



## NANCE COUNTY PLANNING AND ZONING COMMISSION

### Meeting Minutes April 25, 2022

#### **Agenda Item 1 – Call to Order**

A meeting of the Nance County Planning & Zoning Commission (PZ) was called to order by Chairperson Chuck Delancey at the Nance County Extension Office in Fullerton, Nebraska on Monday, April 25, 2022 at 7:00 p.m. Meeting notice was given by publication in two previous editions of *The Nance County Journal* and two previous editions of *The Genoa Leader-Times*, and an agenda was made available at the office of the PZ Administrator. Chairperson Delancey acknowledged the posted Open Meetings Act.

#### **Agenda Item 2 – Roll Call**

The following quorum of Commission members was present and answered roll call: Pat Connelly, Chuck Delancey, Brett Houtby, Mark Sonderup, and Delmar Wondercheck

#### **Agenda Item 3 – Minutes**

Minutes from the December 6, 2021 meeting were reviewed. Connelly made a motion to approve the minutes as presented. Seconded by Sonderup. All in favor. Motion carried.

#### **Agenda Item 4 – Public Hearings**

- a. Discussion on the Livestock Manure Stockpiling Permit Process (recommended changes to regulations and addition of a Livestock Manure Stockpiling Permit)

The Commissioners reviewed draft recommended changes from the April 26, 2021 PZ Commission meeting. After lengthy discussion, Commission Chairperson Delancey requested that the PZ Administrator modify the recommended changes to the Nance County Zoning Regulations so they can be reviewed at the next PZ Commission Meeting:

- Page 19, Section 4 Supplementary Regulations. 4.3,
- the recommended new definition for a Livestock Manure Permit to be included on page 52, and
- the name and format to the current “Livestock Manure Stockpiling Permit” to the “Livestock Manure Permit.”

Refer to attached document noting the recommended changes to the Livestock spreading and/or stockpiling of livestock manure on land in Nance County.

- b. Discussion on the introduction and discussion of recommended amendments to the Nance County Comprehensive Plan related to “perpetual” Conservation Easements.

The Commissioners reviewed Conservation Easement recommendations drafted by the County Attorney, Rodney Wetovick who attended the meeting and gave legal insight into the recommended amendments. After lengthy discussion, Commission Chairperson Delancey requested the PZ Administrator further modify/clean up the recommendation’s and to also add the reference to the plan from Nance County Resolution 2021-14 so they can be reviewed at the next PZ Commission Meeting.

Refer to the attached excerpt from the Nance County Comprehensive Plan noting the recommended amendments (changes/additions/deletions).

- c. Introduction and discussion to update the Floodplain Development Permit Application.

In essence of time, the PZ Administrator recommended the update to the Floodplain Development Permit Application be tabled until the next PZ Commission Meeting.

- d. Introduction and discussion about the Summit Carbon Solutions CO2 Pipeline being planned to transverse the County, if Zoning regulations are necessary and if a pipeline permit is/should be required.

The Commissioners reviewed the Summit Carbon Solutions CO2 Pipeline information provided by the PZ Administrator and had lengthy discussion on whether or not the County should adopt pipeline zoning regulations. Commissioner Sonderup felt that regulations should be put in place to ensure that pipeline construction companies bury pipeline at a depth of 4 feet or greater in compliance with the 1938 Pipeline Construction Standards (Natural Gas Act of 1938). He further believed that the construction company should be required to inform land owners 24 hours before construction begins on their property to ensure safety of all involved (land owners, farmers, and construction workers).

Chairperson Delancey recommended that the PZ Administrator craft draft pipeline regulations to be reviewed and further discussed at the next PZ Commission Meeting.

**Agenda Item 5 – Adjourn**

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

**SUBMITTED BY:**

**AFFIRMED BY:**

---

Commission Secretary

---

Commission Chairperson



## NANCE COUNTY PLANNING AND ZONING COMMISSION

### Meeting Minutes June 27, 2022

#### Agenda Item 1 – Call to Order

A meeting of the Nance County Planning & Zoning Commission (PZ) was called to order by Chairperson Delancey at the Nance County Extension Office in Fullerton, Nebraska on Monday, June 27, 2022 at 7:00 P.M. Meeting notice was given by publication in two previous editions of *The Nance County Journal* and two previous editions of *The Genoa Leader-Times*, and an agenda was made available at the office of the PZ Administrator. Chairperson Delancey acknowledged the posted Open Meetings Act.

#### Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Belitz, Connelly, Delancey, Eply, Houtby, Sock, Sonderup, and Wondercheck. Also in attendance was Tim Cornwell, Nance County Board of Supervisor Chairperson and Dan Cornwell, PZ Administrator.

#### Agenda Item 3 – Minutes

Minutes from the April 25, 2022 meeting were reviewed. Commissioner Sonderup made a motion to approve the minutes as presented. Seconded by Commissioner Wondercheck. All in favor. Motion carried.

#### Agenda Item 4 – Public Hearings

- a. Discussion on the Livestock Manure Stockpiling Permit Process (recommended changes to regulations and changes to the “Livestock Manure Stockpiling Permit”):

The Commissioners once again reviewed draft recommended changes from the April 26, 2021 and April 25, 2022 PZ Commission meetings. *After a short discussion, Commissioner Connelly made a motion to recommend to the Board of Supervisors that they except the recommended changes to the zoning regulations as noted below:*

**Page 19, Section 4. Supplementary Regulations** (Index: ~~deletions crossed out~~ and **additional/new wording in red font**):

- 4.3 The application **spreading and/or stockpiling** of livestock manure **to on** land in Nance County, when the manure originates from operations located outside the county, shall require a “**Livestock Manure Permit**” that has been **recommended by the Zoning Administrator and** approved/**issued** by the Nance County Board of Supervisors (**Planning and Zoning Commission not required to review/approve**). (Amended June 2017 **and again June 2022**).

**Page 52, add new definition for a Livestock Manure Permit** alphabetically between Livestock Feeding Operation and Livestock Wastes (Index: **new wording in red font**):

**Livestock Manure Permit** – shall mean a permit that has been recommended by the Zoning Administrator and approved/issued by the Nance County Board of Supervisors that authorizes the recipient to spread and/or stockpile livestock manure on land in Nance County (provided that it contains no paunch manure), when manure originates from operations located outside the county. (Added June 2022)

**“Livestock Manure Stockpiling Permit”** document name and format change: Change the name and format to the current “Livestock Manure Stockpiling Permit” to the “Livestock Manure Permit,” and restructure the document from a two page document to a one page more simple and streamlined document.

***Seconded by Commissioner Houtby. All in favor. Motion carried.***

- b. Discussion on the introduction and discussion of recommended amendments to the Nance County Comprehensive Plan related to “perpetual” Conservation Easements:

The Commissioners once again reviewed draft recommended amendments to the Nance County Comprehensive Plan in regard to “perpetual” Conservation Easements drafted by the County Attorney, Rodney Wetovick who attended the last PZ Commission meeting on April 25, 2022 and gave legal insight into the recommended amendments.

***After a short discussion, Commissioner Houtby made a motion to recommend to the Board of Supervisor that they except the recommended changes to the Nance County Comprehensive Plan as noted below:***

Amendment #1:

Page 2.2 General County Goals - Change the current bullet points to letters (A, B, C, D, E, F, G, H, I, J, K) for easier reference.

Amendment #2:

Page 2.2 General County Goals - Amend bullet point #4 by adding the wording “and the viability” after the word preservation; and add the wording “for future generations” after the word industry.

Amendment #3:

Page 2.2 General County Goals - Eliminate bullet point #5 because it has already been changed by the Planning and Zoning Commission.

Amendment #4

Page 2.3 - Amend bullet point #8 by splitting this paragraph and after “Preserve and protect rural lands for agricultural use,” end the sentence. Then add the following sentence which is referenced in Nance County Resolution 2021-14 - “It is acknowledged that placing private land into permanent conservation easements will cause dramatic and irreversible harm to Nance County’s agricultural economy and limit opportunities for future generations who depend on the use of private land for their livelihoods.

Amendment #5

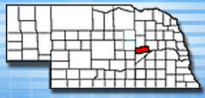
Page 2.3 - Amend bullet point #8 by splitting this paragraph and starting a second bullet point with the remainder of the wording from bullet point #8 - Encourage future residential.....

Amendment #6

Page 2.5 - Amend Goal 2.3 by eliminating “emphasis on” in the second sentence, and adding the following sentence to the end of Goal 2.3 - Encourage conservation that is consistent with private land use for agriculture by current and future generations.

Amendment #7

Page 4.16 - Delete the “Agriculture Conservation Areas” paragraph because it is in conflict with Goal 2.3 on page 2.5



# Nance County Planning and Zoning Minutes



Prior to the vote, Commissioner Belitz brought to the attention of the PZ Administrator and the Commission that the updated 2012 to 2022 Comprehensive Plan (Blue Cover) had never been approved by the PZ Commission and or the Board of Supervisor (BOS) so how can the Commission approve amendments to the plan when it had never been previously approved. BOS Chairperson Cornwell advised that he believed the Comprehensive Plan had been approved, therefore, PZ Administrator Cornwell recommended that the Commission go ahead approve the recommended amendments pending his research and verification that the Plan had been appropriately recommended for approval by the PZ Commission and had been approved by the BOS. Based on this recommendation, ***the motion was seconded by Commissioner Wondercheck. All in favor. Motion carried.***

- c. Discussion about the Summit Carbon Solutions CO2 Pipeline being planned to transverse the County, if Zoning regulations are necessary and if a pipeline permit is/should be required.

The Commissioners once again reviewed the Summit Carbon Solutions CO2 Pipeline information provided by the PZ Administrator and had lengthy discussion on whether or not the County should adopt pipeline zoning regulations.

As requested by Chairperson Delancey, the PZ Administrator crafted draft pipeline regulations that were reviewed and further discussed during the PZ Commission Meeting.

The PZ Administrator also located past PZ Commission Meeting Minutes from February 2014 and shared with the Commission that they had decided at that time not to adopt pipeline zoning regulations due to the fact that construction companies are already required to follow stringent State and Federal construction and maintenance regulations and that land owners have the ability to request in their easements that pipeline construction companies bury pipelines 48 inches or deeper.

***After discussion, Commissioner Connelly made a motion to recommend to the Board of Supervisors that they do not adopt pipeline zoning regulations. The motion was seconded by Commissioner Sonderup.***

***Commissioners Belitz, Connelly, Epley, Wondercheck, Sock, Houtby and Sonderup all voted in favor of the motion. Commissioner Delancey voted not in favor. The Motion carried.***

## **Agenda Item 5 – Adjourn**

***Commissioner Sock made a motion to adjourn the meeting. Seconded by Commissioner Sonderup. Motion carried.***

**SUBMITTED BY:**

**AFFIRMED BY:**

---

Commission Secretary

---

Commission Chairperson