

## MINUTES

### **Pierce County Joint Planning Commission**

Pierce, Nebraska

The May 17, 2021, meeting of the Pierce County Joint Planning Commission was called to order by Chairman Zimmerman at 7:10 p.m. in the Pierce County Planning Multi-Purpose Room, 111 W Court St, Pierce, Nebraska.

#### **Call To Order/Roll Call- Consideration and/or action on:**

**Present:** Ryan Zimmerman, Joe Aschoff, Gerry Krueger, Dwaine Hoffman, Larry Schaefer and Tom Nathan.

**Absent:** Byron Wragge and Guy Ellsworth.

**Also present:** Diane Koenig, Marshall Petersen, Ivan Petersen, Robert J. Petersen, Evan Aschoff, Cole Aschoff, James Aschoff, Del Johnson, Karen Petersen, Morgan Schmit, Bonnie Owens, Shelley Schmit, Marlin Schmit, Andy Scholting, LeRoy Kumm, Carolina Kumm, Mark Moes, Levi Stepp, Tim Thompson, Dean Stuekrath, Dean Koehler, Roland Stoppe, Administrator Heather McWhorter, and Office Assistant Jennie Martinez.

**Proof of Publication:** Chairman Zimmerman stated there were notices in The Plainview News, The Osmond Republican, and The Pierce Leader.

**Open Meeting Act:** Chairman Zimmerman pointed out the Open Meetings Act is posted on the wall and will be followed.

**Minutes-March 22, 2021:** The minutes of the March 22, 2021, Pierce County Joint Planning Commission were presented. Motion made by Hoffman to approve the minutes and seconded by Krueger. Members Nathan, Krueger, Hoffman, Aschoff, Schaefer and Zimmerman vote "AYE" none vote "NAY". Motion Carried.

#### **Zimmerman reads the first Public Hearing.**

**The purpose of this hearing is to receive public comments concerning the application of Levi Stepp/Stepp Welding for a Conditional Use Permit to operate a Welding and Fabrication business on property described as Part of the Northwest ¼ of the Northwest ¼ (Gerald A. Woslager's Lot Split) of Section 27, Township 26 North, Range 3 west of the 6th P.M., Pierce County, Nebraska. This property is located at 85386 543 Ave Pierce, Pierce County, Nebraska**

Heather states that the applicant is requesting to operate a welding and fabrication business on his property which is allowable in the Ag Intensive district with a CUP. He is requesting the permit for a 10-year period at which time it would renew if no

verifiable complaints have been documented. He will possibly have 1 semi per month on the property and already has two driveways on the property for access.

Heather reads the Finding of Facts and the Recommended Conditions.  
Statement of Finding of Facts:

1. This application is consistent with the Pierce County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AG1 Ag Intensive.

Recommended Conditions:

1. This is a Conditional Use Permit to operate a Welding and Fabrication business as a Cottage Industry on the above-described property.
3. This conditional use permit shall be for a period of ten-years and will become effective with the adoption of this resolution. The permit will be renewed automatically with no verifiable complaints received.
4. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska and shall be constructed to meet both groups.
5. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.

**7:12 P.M.** Zimmerman opens the Public Hearing.  
Zimmerman asks if there is anyone in favor.

**Levi Stepp** speaks in favor. He states that he has been doing mobile welding for the last 10 years. He states that he has a shop and houses a 5X10 Plasma table. He states that he keeps getting busier; therefore, is asking for this permit so that he can have a legitimate business.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

No one speaks.

**7:14 P.M.** Zimmerman closes the Public Hearing.

Krueger makes a motion to approve based on the above recommended conditions.

Nathan seconds the motion.

Members Zimmerman, Aschoff, Hoffman, Krueger, Schaefer, and Nathan vote "AYE"  
None vote "NAY".

Motion Carried.

**Zimmerman reads the second Public Hearing.**

**The purpose of this hearing is to receive public comments concerning the application of James Aschoff Livestock to operate a Large Cattle Feeding Operation on property described as the South ½ of the Northeast ¼ of**

**Section 16, Township 27 North, Range 4 west of the 6th P.M., Pierce County, Nebraska and the Northwest ¼ of the Southwest ¼ of Section 15, Township 27 North, Range 4 west of the 6th P.M., Pierce County, Nebraska. This property is located at 86148 537 Ave Plainview, Pierce County, Nebraska.**

Heather states that Mr. Aschoff wants to increase the number of livestock from 2,425 by an additional 1,200 for a total of 3,625 head of feeder cattle. He has a 2014 CUP for 1200 head in 16-27-4 and has received no complaints. She states that he is being represented by Andy Scholting from Nutrient Advisors.

Finding of Facts:

1. The property is zoned A-1 Agricultural Intensive.
2. Mr. Aschoff currently operates a Livestock Feeding Operation and would like to expand the number of livestock.

Recommended Conditions:

1. This is a Livestock Feeding Operation Conditional Use Permit for an operation of up to 3,625 head of feeder cattle.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution and will renew automatically pending no verifiable complaints.
3. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska and shall be constructed to meet both groups.
4. DEQ permits shall be made part of the file.

**7:15 P.M.** Zimmerman opens the Public Hearing.

(Please see Pre-submission meeting minutes) No discussion was needed due to Pre-submission meeting.

Zimmerman asks if there is anyone in favor.

Andy Scholting states that he is in favor.

Zimmerman asks if there is anyone that would like to speak in favor.

James Aschoff states that he is in favor.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

No one speaks.

**7:16P.M.** Zimmerman closes the Public Hearing.

Krueger makes a motion to approve based on the above recommended conditions.

Hoffman seconds the motion.

Members Zimmerman, Aschoff, Hoffman, Krueger, Schaefer and Nathan vote "AYE"

None votes "NAY".

**Zimmerman reads the next Public Hearing.**

**The purpose of this hearing is to receive public comments concerning the application of Marshall Petersen to operate a Large Animal Feeding Operation of a combination of cattle and sheep on property described as the North ½ of the Northwest ¼ of Section 20, Township 28 North, Range 2 west of the 6th P.M., Pierce County, Nebraska.**

Heather states that the applicant is planning to build a livestock building and eventually expand to the 10,000 head. She states that no homes exist within the required setback of 1,980 feet.

**Finding of Facts:**

1. The property is zoned A-1 Agricultural Intensive.
2. Applicant will eventually have 10,000 head of sheep and cattle and will start with one livestock building.

**Recommended Conditions:**

1. This is a Livestock Feeding Operation Conditional Use Permit for an operation of up to 10,000 head of sheep and cattle.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution and will renew automatically pending no verifiable complaints.
3. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska and shall be constructed to meet both groups.
4. DEQ permits shall be made part of the file.

**7:21 p.m.** Zimmerman opens the Public Hearing.

(Please see Pre-submission meeting minutes) No discussion is held due to Pre-submission meeting.

Zimmerman asks if there is anyone in favor.

**Ivan Petersen:** applicants father speaks in favor and states that every month there will be a lambing. He states that because there will not be a lagoon and everything will be contained under roof DEQ does not require a permit. He states that the operation will be located on the East end of the property. He states that any other buildings on the property would be machine sheds or other buildings that can hold commodities.

Zimmerman asks if there is anyone else in favor.

**Robert Petersen:** applicants grandfather speaks in favor. He states that his grandson is very aggressive and not afraid to work. He states that he will accomplish what he says he wants to do.

Zimmerman asks if there is anyone else that is in favor.

**Karen Petersen:** applicants mother speaks in favor. She states that her son has done his homework. She states that Marshall is looking to improve Pierce County.

Zimmerman asks if there is anyone else in favor.

**Andy Scholting** speaks in favor. He states that its awesome that a young man is wanting to invest in agriculture. He confirms that a bed packed operation would exempt Petersen from needing a DEQ permit but states that he will need to have a nutrient management plan.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

**Marlin Schmit;** neighbor speaks in opposition. He states that he lives about 1/2 mile away. He states that the location is not good. He states that it is on a minimum maintenance road that has very steep hills. He states that everything will need to be trucked in and there will be dust and dirt from the trucks. He also voices concern regarding manure, run off contamination, smell, bugs and devaluation of his land. He also speaks of concerns regarding his daughter and wife's health conditions and the effect this feeding operation could have on them.

Marlin Schmit discusses concerns regarding the packer Petersen will use and handling of dead animals.

Marlin Schmit discusses concern regarding the dirt to fix the road and where that dirt will come from, his property or the Petersen's.

Zimmerman asks if there is anyone else opposed.

**Shelley Schmit,** neighbor to the south speaks in opposition. She discusses concern with smell, dust, flies, and escaped animals. She states that building the road is expensive for the County.

Shelley states that she does not want this in her back yard. She discusses the expense it will cost her to put in shelterbelts to try to keep the smell out.

Zimmerman asks if there is anyone else opposed.

**Bonnie Owens,** neighbor to the south speaks in opposition. She discusses concern with odor and stray animals. She states that she will need to move if this is approved.

Dwayne Hoffman states they he knows where Marlin Schmit lives, and it is not directly South of the proposed building site, and it would take a northerly wind to produce smell on this property.

Marlin Schmit disagrees and states that all the neighbors that live close to this site will face the consequences.

Zimmerman states that as far as road goes, the issue will have to be taken in front of the County Commissioners.

**James Aschoff** states that Marlin Schmit would be surprised regarding the smell. He states that it really isn't that bad.

Heather asks James if he is in favor.

James Aschoff states that he is in favor.

**Tim Thompson,** neighbor about 1/4 of a mile away states that he is in opposition. He asks if Petersen is asking for the whole 80 acres can be used for his operation.

Heather states that it is going to be on the far east.

Thompson states that he did say he was going to put it on the east end, but it looks like he is looking at permitting all the way to the west road.

Heather states that it will be a permit for the east corner.

Thompson states that there is a natural spring that runs through Marlin Schmidt's property. He states that no matter how Petersen says that he will maintain it, mother nature has a lot to do with it.

Zimmerman asks if there is anyone else opposed.

**Leroy Kumm;** Neighbor to the Southeast speaks in opposition. He states that he is retired and would like to keep his air quality clean and with the trucks going up and down will change that. He states that the road is narrow in places and 2 semis cannot meet on that road. He states that he has seen it dug up in the spring with mud that a 4-wheel pick up can't get through it, therefore does not see how a semi is going to get through.

Zimmerman asks if there is anyone else opposed.

**Morgan Schmit;** Neighbor speaks in opposition. She states that she has severe asthma and is concerned with air pollution and dust. She states that the roads are hilly and narrow and worries about semis going back and forth. She states that eventually she would like to sell her house, and no one is going want to buy it.

**Andy Scholting** states that he would like to make another comment. He states that he does not know the applicants. He states that many of the concerns that he is hearing are common at Public Hearings and fear of the unknown are real and deserve to be heard. He states that bed pack production keeps everything moist enough to keep down the dust but dry enough to keep the odor down. He states that it is extremely rare to be a 1/2 a mile away and be impacted by odor. He states that it is great that young people want to stay in the county and do something like this.

Shelly Schmit asks to clarify if the permit is for the whole 80 acres.

Ivan Petersen states that he does not intend to use the west end but the permit is for the entire 80 acres.

Marlin Schmit voices concern on Petersen having the whole 80 acres to do what he wants in regard to a Feeding Operation.

Zimmerman asks if there is anyone opposed.

No one speaks.

**7:51 P.M.** Zimmerman closes the Public Hearing.

Krueger asks how you can have 10,000 head and not have to put up a lagoon.

Scholting states that the state and environmental regulation system is all about waste storage. He states that when DEQ goes out and does an inspection they evaluate if you need to construct waste storage; something that contains manure. He states that the bed pack system does not require someone to construct waste storage.

Zimmerman asks Heather to clarify if the application says 10,000 head and if it should say 10,000 animal units.

Heather states that it can be reworded to say 10,000 animal units however there is a bigger issue. She shows a map with the building marked in the east and states that she received this map from Petersen. She states that if they are going to use 10,000 head, they will be within 1320 feet from a residence on the west end. She states that they will not be able to use the whole 80.

Marshall Petersen states that they will not be using the west end.

Ivan Petersen states that they can change it to say the east 40.

Zimmerman asks how to count the animals if they are different.

Heather states that cows are 1-1 and sheep are 10-1.

Joe Aschoff states that he would like to make a comment regarding land values. He states that he doesn't believe that the feed yard would have any effect on land values in the area.

Krueger states that he's concerned because we don't know how many sheep or how many cows. He states that it could turn into a 10,000 operation of just cows. He states that there is no guarantee what we will have out there.

Ivan Petersen asks if it would matter if it were smaller and on the east 40.

Hoffman states that his suggestion would be to start smaller and eventually expand later. He states that a lot of people are shaken up by the amounts that could potentially be there.

Ivan Petersen states that his concern is the amount of money in infrastructure and the sheep market falls through and then you want to change to cattle you can't because you are not permitted. For that reason, they are asking for permitting for both cattle and sheep, but the idea is to have just sheep.

Heather states that when Petersen applied, he did not want to give an exact number of animals.

Krueger states that he is wondering if it would be better table a decision.

Ivan Petersen wants to know why.

Krueger states that he has 3 reasons. 1. the site location, 2. The road and 3. The amounts.

Zimmerman asks the neighbors who live within the setbacks on the west end if they have signed a waiver of distance.

The neighbor says that he did not.

Zimmerman states that this permit could not be granted at all then because the permit is for the whole 80 acres.

Nathan makes a motion to table in order to gather more information. Hoffman seconds the motion.

Members Aschoff, Hoffman, Zimmerman, Nathan, Schaefer and Krueger vote "AYE"

None votes "NAY".

Motion Carried.

## **Other Business:**

Heather gives the Administrators report.

Pierce County problem property is discussed.

Zoning permits are discussed.

**8:28 p.m.** motions to Adjourn.

seconds the motion.

All vote "AYE" none vote "NAY".

Meeting adjourned.