans and is south of a group of acreages.

Respectfully submitted,


Jean Andrews,
Dodge County Zoning Administrator

Gross-Rhode



Gross-Rhode



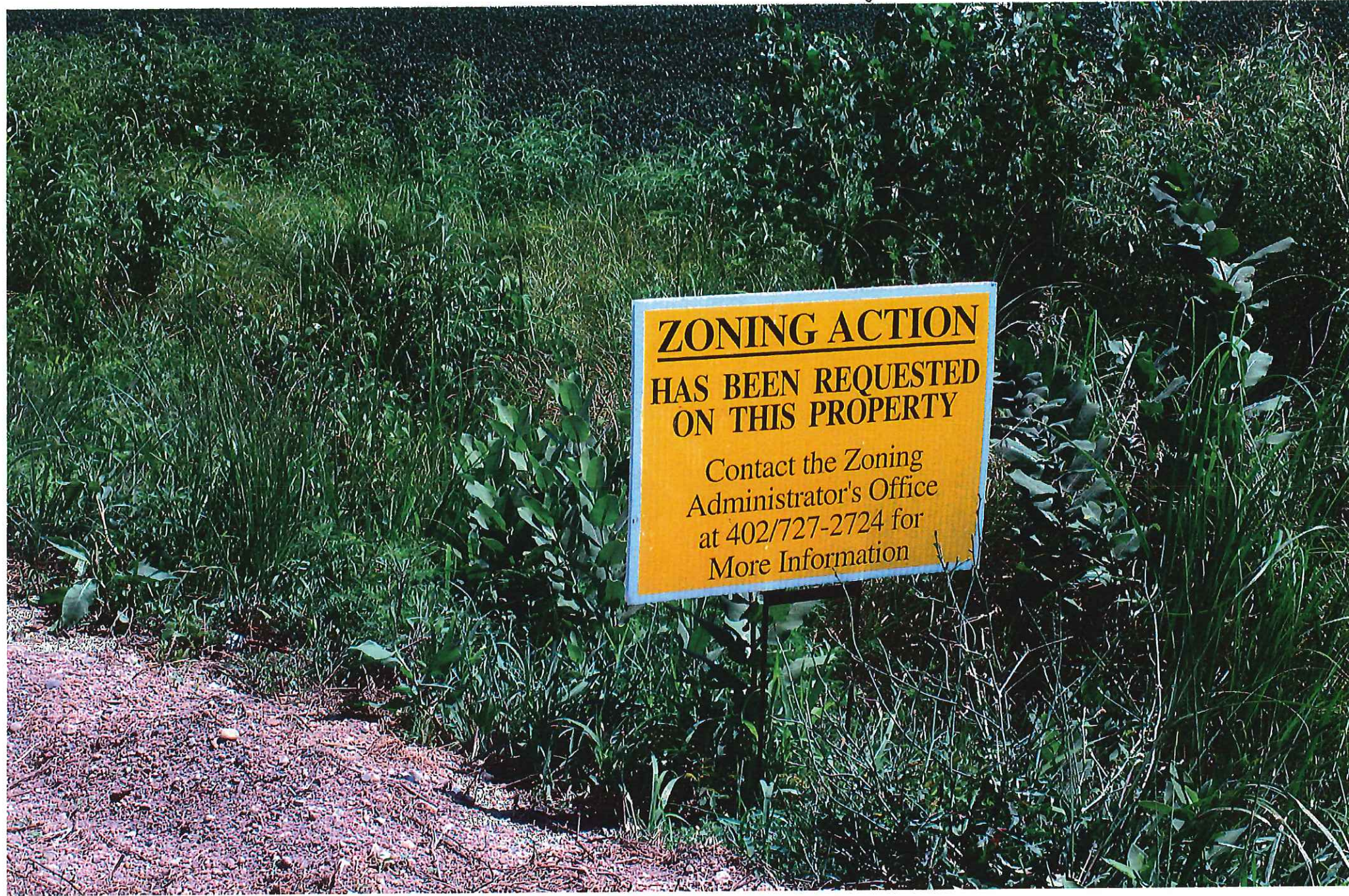
Ryan Hueter



Ryan Kuester



Clayton Wacker #1



Clayton Wacker #1



Clayton Wacker #2



Clayton Wacker #2

