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, July 17, 2018 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Fooken, Hansen, Rolf, Schole and Taylor. Absent: Gieselmann, Ruzicka and Wacker.

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

Motion was made by Fooken to accept the Minutes of the June 19, 2018 meeting as mailed. Seconded by Hansen. Motion carried by voice vote with the following voting yes: Fooken, Hansen, Rolf, Schole, Taylor and Brabec. Absent: Gieselmann, Ruzicka and Wacker.

Public Hearing: Consider request of Michael J. & Jane M. Ortmeier of 1237 County Road 5, North Bend, NE 68649 to obtain a Conditional Use Permit for a new Livestock Feeding Operation (Poultry) 2850 Animal Units as per Article 12, Conditional Uses Section 2.19 located in SE 1/4 Section 26, Township 19 North, Range 5 East in Pleasant Valley Township, Zoning District A-1, Intensive Ag

Chairman Brabec declared the Public Hearing open.

Testimony:
For: Michael Ortmeier was present to present the request. He stated he has a young son, a sophomore in college and a daughter who is a junior in North Bend. He stated they didn't farm much ground. He said he talked his neighbors except for Eric Johnson.

Walt Schafer, Chief Operating Officer for Lincoln Premium Poultry stated that the Ortmeiers family told him what the company is looking for. The Ortmeiers want to deferify and keep the young kids home. He stated that the project is moving along and knows that not everyone agrees with the project. He stated he was a chicken grower himself near a residential area which is around his barns on the eastern shore of Maryland. He stated that potential grower families visited his operation and left with a commitment to proceed. Mr. Schafer stated there are unfounded fears of smell and brown clouds of dust. He went on to say they hold their producers to a very higher standard. Premium Poultry will supply them with the knowledge of new technology.
Andy Scholting with Nutrient Advisors stated the proposal was for 6 barns with 3/8 mile setback. DEQ visited the site and stated no permit was required. Lincoln Premium Poultry requires the producer to make application to DEQ after the application is approved. He stated that the Matrix totaled 113 points even though only 75 points was required. He stated no deep pits or liquid. He went on to say the prevailing winds are out of the southeast. The site is north and has excellent clay base with the runoff to the southwest corner. He went on to say it is 128 feet to static water. He went on to say a nutrient management plan is in place. Rolf asked what containment would slow down the runoff. Scholting stated there would be drainage piping plan – 1 to the east, west and south.

No other questions were asked by the board.

Against:

Brad Holtof, Attorney representing Eric Johnson, resident northwest of the proposed 6 barns was present to say that Eric supports agriculture. He is particularly concerned about the 4 young children from ages 4 to 11 and the air quality from the proposed poultry barns. He went on to say that Eric Johnson was not notified of the application. He stated that a greater area in these cases should be notified. Andrews stated that under our current regulations, the office is not required to go out that far to notify them. She went on to say that signs are put at the site where the traveling public can contact the office for information. Mr. Holtof stated that there is already a hog confinement system in the area and that there are 6 barns plus the 6 barns that are in the same area. He went on to state that the application stated it was in the SW ¼ SW ¼ of the section. Andrews stated that it was a typo but that the map showed the site to be in the SE ¼ which was in the public notice. Mr. Holtof also stated that Johnson had odor concerns. Nutrient Advisors presented a document regarding the 96% Odor Footprint Setback. (A copy of this is included with these minutes.) All the air is going to be on the westside and it is definitely their concern. He asked about landscaping of trees on the north and west side of the operation.

Brad Fooken stated he shared their concern about density and that at the state level something should be put in place. Holtof stated he was also concerned with density.

No one else spoke against the application.

Motion to close the public hearing was made by Fooken and seconded by Hansen.

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 Taylor.
Motion carried by roll call vote. Those voting yes: Rolf, Schole, Taylor, Brabec, Fooken
and Hansen. Absent: Gieselmann, Ruzicka and Wacker. The applicant was advised the County Board of Supervisors would hear their request on Wednesday, August 1, 2018 at 9:30 A.M.

**Public Hearing:** Consider request of Platte River Seeds, Inc – Tim Chapman of 1037 E. 23rd St. Fremont, NE 68025 to obtain a Conditional Use Permit to extract fill dirt for new highway by Nebraska Dept. of Transportation as per Article 13 Section 2. **Conditional Uses** Section 2.5 and Section 25 Supplemental Regulations Section 17 located in West 1/4 Section 2, Township 17 North, Range 6 East in South Cotterell Township, Zoning District A-2, General Ag.

Chairman Brabec declared the public hearing to be open.

**Testimony:**

**For:** Luke Ridder with Hawkins Construction was present as well as Tim Chapman. Ridder stated that Hawkins Construction was awarded the contract to pave the next ten miles of new Highway 30. He stated that approvals come from the state, NDEQ and Army Corp of Engineers. It is a 2-year job from west to east to be complete by 2020. Rolf asked if the borrow pit would be used next year? Ridder stated yes. Rolf asked if they would maintain the county road while they were using the borrow pit? Ridder stated that Hawkins would maintain the road.

No one else spoke in favor of the proposal.

**Against:**

**Renee Rasmussen** stated she had questions regarding the affect this borrow pit would have on their septic and well especially nitrate issues. Brabec asked how far the house will be from the pit. Rasmussen stated the well is right across. The house was 30 to 40 feet directly across. Rolf asked if some dirt could be left so that they are not affected. Ridder stated that Hawkins is required to have SWIPT inspections and must capture all the storm water runoff. An embankment will be placed around the area approximately 6 feet wide and 3 foot deep with a 2-1 excavation. Taylor asked how long the process would take. Ridder stated all of next year and partially 2020. Rasmussen stated her biggest concern in the end who will be governing this project. Ridder stated they are required to replace topsoil around it. Andrews asked if Mrs. Rasmussen and Hawkins could not come to some kind of agreement regarding a setback.

No one else spoke against the proposal.

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

**Possible Action:**
Motion to approve the request for the Conditional Use Permit was made by Rolf to have a 250 foot buffer between the well and the embankment and seconded by Fooken, 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: Taylor, Brabec, Fooken, Hansen, Rolf and Schol. Absent: Giesselmann, Ruzicka and Wacker. Mr. Ridder was advised the County Board would hear his request at 9:35 A.M. on Wednesday, July 3, 2018.

Public Hearing: Consider request of Harry Beller of 4860 33rd Ave., Columbus, NE 68601 to obtain a Lot Split and Conditional Use Permit to subdivide a 5.0 acre tract of land as per Article 13, Section 2. Conditional Uses Section 2.1 and to extract fill dirt for new highway by Nebraska Dept. of Transportation as per Article 13 Section 2. Conditional Uses Section 2.5 and Section 25 Supplemental Regulations Section 17 located in part of North ½ of NW ¼ Section 10, Township 17 North, Range 5 East in South Union Township, Zoning District A-2, General Ag.

Chairman, Brabec declared the public hearing to be open.

Testimony:
For: Luke Ridder with Hawkins Construction was present to explain their request representing Harry Beller, owner of the property. Ridder stated that Beller wanted to retain the quonset and approximately 5 acres next to the road. He went on to say that the BNSF Railroad still needs to sign off on the property. Ridder stated there is a well 50 feet north of the Beller property. Rolf asked if Beller would retain the acreage. Ridder stated yes.

Andrews stated that since she didn’t have a legal original survey for the 6.668-acre acreage, the survey could not be filed with the Register of Deeds after the county board would possibly approve the request. Ridder stated he would present Andrews with the survey when everything is complete.

Against: No one spoke and no written communication was received.

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

Possible Action:
Motion to recommend approval of the Lot Split and Conditional Use Permit was made by Taylor and seconded by Hansen 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, Hansen, Rolf, Schol, Taylor and Brabec. Absent: Giesselmann, Ruzicka and Wacker. Mr. Ridder was advised to appear at the County Board meeting on Wednesday, August 1, 2018 at 9:40 A.M.
With no further business Schole moved to adjourn at 5:20 P.M. and seconded by - 
Hansen. Motion carried: Fooken, Hansen, Rolf, Schole, Taylor, and Brabec. Absent: 
Giesselmann, Ruzicka and Wacker. The next scheduled meeting will be August 21, 
2018 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date
Zoning Signs was placed on the property Wednesday, July 11, 2018

Michael J & Jane M. Ortmeyer

The property is located on County Rd. 23 approximately 8 miles north and 1 mile west of North Bend, NE on County Road 6 and just north of County Road L. The barn will be located in a hilly area to the north of the road. It is approximately 1 mile east of the hog facility owned by Ortmeyer. The closest property owner is approximately .4 of a mile east which is owned by Jim Spath.

Platte River Seeds, Inc. – Tim Chapman

This property is located on County Road 11 approximately 3 miles east and 1 mile north of North Bend and US Highway 30. The prospective borrow pit should not affect any property owners. There is a residence just south on the west side of the road that would be the closest property.

Harry Beller

The property is located approximately 2 ½ miles west of North Bend on County Road 4 just south of Highway 30. The 5-acre lot split has a quonset on the property and is south of the area where a borrow pit would be located. There are no close residences.

Respectfully submitted,

[Signature]
Jean Andrews
Dodge County Zoning Administrator