

Thomas County Planning Commission

Minutes of August 6, 2013

The Thomas County Planning Commission convened in open and public session at 4:30 p.m., August 6, 2013 in the Courtroom of the Thomas County Courthouse, Thedford NE. Members present were Mark Nutter, Bob Childers, Lemoyne Dailey, Carolyn Warren, Wayne Rodocker, and Jim Purdum. Also present at the meeting were Thomas County Zoning Administrator Lorissa Hartman, County Attorney Warren Arganbright, Sheriff Gary Eng, Shawn Zutavern, Russell Zutavern, John G. Sennett, Rex Lanka, Walter Collier, Ann Collier, Travis Collier, Becky Collier, Matt Thomas, Tim Chancellor, Kent Liebhart, Don Kilday, Tim Downing, Brett Downing, Taylor Downing, Miles Maseberg, RJ Thomas, Ann Thomas, and Laura Krebsbach.

Chairman Nutter declared quorum present.

Chairman Nutter stated public meeting guidelines are posted as required by law, copies are available if requested.

Notice of meeting and public hearing was given by publication in the Thomas County Herald on July 25, 2013, Custer County Chief on July 25, 2013 and the Clerk states that notice was sent to Logan County paper and to be published on July 25, 2013.

Motion to approve the August 6, 2013 agenda made by Dailey and second by Purdum. Roll call vote: Ayes – Childers, Dailey, Warren, Rodocker, Purdum, Nutter, Childers. Nays – none. Absent – Mintle, Haake, Swisher. Motion carried.

Motion made by Childers and second by Rodocker to approve the March 25, 2013 minutes as published in the Thomas County Herald on April 4, 2013. Roll call vote: Ayes – Dailey, Warren, Rodocker, Purdum, Nutter, Childers. Nays – none. Absent – Mintle, Haake, Swisher. Motion carried.

Chairman Nutter recessed the regular meeting at 4:33 p.m.

Chairman Nutter opened public hearing at 4:33 p.m. on the Special Use Permit application by TLC-Wild Horse .

County Attorney Warren Arganbright noted for record that certified mail receipts for landowners, proof of publications for Custer County Chief and Thomas County Herald, Thomas County Clerk/Zoning Administrator stated that notice was sent to Logan County paper to also be published on July 25, 2013, and the photos of the notice posted on site by the Thomas County Sheriff were presented.

Tim Downing voiced concerns about the confinement facility and its location to his home site and his concerns about decreased valuation on his property. He also presented for the record affidavits from Dennis Hoffman, Jim Folk and Joe Nutter.

Laura Krebsbach addressed the board presented information on District court cases in regards to nuisance issues, study of health issues related to confinement operations, and various documents regarding valuations on properties near confinement facilities.

Rex Lanka asked that consideration be given since part of the road leading to the confinement facility will be approximately 3 miles of Logan County road. He asked that conditional use permit be considered for Logan County and Thomas County for road usage.

Matt Thomas addressed the board about the process in which they choose a location for the hog confinement facility. All Zoning regulations were reviewed before making a decision. He also stated that he had visited with the Blaine County Commissioners about the road usage.

Chairman Nutter presented for record the application approval from NDEQ for the TLC-Wild Horse facility.

RJ Thomas spoke on the odor issue at various locations. Ann Thomas spoke on how they consider the neighbors of a potential confinement facility.

Don Kilday was present and voiced his concerns about health and odor issues due to the facility location to his land.

Shawn Zutavern voiced his concerns on regards to downwind odor and the possibility of water contamination.

Tim Chancellor talked about his confinement facilities located in Custer County and the regulations they must meet with the NDEQ.

Miles Maseberg talked about the confinement facility on the family ranch and the regulations they must follow. He also stated that 3,000 acre of grass land had just recently sold near their hog confinement facility for over \$500 per acre.

Chairman Nutter closed the public hearing at 5:40 p.m. and reconvened the regular meeting.

The board then reviewed the factual findings to consider recommendation or denial of the requested special use permit to the County Board of Thomas County Ne. The planning commission then reviewed Thomas County Zoning Regulations of 6.4. as follows:

6.4 (1) Distance requirements for this Facility C is a 1 ½ mile set back. The only home noted within the 1 ½ mile set back is owned by Walter and Rebecca Collier and they have signed a waiver.

6.4 (2) Management Plan. The management plan presented and accepted by the NDEQ was available.

6.4 (3)(a) Disposal and storage of livestock confinement facility/operation animal waste on land within Thomas County is subject to the license requirements and waste disposal requirements of the State of Nebraska.

6.4 (3)(b) No livestock waste disposal shall be closer than 1,320 feet to a neighbor's residence.

6.4 (3)(c) No storage or disposal of livestock waste on land that is not tillable as "farmable wetlands" designated as wetlands by the United States Department of Agriculture, Farm Services Commission.

6.4 (3)(d) Paunch waste disposal. None at this site.

(No 6.4(4) exists in Regulations)

6.4 (5) Special Use permits granted under this section shall be subject to review by the County Board if not in compliance with the NDEQ regulations.

6.4 (6) Reviewed for the protection of the general health, safety and welfare of the residents of Thomas County.

Motion made by Purdum and second by Rodocker to recommend approval of the special use permit for TLC-Wild Horse.

Roll call vote: Ayes – Warren, Rodocker, Purdum, Nutter, Childers. Nays – Dailey. Absent – Mintle, Haake, Swisher.

Motion carried.

Public comment. Rex Lanka voiced his concern that the planning board did not recommend a conditional use along with the permit in regards to the Logan County road.

Motion made by Warren and second by Rodocker to adjourn the meeting. Roll call vote: Ayes – Warren, Rodocker, Purdum, Nutter, Childers, Dailey. Nays – none. Absent – Haake, Swisher, Mintle.

Meeting adjourned at 6:04 p.m.

Respectfully submitted,

Lorissa Hartman

Thomas County Zoning Administrator