

# NANCE COUNTY PLANNING AND ZONING COMMISSION

## Meeting Minutes May 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 Monday, May 22, 2017 at 7:00 p.m. Meeting notice was given by publication in the May 10, 2017 editions of *The Nance County Journal* and *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 posted in the Supervisors' meeting room.

### Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Pat Connelly, Delmer Wondercheck, Lynn Belitz, and Roy Guisinger. Arriving after the minutes were approved was Brett Houtby. Excused from the meeting were John Cieloha and Shane Czarnick. Absent was Galen Frenzen.

### Agenda Item 3 – Minutes

Minutes from the April 17, 2017 meeting had been mailed in advance and were briefly reviewed. Wondercheck made a motion to approve the minutes as presented. Seconded by Connelly. Ayes by roll call: 5. Nays: 0. Absent: 4. Motion carried.

### Agenda Item 4 – Public Hearings

- a. Ziembra Family Farms' application for a Conditional Use Permit to spread manure from outside of Nance County on land in Nance County at Pt. NE $\frac{1}{4}$  27-16-4 and SE $\frac{1}{4}$  22-16-4 in Prairie Creek Township

Thad Ziembra was present to discuss the Ziembra Family Farms application. The product is manure from a cow-calf operation in Platte County. It has actually already been spread on approximately 10 acres at Pt. NE $\frac{1}{4}$  27-16-4, as no one from the operation was aware that a permit was required to spread manure in Nance County. The CUP application is sought retroactively (and for the future) for that location, and it is sought for future plans to spread manure from outside of Nance County on approximately 153 acres in the SE $\frac{1}{4}$  22-16-4.

After brief discussion, Connelly made a motion to recommend approval of the CUP to the Board of Supervisors without added conditions. Seconded by Wondercheck. Ayes by roll call: 6. Nays: 0. Absent: 3. Motion carried.

- b. Consideration of amendments to Nance County's Zoning Regulations related to:

- i) Livestock feeding operations / AU setbacks

Baldrige presented the Commission with AFO setback numbers for adjacent counties, as well as a possible revision to setbacks for Nance County that: takes into account what neighboring counties have done; creates 7 classes of AFO instead of 3; and removes the distinction between ECH and Open Lot operations. Members discussed those changes and the odor footprint tool used by some counties. They asked Baldrige to get more information on the tool and to put this item on the agenda again as a public hearing at the next meeting.

- ii) Whether or not to adopt the Nebraska Animal Feeding Operation Siting Matrix

Baldrige and the Commissioners discussed the Siting Matrix and the scoring system line-by-line. The Commissioners will likely recommend that the County adopt the Matrix after making some revisions, but first they want Baldrige to look into what triggers the need for a DEQ permit, and to put this item on the agenda again as a public hearing at the next meeting.



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### iii) Authorization of administrative approval process for manure applications

Nance County doesn't require a CUP for producers to haul and spread manure within the County, and for years various members of various boards have thought we should change the regulation that requires a CUP to bring manure from outside of the County into the County. Since the only concern the County really seems to have is the haul route, Baldrige suggested that permits for manure from outside the County be treated the same as we now treat the Lot Split process: that we remove the public hearing requirement, remove the Zoning Commission from the process, and have just the Board of Supervisors review these requests. After brief discussion, Wondercheck made a motion that we recommend to the Board of Supervisors the above changes to the Zoning Regulations. Seconded by Houtby. Ayes by roll call: 6. Nays: 0. Absent: 3. Motion carried.

### iv) Late fees/penalties for failure to obtain a permit

Baldrige told the Commissioners about the fines imposed by some of our neighboring and nearby counties for construction that begins before obtaining a permit, and for product that is hauled to the County prior to obtaining a permit. As in years past, the Commissioners don't think we should start imposing fines. Sometimes people abuse the system, but for the most part, things seem to be working as they should.

### Agenda Item 5 – Other

None.

### Agenda Item 6 – Next Meeting

The next meeting will be Monday, June 26, 2017 at 7:00 p.m. (instead of the usual third Monday).

### Agenda Item 8 – Adjourn

Connelly made a motion to adjourn the meeting. Seconded by Wondercheck. There were no objections.

**SUBMITTED BY:**

**AFFIRMED BY:**

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Commission Secretary

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Commission Chairperson