

## MINUTES

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

Pierce, Nebraska

The October 16, 2023 meeting of the Pierce County Joint Planning Commission was called to order by Chairman Zimmerman at 7:00 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, Larry Schaefer, Dwaine Hoffman, Tom Nathan, Joe Aschoff, Gerry Krueger, Ryan Brodersen, Bonita Lederer.

**Absent:** Guy Ellsowrth.

**Also present:** Sarah Hilkemann, Chris Hilkemann, Mark Hilkemann, Gary Hilkemann, Shauna Gossman, Josh Gossman, Blaine Bockelman, Robin Cheney, Ben Cheney, Sharon Nelson, Rhoda Bielland, Jared Cheney, Ryan Steckelberg, Annette Steckelberg, Lance & Ilene Arnold, Fred & Kathy Planer, John Planer, Shannon Bloomquist, Tom Donahue, Gregg & Sara Lambrecht, 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- July 17, 2023:** The minutes of the July 17, 2023, Pierce County Joint Planning Commission were presented. Motion made by Aschoff to approve the minutes and seconded by Schaefer. Members Krueger, Lederer, Brodersen, Hoffman, Nathan, Aschoff, Schaefer and Zimmerman vote "AYE" none vote "NAY". Motion Carried.

Zimmerman reads the Public Hearing.

**The purpose of this meeting is to discuss the application of Josh Gossman to operate a medium hog operation on property described as Part of the E ½ SW ¼ Section 10, Township 25 North, Range 1 West of the 6th P.M., Pierce County, Nebraska. This meeting will be to gather information only. No public input and no action will be taken at this time. This property is located at approximately 55535 850 Rd Pierce, Nebraska.**

Heather states that the applicant would like a permit for 1350 feeder hogs on the property he owns located in an Ag Intensive district. There is one home located within the ¼ mile setback, however they have provided a notarized waiver form from the property owner.

Heather reads the Facts and Recommended Conditions.

**Facts:**

1. The application is consistent with the Pierce County Comprehensive Plan.
2. The application is consistent with the Pierce County Zoning and Subdivision Regulations.
3. Waiver has been provided for the home that is inside the ¼ mile setback.
4. The property is zoned A-1 Agricultural Intensive.
- 5.

**Recommended Conditions:**

1. This is a Livestock Feeding Operation Conditional Use Permit for up to 1350 head of feeder cattle.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution, with automatic renewal 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.
5. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.
6. A zoning permit must be approved for any structure prior to building.

**7:03 P.M.** Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.

Josh Gossman speaks in favor. He states that he plans to build 6 hoop barns that will hold approximately 200 hogs in each barn. He states that the barns will have concrete floors and he will use cornstalk bedding. He states that he has a manure management plan using the dry packed manure system, there will be no liquid manure. He states that the manure will be cleaned out and spread onto his field and possibly sold to other farmers. He states that during the growing season the manure will be stockpiled by the barns until crops are out and manure can be spread.

Gossman states that there are no nearby creeks or bodies of water near the area of the barns or the stockpile area.

Zimmerman asks if there is anyone else in favor.

Ryan Brodersen speaks in favor. He states that he will not be part of this portion of the Planning Commission meeting and recuses himself as he has a personal interest in this application.

Brodersen states that Josh Gossman will be working with him at this site if the application goes through. He states that Gossman has been contract feeding for him on several different locations. He states that they have not had any complaints from anyone on any of the additional sites.

Brodersen states that there will be no noticeable additional traffic. He said that there will be a few semi loads a year.

Brodersen states that they have neighbors to another site that live under 900' away and the last time they expanded they attended the Public Hearing and spoke in favor because they did not have any complaints. He states that the dry packed system is good and will not produce the same smells or noise as a confinement.

Brodersen states that this is good for the economy. He states that Gossman has done everything he needs to do as far as all the expectations that the County has in order to get approval for this permit.

Zimmerman asks if there is anyone else in favor.

John Planer speaks in favor. He states that he lives approximately ½ mile from the proposed site.

Zimmerman asks if there is anyone else in favor.

Blaine Bockelman speaks in favor.

Zimmerman asks if there is anyone else in favor.

Shauna Gossman speaks in favor.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

Ben Cheney states that he has a lot of questions. He states that he lives less than ½ mile from Gossman. He speaks of concern with stockpiling manure and the smell.

Brodersen states that the stockpiles they have will very rarely smell. He states that when the manure is spread in the fall will have smell for a few days, however the stockpiles get a crust over them and don't have a continuous odor.

Lance Arnold verifies the size.

Heather confirms that the application is for 1350 head. She states that if he were to want to expand in the future he would have to come back in and do this again.

Lance Arnold states that he has sat in on 2 hearings about wind turbines and was told that you would not have noise. He states that a smell is a smell of a smell. He states that what if in a year he wants to go 2000, 3000, 10,000. He states that it is his understanding that a medium operation can go up to 10,000 hogs.

Heather states that amount would be considered a large and there are enough residences in the area that the setbacks will not allow it to go that large.

Lance Arnold verifies the size again and that he can not go over that size.

Heather states that he would have to let us know how many he wants and he could possibly be told no upfront based on the setbacks. She states that there is one neighbor in the setback currently that signed a waiver. She states that if he were to go larger it would pull more landowners in who would need to also sign a waiver. She states that if they don't sign it can not go through.

Lance Arnold states that he is not in favor or opposed. He states that he loves bacon and he states that 1350 hogs is not a very big operation and wants to be sure that it is capped there.

Brodersen states that most confinements are a minimum of 2400 head. He states that it looks like it will be large because of the 6 barns.

Krueger states that they will be turned twice a year so he wants Arnold to be aware that there will be more hogs on the property but not more than 1350 at any given time.

Lance Arnold states that he is not worried about turning them he just doesn't want it to turn out to be a 10,000 pigs there at one time.

Krueger states that they will be all in and all out.

Mark Hilkemann speaks in opposition. He states that he sent in 3 letters in opposition written by his daughters and his wife. He asks about rodent control, fly control, deceased and employees. He also asks about the issue of traffic as there will need to be feed taken to the property.

Gossman states that there will be measures taken for rodent and fly control. He states that there is no way to control these issues 100%. He states that they will set up a bulk system for grain to hopefully keep traffic to a minimum.

Brodersen states that it will probably be 1 load of grain a week.

Brodersen states that they will compost the deceased.

John Planer states that he does not see a traffic issue.

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

Brenda Wiese; neighbor to the south. She asks where the closest current barn is located so that they can go look at it.

Brodersen states that he has about 18 barns close to Jerry's Hilltop. He states that he does not have a problem with them visiting from the road but cannot let them on the place due to biosecurity reasons.

Bob Weise; neighbor states that he has always wanted to build a new house in the area and didn't get it built. He states that there is a new house built by someone else and a couple of new buildings one of which is used for pop up sales. He states that he feels that different worlds will be operating on that same property. He states that a fly problem will come. He asks how far back on the property the barns will be built.

Heather shows a map that describes the location Gossman is allowed to build the barns. (Exhibit A)

Bob Weise argues the fly issue and says the neighbors are the ones that have to deal with it. He asks who is going to enforce the issues. He states that no one follows up when there is an issue.

Heather states that this property is located in Ag Intensive Zoning which means that the primary use of the property is Ag not residential. She states that there are only 2 residences allowed per ¼ section in this Zoning District. She states that it appears that some homes in this area appear to be grandfathered in.

Heather states that she does enforce Conditional Use permits. She invites anyone who has a verified complaint to go talk to her.

Weise states that it would be real easy if she would pull some of those files and go check.

Zimmerman states that it has to be a verifiable complaint.

Krueger states that he recalls situations of complaints being followed up on.

Heather states that this is not relevant to what this meeting is about but states that the conditions of a CUP are enforced.

Robin Cheney asks about the spreading of manure. She states that spreading on the back side of the property is basically the front side of their property. She states that she does not want to smell the pigs at any time. He states that he knows there are going to be flies. She states that there are horses and cows on both sides of the property. She states that when they talk about biohazard that she understands that pigs get certain diseases and how does that affect any of their animals. She also asks about water pressure and how much water the operation will need. She states that irrigation takes their water pressure and voices concern that an operation like this will also affect it.

Robin Cheney states that there are a lot of questions that they are not getting answers to. She said that they plan to biodegrade the dead pigs and asks about extra predators and states that they already have enough. She states that if predators are digging up dead pigs there will be more coyotes in the area. She asks what will be done about that and states that they have kids and pets.

John Planer asks how far Brodersen lives from Hilltop.

Brodersen states that he lives 2 miles from there.

Planer states that we all eat at Hilltop and asks if there have been any complaints from there.

Brodersen states that he has not received any complaints.

Planer asks how many he currently has on his property.

Brodersen states that he has roughly 2400. He states that he has a neighbor directly across the road and there have not been any complaints from the neighbor.

Zimmerman states that he would like to address some of Robin Cheney's comments. He states that he is an organic farmer and uses chicken litter. He says that when it is applied to the field it will smell for about a day. He states that when you live in an ag community you are going to have smells. He states that chemicals applied are just as bad. He states that a manure pile will smell until the pile creates a crust. He states that coyotes exist with or without hogs. He states that when you compost there is nothing left of the animal.

Zimmerman states that irrigation for crops uses way more water than any animal feeding operation.

Brodersen states that a hog will drink about a gallon a day about a ½ gallon when they are smaller.

Zimmerman states that irrigation can pump about 1000 gallons per minute. He states that for this permit it would be approximately 1350 gallons per day. He states that water is a valid concern, however this operation will not contribute to well interference.

Tom Donahue states that he has had 2 people tell him that this operation will make the valuation of property to go down.

Aschoff states that we are in an ag intensive area and it is expected that some of this stuff will pop up in your neighborhood. He states that if someone wants to live in the country you can put your price and they will pay it. He says it will not affect the valuation \$1. He states that everyone wants to live in the country, and he will argue the concerns of valuations going down all day long.

Rohda Bielland states that she was the second person to build in the area about 30 years ago. She states that there are now 7 homes in a ½ section. She asks why they are putting hogs amongst this cluster of homes. She states that this would not happen along the edges of Pierce or Norfolk. She states that she knows what they smell like.

Gossman states that land prices are a factor. He states that he has twin boys that want to come home to farm and this is a way to bring them home.

Shanna Bloomquist states that she has a question about groundwater. She states that they plan to spread manure in the same place every year.

Brodersen states that it will have to get rotated around.

Bloomquist asks what it is going to do to their wells and the drinking water.

Brodersen states that there is very low nitrogen in the manure. He states that It is not the same kind of nitrate that you would see from commercial fertilizer. He states that It will spread a lot of organic matter. He said that it will be good for the soil.

Bloomquist states that most hogs generally die from a disease. She asks if it breaks down in compost.

Brodersen states that diseases don't jump species.

John Planer asks if the manure will be drilled in.

Gossman states that he will try the best that he can.

Brodersen states that he would like this application to go through however if it doesn't it is fine with him. He states that in the end everyone has to be neighbors. He states that if this does go through, he feels confident that within a year from now the neighbors will look back and say that it isn't as big of a deal as they thought.

Aschoff states that there are a lot of trees that will act as big buffer.

Blaine Bockelman states that the Koehler family right to the east have stated that they are not concerned.

Tom Donahue states that more and more acreages are being sold. He uses the example of when Bielland moved to the area and it was pasture and now currently has 7 homes on the property. He states that once a hog barn is there it is there. He asks why Gossman can move his operation farther west where there aren't so many people.

Zimmerman asks Gossman if he has land out west.

Gossman states that he doesn't.

Lederer asks how long this has been zoned Ag Intensive.

Heather states that has been zoned this way since zoning started.

Heather states to keep in mind that the density in this area is met and no more residences can be put there. She states that everyone needs to remember that this is an Ag Intensive District. She states that this operation is allowed in this district as a Conditional Use under the regulations which she follows.

Heather states that Brodersen has come in over the years for his other hog operations and there has not been one single complaint against him.

Tom Donahue asks when these regulations were put in place.

Heather states that the current regulations were put in place in 2003.

Tom Donahue asks if the houses that are currently out there were built before then.

Bielland states that she built her home in 1995.

Heather states that the homes are grandfathered in. She states that if it had been after 2003 they would not be able to build them.

Heather states that just as a side note that one of the Conditions of the permit will be that he must have an approved permit from NDEE and that he won't be able to do anything until he has that. She said that the approved NDEE permit is sent to the County Clerk and then filed with the property. She states that we will know if any conditions have been placed on the property.

Planer confirms that the setback is 1320'.

Heather states that it is 1320' feet from any residences.

Planer states that there is probably not enough room on the property for that many barns

Heather explains that the Conditional Use Permit is for the use of the land. She states that he will need to then come back and apply to build the barns where he will need to submit a site plan and meet all the requirements to build. She states that if the barns don't fit he will then have less than 1350 head.

Heather explains the matrix and the definition of head equivalent.

Robin Cheney states that Gossman stated that his intentions are never to go over 2400 and asks what will happen if he decides that he wants to double that operation. She asks if this permit is approved now will it be easier for him to get approved for additional hogs.

Heather states that if he has no complaints it would be easier however she does not believe he will be able to go any larger due to the amount of room that he has.

Robin Cheney states that what she is getting out of this is that all who are in favor of this are either friends of Gossman's or have a financial interest in this while the rest are just out of luck. She states that because they chose to live there it's too bad so sad.

Krueger gives examples of everyone having livestock such as horses and cattle. He states that you have the right to have those animals but yet it might cause a smell for your neighbor.

Robin Cheney states that it is not the same and the rest of us have rights too.

Lederer asks if there is enough space in this area to expand.

Shauna Gossman states that she does not believe so.

Josh Gossman states that 2400 is only referenced because when he applied with NDEE he was wanting more than what qualified as a small operation and a medium operation goes up to 2499 head.

Lederer asks if as a medium operation has more regulations and if they will monitor the operation for things such as nitrates.

Brodersen states that because it is a bed packed system it is not regulated and does not require a manure management plan. He states that it does not have the same risks as liquid manure.

Brodersen explains the bed pack system. He states that it is compost basically. He states that all the barns will have cement floors and will be bedded with cornstalks or straw. He states that it composts itself and when it is spread it is pretty dry. He states that it isn't anything like pits or lagoons. He states that the barns are cleaned out approximately twice a year. He states that an operation of this size will probably cover 100 acres if spread conservatively.

Rhoda Beiland confirms with Gossman that location where the manure will be spread.

Zimmerman asks if anyone else would like to speak in opposition.

No one speaks.

Letters of opposition are entered into the record. (Exhibit B)

**7:54 P.M.** Zimmerman closes the Public Hearing.

Discussion amongst the board.

Krueger makes a motion to recommend approval based on the above recommended conditions. Lederer seconds the motion.

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

Brodersen Abstains.

None vote "NAY."  
Motion Carried.

**Other Business:**

Heather gives the Administrators report.

Nebraska Wind and Solar Conference is discussed.

Zoning permits are discussed.

**8:04 p.m.** Kruger motions to Adjourn.

Hoffman seconds the motion.

All vote "AYE" none vote "NAY".

Meeting adjourned.