

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes February 22, 2017

Agenda Item 1 – Call to Order

A meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey at the Nance County Courthouse in Fullerton, Nebraska on Wednesday, February 22, 2017 at 6:00 p.m. Meeting notice was given by publication in the February 8, 2017 edition of *The Nance County Journal* and the February 15, 2017 edition of *The Genoa Leader-Times*, and an agenda was made available at the office of the Zoning Administrator and on the Zoning website. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Pat Connelly, John Cieloha, Brett Houtby, Delmer Wondercheck, Galen Frenzen, and new member Shane Czarnick. Arriving after the public hearings were Lynn Belitz and Roy Guisinger. Also present were Board of Supervisors members Tim Cornwell and Darren Nelson.

Agenda Item 3 – Minutes

Minutes from the November 21, 2016 meeting had been mailed in advance and were briefly reviewed. Connelly made a motion to approve the minutes as presented. Seconded by Wondercheck. Ayes: Cieloha, Connelly, Frenzen, Wondercheck, and Delancey. Abstentions: Houtby and Czarnick. Nays: 0. Absent: 2. Motion carried.

Agenda Item 4 – Public Hearings

- a. Ulrich Liesch's application for a CUP to erect a second home on his farmstead in Nance County at NW¼ 11-17-6 in Cedar Township

Present were Ulrich and Carol Liesch. Baldrige had mailed hearing notice to all landowners within 1,000 feet of this quarter section, and none called or wrote to offer any comments or concerns.

The Commissioners reviewed Article 12, Section 3.2A of the Nance County Zoning Regulations. It states:

More than one (1) dwelling or mobile home may be permitted by conditional use on an agricultural operation provided the residence is an accessory use to an agricultural operation and under the same ownership as the existing dwelling(s) or mobile home(s). These provisions shall remain with the land and residences even upon a change in ownership. Upon new ownership, both dwellings must remain under single ownership and as part of an agricultural operation, or the accessory residence must be moved, converted, or destroyed. (*amended 8/10/10*)

They also reviewed the definition of "agricultural operation" as written in the Zoning Regulations:

. . . shall mean a farmstead of twenty (20) acres or more which produce one thousand dollars (\$1,000) or more of farm products each year. (Also see Farm.)

The Liesches talked about their plans for well and septic at the new home. Penne Well Drilling has provided a quote for installation of a new 1,000 gallon septic tank, and he advised the Liesches to tie-in to their existing well.

After brief discussion, Frenzen made a motion to recommend approval of the CUP to the Board of Supervisors. Seconded by Wondercheck. Roll call vote: all ayes, no nays, 2 absent, motion carried.

- b. Doug Russell Jr.'s application for a CUP to spread Soil Builder I & II from Hall County on land in Nance County at SE¼ 27-16-7 in Loup Ferry Township, at N½ 10-16-5 in East Newman Township, and at Pt. NW¼ 8-15-8 in Cottonwood Township



Nance County Planning and Zoning Minutes



Doug Russell Jr. was present to describe his proposal. Chris Cunningham was present from the public to learn more about Soil Builder. Baldrige had notified all landowners within 1 mile of each of the properties named in the legal descriptions above, and only one responded, but then did not follow-up on his inquiry.

Discussion:

Property owner: Russell Valley Farms: SE¼ 27-16-7 in Loup Ferry Township

Proposal: Receive this spring, stockpile up to 1 week, spread on 40 +/- acres, no incorporation

Haul route: Probably east on Valley Rd. from Palmer

Doesn't want to incorporate because he ridge-tills there, he's already made the rows with GPS, it's by his dad's house so there won't be an odor objection, and leaving SB I&II on top of the ground brings the phosphate levels way up. He plans to plant approximately 3 weeks after spreading. If he doesn't have time to get to it this season, he would appreciate it if this permit allowed him to do it next season.

Property owner: Bob Voichoskie: N½ 10-16-5 in East Newman Township

Proposal: Receive this spring, stockpile up to 1 week, spread on 80 +/- acres, incorporate

Haul route: Probably north on 310th and 320th

Finishing here what they weren't able to get done last year. Plans to work this location first.

Dale Russell: Pt. NW¼ 8-15-8 in Cottonwood Township

Proposal: Receive late this summer, stockpile up to 1 week, spread on 27 +/- acres, incorporate

Haul route: Probably east on 595th from Palmer

Originally requested a 30-day stockpile, but revised his request to 1 week. Plans to work this location second.

Frenzen made a motion to recommend approval of this CUP to the Board of Supervisors with the conditions proposed by Russell, and with the added provision that the permit be valid for both the 2017 and 2018 cropping seasons so that Russell can apply SB I&II at all stated locations even if time and/or product runs out this year. Seconded by Connelly. Roll call vote: all ayes, no nays, 2 absent, motion carried.

Agenda Item 5 – New Business

- a. Livestock: Nance County vs. NDA Matrix vs. old LFC numbers
Adopt Matrix? Revisit LFC designation?

Commissioners reviewed the differences in AFO setbacks for Nance County, the Dept. of Ag's recommendations, and the old (obsolete) LFC recommendations. After considerable discussion around those numbers, the Dept. of Ag's AFO siting matrix, and the pros and cons of LFC designation, Frenzen made a motion to:

- 1) Have Baldrige work-up adjustments to our current setbacks at the higher AU counts, while leaving the lower AU setbacks alone, and then bring them to the Zoning Commission for discussion;
- 2) Have the Zoning Commission look at the Dept. of Ag's siting matrix in detail and consider whether or not to adopt it; and
- 3) Encourage the Board of Supervisors to seek the state's LFC designation once we've decided as a county on numbers 1 and 2.

Seconded by Czarnick. Ayes: Belitz, Cieloha, Connelly, Frenzen, Houtby, Czarnick, and Delancey. Nays: Guisinger and Wondercheck. Motion carried.



Nance County Planning and Zoning Minutes



Agenda Item 6 – Administrative Business

- a. Zoning permit issuance -- Process when errors are discovered: Informal discussion held.
- b. Elect 2017 Chair and Vice Chair

Connelly made a motion to re-elect Delancey as Chair. Wondercheck seconded. Frenzen made a motion to cease nominations and cast the vote. Seconded by Houtby. Roll call votes: 8 ayes, no nays, 1 abstention by Delancey, motion passed.

Frenzen made a motion to re-elect Cieloha as Vice-Chair, cease nominations, and cast the vote. Seconded by Houtby. Roll call vote: 8 ayes, no nays, 1 abstention by Cieloha, motion passed.

Agenda Item 7 – Next Meeting

The next meeting will be called as needed.

Agenda Item 8 – Adjourn

Frenzen made a motion to adjourn the meeting. Seconded by Houtby. Motion carried.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson