

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes February 22, 2016

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, February 22, 2016 at 6:00 p.m. Meeting notice was given by publication in the February 10, 2016 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.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Roy Guisinger, Lynn Belitz, Brett Houtby, and Pat Connelly. Excused from the meeting were Galen Frenzen and John Cieloha. Arriving late (during the public hearing) was Delmer Wondercheck.

Agenda Item 3 – Minutes

Minutes from the September 21, 2015 meeting had been mailed in advance and were briefly reviewed. After some discussion about Item 5b in the minutes, Guisinger made a motion to approve the minutes as presented. Seconded by Belitz. 6 ayes, 0 nays, 3 absent. Motion carried.

Agenda Item 4 – Public Hearing

Rod Wetovick's application for a Conditional Use Permit to apply Soil Builder I & II from Hall County on land in Nance County at Pt. SW¼ 2-15-6 and Pt. NE¼ 15-15-7 in West Newman Township.

Wetovick explained that the SW¼ 2-15-6 is directly north of the Christensen feedlot. He had a CUP at that location in the past for a compost test site, and there were no complaints. Because of the proximity to the feedlot, he doesn't believe this current application for Soil Builder I&II will enhance the odor at that location. He plans to spread SB I&II on approximately 25 acres of crop ground, but he requested flexibility in spreading on some of his adjacent pasture ground if there is extra product left over.

Wetovick does not plan to incorporate the product because of the sandiness of the soil and the benefits of no-till farming. He expects Chamness to deliver in 2-3 weeks, and he will apply the product prior to spring planting. He will probably receive about 10 tons per acre, which equals approximately 250 tons total, or about 10 truckloads.

Wetovick's CUP application also includes spreading SB I&II at the NE¼ 15-15-7. He wants to spread on about 20 acres that were left undone after his prior product delivery at that quarter section two years ago. Wetovick will stockpile the product at the west edge of the W½ 10-15-7, where he still has an active CUP for SB I&II.

Dee Santin was present to express concern about the effects of the odor on her tenant, Tom Hunt. They would like to see the product incorporated. Wetovick said that where he plans to spread is about as far away from Tom Hunt's residence as Wetovick can get. He also reiterated that he would rather not incorporate the product, as it reduces the value of it. Several Commissioners commented on the benefits of no-till and understood Wetovick's desire to avoid it if possible.

In response to a question by Bob Small, Wetovick said that the odor problems two years ago arose out of the extended length of the time the product was stockpiled; he will not allow that to happen this time. If the weather is not conducive to spreading the stockpile before planting season, then Wetovick won't haul from section 10 to section 15; instead he will just spread on the W½ 10-15-7 where there are 40 acres that did not receive the product two years ago.

Baldrige read comments she received by phone from Tom Hunt, Suzanne Patton, John Santin, and Jerry Patton. Hunt objected to approval of the permit because of the offensive odor so close to his residence. Suzanne Patton objected to the permit because two years ago, the product wasn't promptly spread, so why should we expect it to be handled more expediently this time? John Santin said he was OK with the permit, but he wanted it incorporated and he wanted the site to be monitored to ensure that the rules were followed. Jerry Patton was OK with the permit except that he didn't like stockpiling it and he'd rather see it incorporated. He also wanted assurances that the roads would not be torn up during product deliveries.

Wetovick said that there were no problems with the roads the last time around. He did have one neighbor express concern, so Chamness went ahead and changed the haul route to avoid controversy. Delancey said that haul route issues are a matter to be taken up with the Board of Supervisors.

Delancey closed the public hearing. Some discussion among the Commissioners included: the assumption that Wetovick will be a "good neighbor" given what he has learned from the experience and complaints of two years ago; Wetovick is planning to spread on small areas that are not near residences; odor is an expected part of an ag economy; and SB I&II is a very valuable product. Wetovick also added that he will notify the zoning administrator when application of the product commences.

Connelly made a motion to recommend approval of the CUP to the Board of Supervisors with the following conditions:

SW¹/₄ 2-15-6

Wetovick may spread SB I&II on up to 5 additional acres of pasture ground beyond the 25+/- acres of crop ground indicated in the CUP if extra product is delivered to that quarter section.

SW¹/₄ 2-15-6 and NE ¹/₄ 15-15-7

Product must be spread this Spring 2016 planting season (by May 2016).

Product does not have to be incorporated; however, if the zoning administrator receives any odor complaints, the zoning administrator and members of the Planning & Zoning Commission will go out to the site to examine the odor themselves. If a majority of them agree, then Wetovick will be required to incorporate the product at that location in order to tamp down the odor.

The motion was seconded by Wondercheck. 7 ayes, 0 nays, 2 absent, motion carried.

Agenda Item 5 – Other

Baldrige gave the Commissioners information about the March 9-11 conference of the Nebraska Planning & Zoning Association.

Agenda Item 6 – Next Meeting

As needed.

Agenda Item 7 – Adjourn

Houtby made a motion to adjourn. Seconded by McCoig. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes March 7, 2016

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, March 7, 2016 at 6:00 p.m. Meeting notice was given by publication in the February 17, 2016 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.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Roy Guisinger, John Cieloha, and Delmer Wondercheck. Excused from the meeting were Galen Frenzen and Lynn Belitz. Arriving after the minutes were read was Brett Houtby. Arriving just after the beginning of the public hearing was Pat Connelly.

Agenda Item 3 – Minutes

Minutes from the February 22, 2016 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to approve the minutes as presented. Seconded by Wondercheck. Ayes: Delancey, Cieloha, Wondercheck, McCoig, and Guisinger. Abstention: Houtby. Nays: 0. Absent: Frenzen, Belitz, and Connelly. Motion carried.

Agenda Item 4 – Public Hearing

Application for a Conditional Use Permit by Doug Russell Jr. to apply Soil Builder I & II from Hall County on land in Nance County at N½ 10-16-5 in East Newman Township.

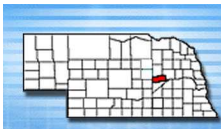
Delancey opened the public hearing. Present from the public, and offering testimony, were Doug Russell Jr., Bob Voichoskie, Ken Prososki, Andy Prososki, Brad Dudek, and Rod Wetovick.

Russell described his plan to, upon delivery, immediately spread and incorporate Soil Builder I & II on approximately 63 acres in the NE¼ of 10-16-5, which is land he rents from Bob Voichoskie. Russell will then plant his crop following incorporation. He will not stockpile the product. If Russell's spreader breaks down, John Fritz's company is lined up to spread the product for him.

Voichoskie described the information he's been gathering from UNL and the NRD. The NRD has been looking into the impacts of commercial fertilizer vs. SB I&II on crop production and nitrates in the ground water. It is their interpretation that SB I&II produces better quality yield while also having a much less significant impact on nitrate levels in the water supply.

Voichoskie stressed that high nitrate levels are dangerous and that they don't go away, therefore producers need alternatives to using commercial fertilizers, which, according to UNL, percolate deep into the ground before crops even have an opportunity to absorb the majority of the nitrates. He believes SB I&II is one such viable alternative, as the percolation rate of the nitrates is much slower and the product stays on the top few inches of the soil where crops can absorb the nutrients. Voichoskie also said that the product does indeed stink, but that the smell goes away and it won't kill you, neither of which is true for high nitrates in the water supply.

On a final note, Voichoskie pointed out that SB I&II is product coming from the livestock of Nance County producers, among others. If we don't want to take the waste, maybe we shouldn't be raising and selling the livestock that creates it to begin with.



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Ken Prososki said that he went through this two years ago and had to deal with the foul odor for at least four months. He strongly objects to having the product delivered, because even after incorporation, the odor remains offensive. He said that his family shouldn't have to live through this.

Dudek said that he lives just south of the application site, and that the last time SB I&II was applied there, it was stockpiled for much too long. Russell responded that they don't want this odor problem to occur again, and that they are not going to stockpile. He said that they will disc-in SB I&II as deep as the disc will go, and that they will mix-in the product with the stocks that are already out there. He reiterated that he plans to spread the product as fast as it is delivered.

Andy Prososki expressed concern about the impact of the product delivery trucks on the roads. With April coming, it could get pretty wet and the roads could get torn up. Delancey said it's the responsibility of the Board of Supervisors to address the roads, not the Planning & Zoning Commission.

Ken Prososki asked why the product couldn't be applied at a more remote location, where there are no residences or rural businesses. He said that SB I&II smells like a rendering plant, and that his daughter has a rural business nearby that was adversely affected the last time the product was applied out there. Delancey said that since there will be no stockpiling this time, the odor should be less problematic.

Dudek observed that if a producer is paying taxes on his ground, then he should be able to do what he wants with that ground. He thinks that the change in process this time around might make the odor less problematic, so he's willing to let Russell give it a try. Delancey said that we had a train wreck the last time we had SB I&II brought to Nance County, but that now we are trying to find ways to make it work for everyone involved without creating a nuisance all summer long. Russell added that he's losing everything by trying to farm the sand, and that he has to try something different if he's going to survive as a farmer.

Baldrige read comments she received by phone from Richard Chmiel, who expressed concern about nitrates in the water supply, and Diane Shock, who was not in favor of this application because of the odor, but who also said that the new approach (incorporation and no stockpiling) sounded like a workable compromise for now. Kenny Prososki added that he talked to Margaret Furby and she was completely against this permit application.

Delancey closed the public hearing. Among the things the Commissioners discussed were: we're trying to do the best thing for everybody concerned; we're trying to apply lessons learned to the process; alternatives to commercial fertilizer are worth trying; and possible scenarios for having Chamness alternate deliveries in March between Wetovick and Russell so that Russell can indeed spread the product as quickly as it is delivered.

Cieloha said that he had experience with this product because of Joe Beck's CUP for SB I&II. He agreed with the Prososkis that the smell was totally obnoxious, but he said that when Beck discs the product in, the smell goes away except on bad-weather days. He said we could consider this a controlled experiment, at least one more time. Ken Prososki said to do the "experiment" out in the country somewhere away from them, to please protect them, and that they'd been through this before. Russell said there are people everywhere you go. Prososki ended the discussion by saying his family just can't get away from the odor; they live, work, farm, and do everything out there.

Guisinger made a motion to recommend approval of the CUP to the Board of Supervisors with the following conditions:

1. Product must be spread immediately upon delivery.
2. Product must be incorporated at time of spreading.

3. This permit is approved for this field only, this year only.
4. Russell must notify the zoning administrator upon delivery of the product.

Wondercheck seconded the motion. Ayes: Delancey, Wondercheck, McCoig, Guisinger. Nays: Cieloha, Houtby, Connelly. Absent: Belitz, Frenzen. Motion carried.

Agenda Item 5 – Other

None.

Agenda Item 6 – Next Meeting

The next meeting is scheduled for Monday, March 21, 2016 at 7:00 p.m.

Agenda Item 7 – Adjourn

Connelly made a motion to adjourn. Seconded by McCoig. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes March 21, 2016

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, March 21, 2016 at 7:00 p.m. Meeting notice was given by publication in the March 9, 2016 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.

Agenda Item 2 – Roll Call

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

Agenda Item 3 – Minutes

Minutes from the March 7, 2016 meeting had been mailed in advance and were briefly reviewed. Connelly made a motion to approve the minutes as presented. Seconded by Wondercheck. Roll call vote -- ayes: 6; nays: 0; absent: 3. Motion carried.

Agenda Item 4 – Old Business

At the previous meeting, the Board asked Baldrige to provide a comparison between the nitrate levels in Soil Builder I & II and the nitrate levels in average feedlot manure. Baldrige presented the following table based on data from the most recent manure analysis reports from Chamness and Christensen Cattle.

Soil Builder N compared to Feedlot Manure N
(pounds per ton)

% N available 1st year	Soil Builder		Feedlot
	SB I: BFP	SB II: Grit	
Total N	9.7	15.2	3.7
Organic N	9.6	15.1	3.2
Ammonium N	0.1	0.1	0.5
Average	12.45		3.7

Agenda Item 5 – Public Hearing

Application for a Conditional Use Permit by Mike Ridder to apply Soil Builder I & II from Hall County on land in Nance County at NW $\frac{1}{4}$ 22-16-5 and at SW $\frac{1}{4}$ 15-16-5 in East Newman Township

Delancey opened the public hearing, stating at the outset that he would participate in the discussion but that he would abstain from voting because of his business relationship with Ridder.

Present from the public, and offering testimony, were Mike Ridder, Andy Prososki, Ken Prososki, Joe Yrkoski, Jason Swertzic, Jim Tarnick, Doug Russell Jr., Beth Hoerle, Bob Voichoskie, and Dennis Jarecke.

Ridder presented his plan for Soil Builder I&II. He will receive the product from Chamness in November, and he won't stockpile the product for any length of time, as he has arranged to hire Fritz Hauling to spread it upon delivery. Ridder will then disc-in the product right away.

Ridder said that we live in a farming community, and he is just trying to spread manure. He is seeking approval for this product for the economics of it; his agronomist said that the product is worth about \$45/acre if 10 tons/acre are applied. Ridder said that great value doesn't even take into account the organic value/benefits to the land in using this product. He's trying to improve his alkali ground, and dry fertilizer from CVA won't take care of it.

Ridder explained that he is not trying to ruin anyone's lifestyle, as would be the case with building a hog barn next to a residence. He has experience with the product's odor from when Voichoskie applied it a couple years ago, and yes a person will smell it if downwind, but the odor is no different from a cattle yard and the smell goes away quickly. He doesn't want to make trouble; he just wants to make a living on his ground and this is the best product to enable him to do that.

Delancey asked if Ridder was required to receive the product from Chamness if weather conditions were unfavorable for spreading/incorporating the product. The answer from Ridder and Russell was no. Guisinger asked about the haul route, and Voichoskie clarified that blacktop would be used as much as possible.

Ridder distributed copies of the "Conservation Stewardship Program Conservation Activity List," which he has been participating in for three years. NRCS told him they would rather pay him to use Soil Builder I&II than have him using commercial fertilizer, indicating their support for SB I&II.

Ken Proski said this product is not manure, it is paunch, and he thinks Hall County banned it. (Russell later corrected Ken, saying it is not paunch, it is Soil Builder I&II.) Ken P. is opposed to this permit because he went through this with Voichoskie's farm. He thinks producers should be required to get permission/signatures from each of their neighbors in order to get approval for this product, rather than requiring neighbors to come to public hearings to defend themselves.

Ken P. asked how many members of the zoning commission had applied for or received a permit for SB I&II. Delancey said that he had a permit but has decided not to pursue it. Ken P. said that it's a conflict of interest for zoning commissioners with SB I&II permits to vote on new applications.

Delancey asked Ken. P. if the odor at Voichoskie's application site bothered him today (the first day of spreading SB I&II this season). Ken's response was that the wind was blowing from the south. He said he wanted the cell phone numbers for all of the zoning commissioners so he could have them come out to his place when the wind is blowing in his direction.

Yrkoski said that if this is the same product that Rod Wetovick spread a couple years ago, then he is totally against it. Delancey responded that we're doing things differently this time. He explained how Chamness had misunderstood DEQ's stockpiling guidelines, forcing Wetovick to break open and move his pile too soon and too often, resulting in the prolonged offensive odor. Everything went wrong a couple years ago, but we are trying to prevent that from happening again. Yrkoski said that the product smells like something died, not cow manure.

Andy Proski said that he is against the application. Swertzic said that he was against it because of the odor and because of diseases being carried in with the product. Wondercheck said that the product can't be diseased



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because it is coming from a USDA-approved packing house, where cattle are screened and diseased animals are prohibited. Russell said there is no difference, in terms of disease, between feedlot manure and the Soil Builder manure. Hoerle reiterated that the USDA already conducts inspections at packing plants, that they are required to be disease-free, and that what comes out of these facilities is in fact cleaner than what comes from feedlots.

Connelly asked if SB I&II is heated/dried/processed. Russell said that he thinks the Belt Filter Press (BFP, which is SB I) is heated and processed. Guisinger remembers that process being explained in the past. Russell added that there can't be pathogens in lagoons, which is where the BFP comes from. Delancey said that he can't imagine what would be in this product that isn't at a feedlot.

Tarnick expressed concern about the odor, high nitrates in the water, and leaching. He questioned 10 tons/acre as a very high application rate. Ken P. said that 60 lbs/acre per season is the max for commercial fertilizer. Someone said that the NRD is not involved in assessing the impacts of SB I&II on the water. Voichoskie said that they are involved, and they have determined that nitrates in Soil Builder move 1" per 1" rainfall, whereas nitrates in commercial fertilizer move 12" per 1" rainfall. He added that the NRD told him that the government is going to get involved in the problem of high nitrates in the water if producers don't solve the problem themselves first. Voichoskie has letters from two people at the NRD who say they would use the product themselves if they could. Voichoskie invited everyone to look at his documentation on the subject.

Andy Prososki said that we are here to discuss Ridder's permit, not Russell's/Voichoskie's. Delancey responded that we are merely gathering information on the product. Russell said that commercial fertilizer has screwed up the granules in the soil and that the soil particles can't absorb anything as a result. Organic fertilizer, on the other hand, lets the soil absorb nutrients, which means leaching happens more slowly. Nitrates have gone down on the wells at Voichoskie's farm ever since he applied SB I&II a couple years ago. In addition, the crop yields have been much better.

McCoig, Jarecke, and Wondercheck all said that they visited Voichoskie's application site today. No one observed an odor where the product had been spread and incorporated, and when each person stood behind the spreader, the odor was present but not offensive. McCoig said it could be that the weather conditions today made the odor less offensive than what has been described by opponents of the product, and that he'd be willing to go out and check the site again. Jarecke said that the odor problems in the past were the result of stockpiling. Ken Prososki asked if the total product load was delivered today, and Russell said that today they received 20 tons for 2 acres.

Baldrige read comments she received by phone from John Swertzic (who objects because of odor), Dorothy Brandenburger (who is concerned about road maintenance and cost to the county, contamination of waterways, impacts on groundwater, Chamness' liability insurance, and the odor's contribution to the existing problem of difficult breathing in that area because of the dust), and Mark Knopik (who doesn't want the product run-off to impact his mother's land. Baldrige also read an email she received from Scott Voichoskie, who expressed support for the permit. The contents of that email are attached to the end of these minutes.

Delancey closed the public hearing. The zoning commissioners passed around a baggie of Soil Builder I that Baldrige collected from the spreader at Voichoskie's farm earlier in the day. Connelly said that he would rather spread manure from his cattle than import commercial fertilizer.

Guisinger and Delancey asked if we could table the decision on the permit for now. Baldrige advised against doing that for a number of reasons: she believes we would have to hold another public hearing on the matter, which includes advertising the hearing and notifying all of the neighbors again; she thinks it's only fair for Ridder to know now whether or not he can get this product so he can budget for the next planting season; these

permits are meant to be reviewed on a case-by-case basis, so waiting to see what happens with Wetovick's and Russell's existing 2016 permits shouldn't be relevant; and we can establish conditions in the permit that address any concerns the commissioners have that would cause them to delay making a decision now.

Delancey disagreed with Baldridge on the third point. He feels that it is reasonable to apply what happens with the Russell and Wetovick permits to future permits, along the same lines as what led to the formation of the 10 Conditions that we now use as a guide when considering these applications.

Ken P. said he thought Russell's 60-acre application was supposed to be a trial run, and Delancey said it is. Tarnick suggested that we take more time, research more, and ask the question of who is funding, and perhaps influencing, the studies being conducted by the NRCS and NRD.

Connelly made a motion to recommend approval of the CUP to the Board of Supervisors with the following conditions:

1. Product shall not be stockpiled.
2. Product shall be spread immediately upon delivery.
3. Product shall be incorporated immediately upon spreading.
4. Ridder shall notify the zoning administrator upon receipt of the first load of product.
5. If weather conditions prohibit the fulfillment of 1-3 above, the product may not be delivered until conditions allow fulfillment of 1-3 above in the 2016 post-harvest season.
6. This permit applies to this site only, this 2016 post-harvest season only.

Seconded by Wondercheck. Ayes: Belitz, Connelly, Wondercheck, McCoig, Guisinger. Abstention: Delancey. Absent: Cieloha, Houtby, Frenzen. Motion carried.iu

Agenda Item 6 – Other

None.

Agenda Item 7 – Next Meeting

As needed.

Agenda Item 8 – Adjourn

Delancey adjourned the meeting.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson



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-----Original Message-----

From: Scott Voichoskie

Sent: Monday, March 21, 2016 3:24 PM

To: ncpza@hamilton.net

Subject: Mike Ridder Soil Builder Permit Letter of Support

Mary,

I am writing IN SUPPORT of Mike Ridder's permit to apply soil builder in our area. I live at 54874 S 310 AVE and I live very near these locations.

I am a licensed water well driller and pump installer in the State of Nebraska. I have deep concerns regarding the highly water soluble commercial fertilizers that are being applied today. You can look at any NRD or NRCS water test. They have undisputed, conclusive evidence showing that the water nitrate that we have in our drinking water is coming from commercial fertilizer, NOT organic fertilizer. This is not theory. It is fact. 99% of those nitrates in our water are being delivered to our upper level drinking water as a result of the bad engineering in water soluble commercial fertilizers that break down immediately and are transferred to our drinking water. Arguments against organic fertilizer, claiming that they contaminate the soil or water, need to be reviewed against the data showing that the real contaminate is commercial fertilizer.

Chemical fertilizers are primarily made from nonrenewable sources. They grow plants but do nothing to sustain the soil. The fillers do not promote life or soil health. Because the nutrients are readily available, there is a danger of over fertilization. This not only can kill crops but upset the entire ecosystem. Chemical fertilizers tend to leach, or filter away from the plants, requiring additional applications. Repeated applications result in a toxic buildup of chemicals such as arsenic, cadmium, and uranium in the soil. These toxic chemicals eventually make their way into your crops and drinking water. So while inorganic commercial fertilizers are immediately available to your plants, they are subject to leaching, a process that occurs when fertilizers are washed by rain or irrigation water below the level of plant roots. Long-term use of chemical fertilizer will change the soil pH, upset beneficial microbial ecosystems, increase pests, and even contribute to the release of greenhouse gases.

As organic fertilizers break down, they improve the structure of the soil and increase its ability to hold water and nutrients. Over time, organic fertilizers will make your soil healthy and strong. Since they are the ultimate slow-release fertilizers, it's very difficult to over fertilize your crop. And leaching is negligible.

So what is a nuisance? Is the fact that I cannot drink my water a nuisance? Yes, organic fertilizer smells. But that is temporary. The residual effects of commercial fertilizer are long lasting, and relatively permanent.

There is no difference between commercial fertilizer being delivered or organic fertilizer. The impact to the roads are the same. A cubic foot of organic fertilizer weighs less than a cubic foot of commercial fertilizer. Additionally this organic application is once every three years or so. Commercial fertilizer is EVERY year. Do we question the impact to the roads when fertilizer is delivered from our local feedlots or agricultural services?

I am hopeful that more farmers will join this practice of using the organic fertilizers. Those are byproducts of our cattle industry. I feel it is prudent and being a good steward of our resources to use waste from one of our industries, livestock, to complement our crop industry.

Please accept this as my undivided support for Mike Ridder's permit to apply soil builder.

Please acknowledge receipt with a reply. Thank you.



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Very respectfully,
Scott Voichoskie

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes June 20, 2016

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, June 20, 2016 at 7:00 p.m. Meeting notice was given by publication in the June 8, 2016 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.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Pat Connelly, Galen Frenzen, and Delmer Wondercheck. Excused from the meeting were John Cieloha and Roy Guisinger. Absent were Brett Houtby and Lynn Belitz. Also present were 15 members of the public.

Agenda Item 3 – Minutes

Minutes from the March 21, 2016 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to approve the minutes as presented. Seconded by Wondercheck. All ayes, no nays, motion carried.

Agenda Item 4 – Public Hearings

- a. Deven Pillen's application for a Conditional Use Permit to stockpile and spread manure from Platte County on land in Nance County at Pt. SE¼ 4-16-4 in Prairie Creek Township

Pillen described his intention to haul feedlot manure from his dad's operation in Platte County to his land in Nance County. He'll stockpile until harvest, then spread the manure, and then incorporate it in the spring. This year he'll do that on one 40-acre expanse, and he'll continue doing it each year on one 40 per year. He'll be applying 20 tons per acre. The closest residence is his hired hand who lives on the section in question. When asked by a member of the public, he assured her that this is not the Soil Builder product from Swift; this is straight feedlot manure.

Another member of the public asked about the effects of the repeated application of manure on ground water. Delancey explained that manure holds nutrients better than commercial, liquid fertilizers, that it's cheaper than the same, that it's better for the soil, and that producers in Nance County do this all the time, but they just don't need a permit. The audience member asked why the feedlots aren't required to have their own disposal plans for their manure and why must it be hauled into Nance County, and Delancey explained that the DEQ monitors phosphate levels and prohibits the over-application of manure at feedlots. Regarding over-application, Pillen said that the manure is rich enough that it is only applied to a site once every four years.

Frenzen added that fertilizer from feedlots has low nitrates, and what these producers are doing is building up the soil quality by applying manure which is full of organic matter. It's called "live soil" because the bacteria is abundant and provides the mechanism by which crops take up nutrients from the soil.

There being no further public comment, Frenzen made a motion to recommend to the Board of Supervisors the approval of Pillen's application for a Conditional Use Permit to stockpile and spread feedlot manure from Platte County on land in Nance County at Pt. SE¼ 4-16-4 in Prairie Creek Township. Seconded by Wondercheck. Roll call vote: Delancey, Connelly, Wondercheck, Frenzen, and McCoig all voted aye. No nays. Four absent. Motion carried.

- b. Whispering Cedars Baptist Camp's application for a CUP for continuing development at Pt. SW¼ 23-17-5 in Council Creek Township

Baldrige explained that this application for a CUP was merely a procedural matter. Nance County Zoning Regulations require youth camps to have a CUP, but Whispering Cedars never got one because it was grandfathered in. Now they are planning to build a new director's home, and since they are doing this new development, the regulations require that they come into compliance with the regulations. They've presented Baldrige with a Zoning Permit, so the only issue is to make sure that they abide by the 83' setback, and the aerial view of the site location



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confirms that they will be in compliance with that regulation. Going forward, they'll only ever need a Zoning Permit for further development.

After the Commissioners spoke with Pastor Peter Jenks for a bit, Connelly made a motion to recommend to the Board of Supervisors the approval of Whispering Cedars Baptist Camp's application for a CUP for continuing development at Pt. SW¼ 23-17-5 in Council Creek Township. Seconded by McCoig. Ayes by roll call: Delancey, Connelly, Wondercheck, Frenzen, and McCoig. No nays. Four absent. Motion carried.

Agenda Item 5 – Other

The Commissioners discussed changing the time for the next meeting, but no action was taken.

Agenda Item 6 – Next Meeting

Monday, July 18, 2016 at 7:00 p.m.

Agenda Item 7 – Adjourn

McCoig made a motion to adjourn the meeting. Seconded by Wondercheck. All ayes, no nays, motion carried.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes July 18, 2016

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, July 18, 2016 at 7:00 p.m. Meeting notice was given by publication in the July 6, 2016 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.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Galen Frenzen, Roy Guisinger, John Cieloha, and Delmer Wondercheck. Excused from the meeting were Pat Connelly and Brett Houtby. Arriving after the minutes were approved was Lynn Belitz. Also present were six members of the public and Sheriff's Deputy Terrence Wurdeman.

Agenda Item 3 – Minutes

Minutes from the June 20, 2016 meeting had been mailed in advance and were briefly reviewed. Frenzen made a motion to approve the minutes as presented. Seconded by McCoig. Roll call vote: all ayes, no nays, 3 absent, motion carried.

Agenda Item 4 – Public Hearings

- a. Bob Voichoskie's application for a Conditional Use Permit to spread and incorporate Soil Builder I & II from Hall County on approximately 16 acres of land in Nance County at Pt. NW¼ and Pt. NE¼ 10-16-5 in East Newman Township

Voichoskie explained that his plan for these acres is the same as that for his previous CUP: to spread and incorporate Soil Builder I & II immediately upon receipt of the product, with no stockpiling. The time frame is uncertain as of yet, but he may be receiving some now and some in September. He'll be planting rye and oats on that ground once the product is incorporated.

Ken Prososki said that he had no objections to the plan, as he was pleased with the results of the previous CUP, which greatly improved conditions over those from several years ago. Delancey said that the Zoning Commission had received no complaints, and general discussion among those present confirmed that recent modifications to these Soil Builder CUPs were having positive results. It seems that the prevention of stockpiling and the requirement that the product be incorporated is proving to be a satisfactory compromise for producers and neighboring landowners alike.

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

- b. Zach Bialas' application for a CUP to stockpile and spread Soil Builder I & II from Hall County on approximately 20 acres of land in Nance County at Pt. NW¼ 11-16-5 in East Newman Township

Bialas is also seeking approval to stockpile and spread feedlot manure from Merrick County on land in Nance County at Pt. NW¼ and Pt. NE¼ 11-16-5 in East Newman Township.

Zach Bialas was not at the hearing to present his plan, which included stockpiling and non-incorporation of Soil Builder I & II. Brad Dudek (per Bob Voichoskie), Jim Tarnick, Roger Adams, John Cieloha, and Doug Russell all said that they do not want to see the product stockpiled. Roger Adams is additionally troubled by the stockpiling of feedlot manure from Merrick County.



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Since Bialas was not present, and since the stated intentions on his application were a matter of concern, Wondercheck made a motion to table Bialas' CUP application until further notice; seconded by Cieloha. Ayes: Delancey, Cieloha, Belitz, Wondercheck, Frenzen, and McCoig. Nays: Guisinger. Absent: Houtby and Connelly. Motion carried.

Baldrige will notify Bialas and find out if he intends to pursue his CUP at a rescheduled public hearing.

Agenda Item 5 – Other

None.

Agenda Item 6 – Next Meeting

The next meeting will be Monday, August 15, 2016 at 7:00 p.m. if CUP applications are submitted to Baldrige by the end of July.

Agenda Item 7 – Adjourn

Frenzen made a motion to adjourn the meeting. Seconded by Guisinger. Roll call vote: all ayes, no nays, 2 absent, motion carried.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes August 15, 2016

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, August 15, 2016 at about 7:00 p.m. Meeting notice was given by publication in the August 3, 2016 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.

Agenda Item 2 – Roll Call

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

Special note: Frenzen arrived at the meeting before Delancey; Cieloha sat in the chairman's seat for 7 seconds.

Agenda Item 3 – Minutes

Minutes from the July 18, 2016 meeting had been mailed in advance and were briefly reviewed. Frenzen made a motion to approve the minutes as presented. Seconded by Wondercheck. Roll call vote: 7 ayes, no nays, 2 absent, motion carried.

Agenda Item 4 – Public Hearings

- a. (Rescheduled Hearing): Zach Bialas' application for a CUP to stockpile and spread Soil Builder I & II from Hall County on approximately 20 acres of land in Nance County at Pt. NW¼ 11-16-5 in East Newman Township. Bialas is also seeking approval to stockpile and spread feedlot manure from Merrick County on land in Nance County at Pt. NW¼ and Pt. NE¼ 11-16-5 in East Newman Township.

Present from the public are Doug Russell, Jr., Zach Bialas, and Jason Swertzic.

The Commission discussed and voted on each aspect of Bialas' application separately: Soil Builder I & II first, feedlot manure from Merrick County second.

Re. Soil Builder I & II: Delancey asked Russell to comment on how well the terms of his previous CUPs for SB I&II were working. Russell said that having up to three days to stockpile was working well, but that he always tries to spread the product more quickly -- every day or every other day when possible -- in order to keep neighbors happy. Bialas said that he intends to do the same, but is asking for up to three days in case something unexpected interferes with his plans. He has a loader ready to go and a spreader with a disc already hooked up. He'd like to get the product from Chamness as soon as possible, but that will depend on Chamness' schedule. Bialas will plant a rye cover crop over the product.

Swertzic was present, not to discuss the product, but to discuss the impact of product deliveries on county roads. He said that trucks go through by the Thies farm every 15 minutes and tear up the roads very badly, creating deep ruts. Russell said that those trucks were delivering feedlot manure from Christensen's, not Soil Builder from Chamness/Swift. He also said he heard that one of those drivers got a ticket for being over the weight limit. Apparently drivers are frequently hauling product that exceeds the weight limit, and they're using county roads so that they aren't spotted by authorities on the highways. Swertzic said the County has been hauling in clay for three weeks now to build the roads back up, and he's frustrated that the taxpayers are footing the bill instead of the hauling companies. Frenzen pointed out that this was a matter for the Supervisors. Baldrige will raise it with them.

Frenzen made a motion to recommend to the Board of Supervisors the approval of the portion of Bialas' CUP that seeks to receive SB I&II from Hall County, to stockpile the product for three days or less, and to spread and immediately incorporate the product on the 20 acres described in the permit application. Seconded by Wondercheck. Roll call vote: 7 ayes, no nays, 2 absent, motion carried.

Re. Feedlot Manure: Baldridge told the Commission about correspondence with Danene Collura, the daughter and Power of Attorney for Eunice Shotkoski, who owns land within 1 mile of the proposed use of lands. (Collura’s letter is on file with the Bialas CUP in the office of the zoning administrator.) Bialas said that the neighbors he talked to in the area did not express concerns.

After brief discussion, Frenzen made a motion to recommend to the Board of Supervisors the approval of the portion of Bialas’ CUP that seeks to receive feedlot manure from Merrick County to stockpile and spread on land in Nance County as described in the permit application. Seconded by Wondercheck. Roll call vote: 7 ayes, no nays, 2 absent, motion carried.

- b. Doug Russell’s application for a CUP to receive Soil Builder I & II, to stockpile the product three days or less, and to spread and immediately incorporate the product on approximately 80 acres of land owned by Mark and Arlene Knopik at N½ NE¼ 27-16-5 in East Newman Township, Nance County.

Russell said that if the product stinks too badly and neighbors complain, he’ll probably stop spreading it. At this point, however, the neighbors are fine with how he has been managing it.

After brief discussion, Frenzen made a motion to recommend to the Board of Supervisors the approval Russell’s CUP to receive SB I&II from Hall County, to stockpile the product for three days or less, and to spread and immediately incorporate the product on the land described in the permit application. Seconded by McCoig. Roll call vote: 7 ayes, no nays, 2 absent, motion carried.

Agenda Item 5 – Other
None.

Agenda Item 6 – Next Meeting
The next meeting will be called as needed.

Agenda Item 7 – Adjourn
Frenzen made a motion to adjourn the meeting. Seconded by McCoig. All ayes, no nays, 2 absent, motion carried.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Meeting Minutes November 21, 2016

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, November 21, 2016 at 7:00 p.m. Meeting notice was given by publication in the November 9, 2016 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.

Agenda Item 2 – Roll Call

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

Agenda Item 3 – Minutes

Minutes from the August 15, 2016 meeting had been mailed in advance and were briefly reviewed. Wondercheck made a motion to approve the minutes as presented. Seconded by Connelly. Roll call vote: 6 ayes, no nays, 3 absent, motion carried.

Agenda Item 4 – Public Hearing

Leslie Lautenschlager's application for a Conditional Use Permit to apply Soil Builder II from Hall County on approximately 340 acres of land in Nance County at Pt. N½ and Pt. S½ 24-16-4 in Prairie Creek Township

Present from the public were Leslie Lautenschlager, Leslie Lautenschlager Jr., and Paul Borowiak.

Lautenschlager explained that since this parcel of land is owned by the Army National Guard, certain restrictions and conditions apply: this grass land cannot be farmed or grazed, so he hays it; he is required to fertilize it every year; and the land must remain no-till, so he won't be able to incorporate the Soil Builder II after spreading. Lautenschlager would like to use SB II to cut costs and to build up the humus in the soil for improved grass quality.

If Lautenschlager gets county approval to spread SB II, his next step is to submit soil samples and SB II samples to the Army National Guard. The Guard goes about getting the EPA/DEQ/State permits necessary to sanction use of the product and they dictate the maximum amount of product to be used. Then Lautenschlager will make arrangements with Chamness and the company that will spread the product to make sure that deliveries and spreading are coordinated and happen quickly and efficiently.

Lautenschlager's original request was to spread SB II on all 340 acres at approximately 4 tons per acre (his guesstimate pending guidelines from the Guard), which would amount to an estimated 1,360 tons of SB II on that parcel, 70 semi loads of product delivery, and a process that would likely take at least a month to complete.

There are two residences in proximity to this parcel, each about 1.5 miles away. Since Lautenschlager can't incorporate the product, and since SB II is the more pungent of the Soil Builders, and since Nance County has never had experience with this great a scale of Soil Builder application, the Zoning Commission felt that the scope of this permit needed to be curtailed.

The Commissioners and Lautenschlager discussed various options and compromises that would allow Lautenschlager to benefit from the use of SB II while also trying to ensure that the quality of life of nearby residents wouldn't be terribly damaged. They also addressed and satisfied Borowiak's concern about potential water contamination and liability if the product were to run-off into the creek downslope from the parcel.

Wondercheck made a motion to recommend approval of the CUP to the Board of Supervisors with the following conditions:



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1. This permit is approved for only 80 acres (plus/minus) in the southeast corner of the parcel.
2. The product may be stockpiled for up to 1 week and then must be spread immediately.
3. No more than 1 ton per acre shall be applied.
4. The product does not have to be incorporated.
5. This permit is approved for the 2016 post-harvest season only.

Seconded by Guisinger. Roll call vote: 6 ayes, no nays, 3 absent, motion carried.

Lautenschlager is to notify Baldrige when Chamness begins product delivery, and Baldrige will notify all members of the Zoning Commission.

Agenda Item 5 – Other

Discuss the current lack of consequences for not obtaining zoning permits and whether or not to utilize the fining mechanism prescribed in state statute.

The majority of Commission members felt that a “late fee” should be imposed if someone obtains a zoning permit after erecting a structure, but questions about enforcement led the Commission to table the discussion until the next meeting, at which time the issue should be advertised as a public hearing.

Agenda Item 6 – Next Meeting

The next meeting will be called as needed.

Agenda Item 7 – Adjourn

Connelly made a motion to adjourn the meeting. Seconded by Wondercheck. All ayes, no nays, 3 absent, motion carried.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson