

Agenda Item # 22b
Date 6/30/21

**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, June 15, 2021 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooker, Giesselmann, Hansen, Rolf and Ruzicka. Absent: Taylor, Wagner and Weitzenkamp.

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

Motion was made by **Fooker** to accept the Minutes of the April 20, 2021 meeting as mailed. Seconded by **Rolf**. Motion carried by voice vote with the following voting yes: Brabec, Fooker, Giesselmann, Hansen, Rolf and Ruzicka. Absent: Taylor, Wagner and Weitzenkamp.

Public Hearing: Consider request of Gary & Christopher Reimers of 350 21st Road, West Point, NE 68788 to obtain a Conditional Use Permit for a 5,000 Animal Unit Livestock Feeding Operation as per Article 12. Section 2. Conditional Uses 2.19 located in SE ¼ NW ¼ Section 6, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag District.

Chairman Brabec declared the public hearing to be open.

Testimony:

For: Christopher Reimers was present representing Gary requesting the conditional use permit for the livestock feeding operation. He stated the location is 4 miles south and 4 miles east of West Point. The 40 acres has been in the family and has a 99 year lease from his grandfather. Travis Casperson with Settje Agri Services presented the board with the services that they provide including construction management and zoning for just a few. He stated the firm has been in business since 1997. Their business is 97% livestock with 1500 customers.

Taylor answered the roll at 4:35 P.M.

Casperson gave a synopsis of their services, nutrient management, soil testing, phosphorous risk assessment and test every 5 years the irrigation water. The dead animal disposal is done by composting.

Against:

David Mitchell, Attorney was retained by Gary Hasemann, adjoining landowner. He testified that there was no public access to the property. He stated that the easement access was subject to land used by permission. Hasemann has not granted any access to trucks. He went on to say there was no electrical supply to the property and an easement would be needed for the utilities. He went on to say that a hog would produce 1 gallon of manure per day. The open pond storage of 365 days would run down hill to the neighbor properties. There also is no road to turn around.

No questions were asked by the board.

Gary Hasemann of 105 E. 2nd, Snyder, NE testified that he purchased the property to the north back in 2012. He talked to Gary Reimers who said he wanted to be a good neighbor and farming is no problem. The access to the property might be in there 4 to 5 times per year. He didn't have any issue in the past. If there was an easement, they would have to have a regular road. The winter snow would plug up the road and doesn't want the snow piled on his property. He stated that there was an agreement not an easement. He went on to say that back in 1956, there was a friendly agreement signed with \$1.00. He was concerned with the drainage from the buildings with the water running to other properties. As far as the electrical, he contacted the power districts. They would have to put the electrical underground and the electrical would have to have an easement. Don't know if any of them would do that.

Weitzenkamp answered the roll at 4:45 P.M.

Weitzenkamp asked who owned the other hog livestock feeding operation. Hasemann stated it was Devon Ortmeier with 2400 head. He went on to say that this property is landlocked.

Brabec asked where do you live from the property. Hasemann stated his property was 1 mile as the crow flies.

Devon Ortmeier testified that he has 2400 and has concerns of the 12,500 head a little more than ½ mile from him. He stated it was really difficult for him to come to the board. He stated he didn't know how to control diseases.

Fooker as how far away to control disease. Ortmeier stated he could not answer that.

Ruzicka asked Reimers why he chose such a large number. Reimers stated it constitutes the investment.

Claudia Terkilsen of 1375 County Road A, Scribner asked with 2 hog confinements and pivots, how long will it be before she has to redo her well and how will they affect her property taxes. Andrews stated we didn't have any expertise regarding the taxes.

Gary Hasemann asked if Reimers had any other place the hog confinement could be placed? Reimers stated that other properties were in the flood plain.

Jim Pribnow of 1517 County Road A, Scribner, NE stated he farms most of the property and the easement is not graded. He stated he mows it and is 20 feet wide. He stated the agreement did not carry on. He was appalled about the lagoon system, not good for hogs.

Bill Luebert stated he lives a ¼ mile north of the proposed facility and knows Chris. He stated this is not a family farm setup and said that Chris was an investor. This is commercial property. He went on to say that Marvin Cutman has a residence a strong ½ mile from the proposed facility and was concerned with the smell. He stated he did not want this in their neighborhood.

Henry Zach of Settje Agri-Systems stated this facility was different in the means of how hog manure is handled. He stated that the solid separator will separate the liquids from the solid material. They will not be hauling the liquids from the facility. **Rolf** asked where the solids will be stored. Zach stated it would be stored in a building. Rolf asked if the solids would be stored all the time? Zach stated yes.

David Terkildsen stated the area is landlocked. The water will run off onto the adjacent farm ground and will run even faster with the buildings on the property. **Casperson** with Settje stated it would be clean water as they can not have a waste water run off from the site as it was a violation of federal and state regulations.

Rolf asked if the lagoon would be lined. **Casperson** stated it was clay-based lined to pass the NDEE standards. The Matrix met the setback with 30 points and the separator is state of the art technology.

Fooker asked when you engineer a property, do you look into the proximity of other buildings? **Casperson** stated yes. The regulations do not regulate that.

Ruzicka asked what the setback was. 1980 feet. The Cutman residence is ¾ of a mile away.

Mitchell asked how many gallons does the holding pond hold. **Casperson** stated it holds 7.8 million gallons. Mitchell stated he wanted the permit denied.

Ruzicka stated that there was still the easement problem. **Reimers** stated they looked thru the abstract with the interpretation there was a 20-foot easement. He stated that Cuming County Public Power stated there was room to run the power along the road.

Brabec stated that when you purchased the land, an abstract title insurance should show that you have access. **Reimers** stated he visited with attorney to verify the easement.

Motion to close the hearing was made by **Ruzicka** and seconded by **Fooken**. Motion carried by voice vote. All present voted yes.

Possible Action:

Motion was made by **Weitzenkamp** and seconded by **Ruzicka** to recommend approving 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. Motion carried by roll call vote. Those voting yes: Fooken, Giesselmann, Hansen, Rolf, Ruzicka, Taylor, Weitzenkamp and Brabec. Absent: Wagner. Mr. Reimers was advised the Dodge County Board of Supervisors will hear the request on June 30, 2021 at 9:30 A.M.

Public Hearing: Consider request of Patricia Taylor of 2056 County Rd 13, Ames, NE 68621-2133 to obtain a Conditional Use Permit for a borrow pit for 20626A US-30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in NW ¼ NE ¼ Section 5, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag District.

Chairman Brabec declared the hearing to be opened.

Testimony:

For: **Justin Taylor**, was present for Patricia Taylor, mother, requesting the conditional use permit to create a borrow pit for the S road project that approaches his mom's ground. Ruzicka asked about the water on it. Taylor stated it would be at least 15 to 20 feet deep and would de-water it. He stated that the sand was what Valley Corp wanted. He went on to say the title was transferred to Valley Corp and then back to his mother. He added that when they do the de-watering, pipe will run the water over to the Cutoff ditch. **Tanner Almerly** of Valley Corp. stated they would excavate 400,000 cubic yards from this property.

Against:

No one spoke and no written communication had been received.

Motion to close the public hearing was made by **Ruzicka** and seconded by **Hansen**. Motion carried by voice vote. All present voted yes. Absent: Wagner.

Possible Action:

Motion to recommend approval of the Conditional Use Permit was made by **Ruzicka** 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 **Giesselmann**. Motion carried by roll call vote. Those voting yes: Giesselmann, Hansen, Rolf, Ruzicka, Weitzenkamp, Brabec and Fooken. Taylor abstained. Absent:

Wagner. Mr. Almery was advised the County Board would hear the request at the June 30th, 2021 meeting at 9:35 A.M.

Public Hearing: Consider request of Stebet Properties, LLC of 5290 W. Arid Canyon Dr., Marana, AZ 85658-4067 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in W ½ SW ¼ Section 25, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag District.

Chairman Brabec declared the Public Hearing opened.

Testimony:

For: **Tanner Almery** representing Valley Corp was again present to explain the Stebet Properties request. **Ruzicka** asked how many acres. Almery stated 25 acres in the northeast corner of the section.

Jack Aspy asked how deep and how close. Almery stated it would have a 100-foot maximum setback and would replace the terracing.

Against:

No one was present and no communication had been received.

Motion to close the hearing was made by **Ruzicka** and seconded by **Weitzenkamp**. Motion carried by voice vote. All members present voted yes. Absent: Wagner.

Possible Action:

Motion was made by **Giesselmann** and seconded by **Weitzenkamp** to recommend approval of the Conditional Use Permit based on the Conditional Use conforms to the intent and the purpose of the regulations and the use conforms to regulations of the district which it is located. Those voting yes: Hansen, Rolf, Ruzicka, Taylor, Weitzenkamp, Brabec, Fooker and Giesselmann. Absent: Wagner. Again, Mr. Almery was advised the County Board would hear his request at the June 30th, 2021 meeting at 9:40 A.M.

Public Hearing: Consider request of Breakwater LLC of 28001 Ida Cir, P.O. Box 589, Valley, NE 68064 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 14, Section 2. Conditional Uses 2.4 located in S ½ NE ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-3, Transitional Ag District.

Chairman Brabec declared the public hearing open.

Testimony:

For: **Tanner Almery** of Valley Corp was present to explain the third request. **Ruzicka** asked how many acres for this request. Almery stated 20 acres.

Against:

No one was present and no verbal or written communication had been received.

Motion to close the hearing was made by **Rolf** and seconded by **Taylor**. Motion carried by voice vote. Absent: Wagner.

Possible Action:

Motion to recommend approval was made by **Giesselmann** and seconded 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. Those voting yes by roll call vote: Rolf, Ruzicka, Taylor, Weitzenkamp, Brabec, Fooker, Giesselmann and Hansen. Absent: Wagner. Mr Almery was advised the County Board would hear his request on Wednesday, June 30th, 2021 at 9:45 A.M.

With no further business **Rolf** moved to adjourn at 6:00 P.M. and seconded by **Taylor**. Motion carried: Ruzicka, Taylor, Weitzenkamp, Brabec, Fooker, Giesselmann, Hansen and Rolf. Absent: Wagner. The next scheduled meeting will be July 20th, 2021 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 June 15, 2021

Zoning sign was placed on the property Thursday, June 10, 2021

Gary & Christopher Reimers

The property is located off of County Road 14 approximately ¼ mile south of the Cuming and Dodge County line 5 miles north of Scribner.

Patricia Taylor

Property is located along County Road S east of County Road 14 in West Platte Township approximately 5 miles west and 1 mile north of Fremont, NE. The ground lies near the proposed S Highway.

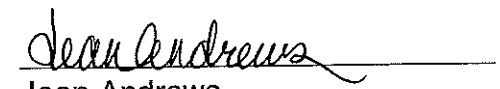
Stebet Properties

The property is located approximately 3 miles north of Highway 30 and 1 mile west of Fremont on County Road R between Roads 18 and 19 in Maple Township. The ground is located on the east side of the road where a hill will be cut down.

Breakwater LLC

Property is located on County Road 18 approximately ½ mile north of County Road T 2 miles west of Fremont, NE. The dirt removal has already started as you can see by the picture.

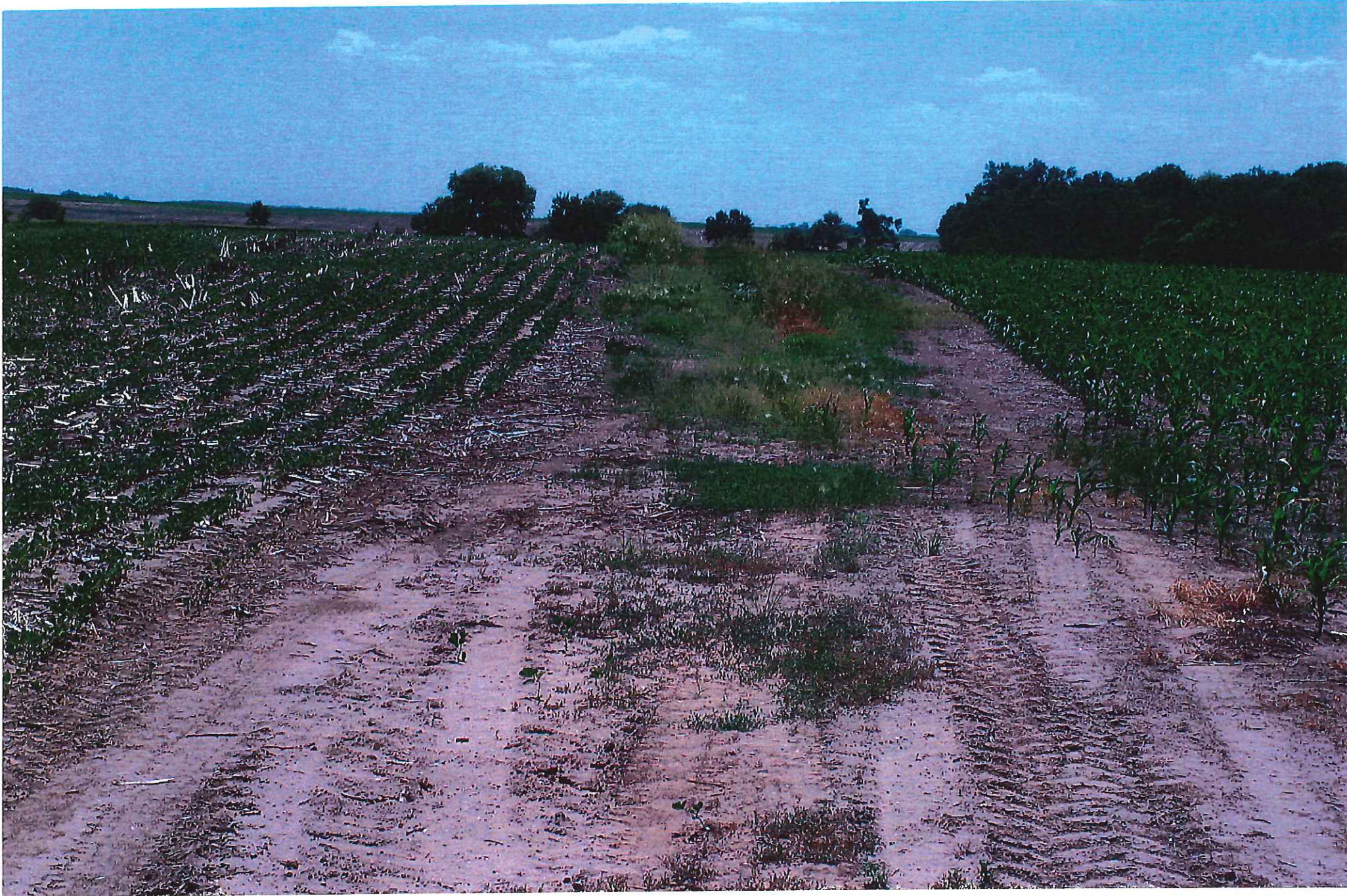
Respectfully submitted,


Jean Andrews,
Dodge County Zoning Administrator

Reimers



Reimers



Stebel Properties



Breakwater LLC



Patricia Taylor



AGENDA
DODGE COUNTY PLANNING COMMISSION

Dodge County Planning Commission, Tuesday, June 15, 2021 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M – Roll Call
2. Declaration of Open Meeting and Legality
3. Declaration of Exparte
4. Approval of Minutes of April 20, 2021 Meeting

5. **Public Hearing:** Consider request of Gary & Christopher Reimers of 350 21st Road, West Point, NE 68788 to obtain a Conditional Use Permit for a 5,000 Animal Unit Livestock Feeding Operation as per Article 12. Section 2. Conditional Uses 2.19 located in SE ¼ NW ¼ Section 6, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag District.

Testimony:

For:

Against:

Possible Action:

6. **Public Hearing:** Consider request of Patricia Taylor of 2056 County Rd 13, Ames, NE 68621-2133 to obtain a Conditional Use Permit for a borrow pit for 20626A US-30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in NW ¼ NE ¼ Section 5, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag District.

Testimony:

For:

Against:

Possible Action:

7. **Public Hearing:** Consider request of Stebet Properties, LLC of 5290 W. Arid Canyon Dr., Marana, AZ 85658-4067 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in W ½ SW ¼ Section 25, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag District.

Testimony:

For:

Against:

Possible Action:

8. **Public Hearing:** Consider request of Breakwater LLC of 28001 Ida Cir, P.O. Box 589, Valley, NE 68064 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 14, Section 2. Conditional Uses 2.4 located in S ½ NE ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-3, Transitional Ag Distric.

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 JUNE 4, 2021. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC 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 special meeting, June 15, 2021 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, June 30, 2021 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 items:

1. Consider request of Gary & Christopher Reimers of 350 21st Road, West Point, NE 68788 to obtain a Conditional Use Permit for a 5,000 Animal Unit Livestock Feeding Operation as per Article 12, Section 2. Conditional Uses 2.19 located in SE ¼ NW ¼ Section 6, Township 20 North, Range 7 East in Cuming Township, Zoning District A-1, Intensive Ag District.
2. Consider request of Patricia Taylor of 2056 County Rd 13, Ames, NE 68621-2133 to obtain a Conditional Use Permit for a borrow pit for 20626A US-30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in NW ¼ NE ¼ Section 5, Township 17 North, Range 7 East in West Platte Township, Zoning District A-2, General Ag District.
3. Consider request of Stebet Properties, LLC of 5290 W. Arid Canyon Dr., Marana, AZ 85658-4067 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 13, Section 2. Conditional Uses 2.5 located in W ½ SW ¼ Section 25, Township 18 North, Range 7 East in Maple Township, Zoning District A-2, General Ag District.
4. Consider request of Breakwater LLC of 28001 Ida Cir, P.O. Box 589, Valley, NE 68064 to obtain a Conditional Use Permit for a borrow pit for 20626A US 30, North Bend to Fremont as per Article 14, Section 2. Conditional Uses 2.4 located in S ½ NE ¼ Section 2, Township 17 North, Range 7 East in West Platte Township, Zoning District A-3, Transitional Ag District.

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.