

MINUTES OF THE  
KEARNEY COUNTY PLANNING COMMISSION  
May 31st, 2022

Notice was published in the local paper. The agenda was kept continuously current at the office of the Kearney County Zoning Administrator.

A meeting of the Kearney County Planning Commission was called to order by Chairman John Kuehn in the Assembly room of the Courthouse in Minden, Nebraska Kearney County at 7:31 pm on May 31<sup>st</sup>, 2022.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public and in accordance with the Open Meeting Act.

Roll Call:

Members Present: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Also, present: Kearney County Zoning Administrator Joseph Anderson and Kearney County Attorney Melodie Bellamy

Chairman John Kuehn asked if everyone had a chance to look over the minutes from the previous meeting on March 7<sup>th</sup>, 2022. After reviewing minutes Jody Casper made a motion to approve the minutes seconded by Terry Buettner.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Chairman John Kuehn stated that this meeting was called to hold a public hearing for an application for a special use permit by Olsen Cattle Company LLC to expand from a Class "C" livestock confinement facility (2501 to 5000 animal units) to a class "D" livestock confinement facility (5001 to 7500 animal units) on a parcel in the E ½ of Section 5, Township 6 North, Range 15 west.

Terry Buettner made a motion to open public hearing to hear comments on the proposed application. Seconded by Kevin Raun

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Public Hearing Opened at 7:37 pm

Joseph Anderson started by explaining to the board the application and the current operation at Olsen Cattle LLC. How they are wanting to expand to a class "D" facility.

Dave Olsen (Applicant) further explained the current operation and presented a map showing where the proposed expansion would be on there property. The proposed expansion would go to the south of their current cattle feeding pins.

Brandi Hardenbrook (1151 27 Rd) wanted to express there her and her husband have concerns about the odors, surface, and ground water contamination, and if there would be any devalue of their property due to expansion.

Daniel Porter (818 O Rd) stated that he has no objections to the expansion of cattle, but he does not want to have any expansion of hog confinement. And asked if there was anything that could be put into place to limit the expansion of the hog confinement in the future.

Chairman John Kuehn asked if there was anyone else that wanted to speak? And with no one else wanting to speak or ask questions John Kuehn asked for a motion to close public hearing. Terry Buettner made a motion to close public hearing, Tom Anderson seconded.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Public Hearing closed at 7:56 pm

Chairman John Kuehn asked the board if there was any other discussion about the application.

Joseph Anderson stated that if the expansion was granted that it would not meet the current Kearney County Regulations due to two (2) residence being within the required  $\frac{3}{4}$  mile setback requirement for the class "D" facility. Nathan and Brandi Hardenbrook at 111 27 RD and Roger and Wendy Clark at 1329 27 RD.

Board members talked about there needs to be ways to allow for expansion of existing operations especially family owned and operated rather than have new operations, and there needs to be ways to allow for this type of expansion if there are not objections by the neighbors.

Dave Olsen stated that the regulations have changed on them over the years and that they are now limited on the size of there operation due to these changes.

After further discussion Tom Anderson made a motion to recommend approval of the application Terry Buettner seconded.

Aye: Tom Anderson, Terry Buettner, John Harris,

Nay: Kevin Raun, Jody Casper

Abstain: John Kuehn

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

County Attorney Melodie Bellamy stated that a motion must pass by a majority of the members of the Board

Joseph Anderson stated that an abstention from voting is a negative vote, therefor the motion did not pass.

Motion Failed

Terry Buettner made a motion to recommend denial of Special Use Permit Application Kevin Raun Seconded.

Aye: Kevin Raun

Nay: Tom Anderson, Terry Buettner, John Harris, Jody Casper

Abstain: John Kuehn

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Motion Failed

John Kuehn asked now that there has not been a motion that has passed what is the next step. Joseph Anderson stated that application for Special Use Permit is forwarded to the Kearney County Board of Supervisors with "NO Recommendation" from the Kearney County Joint Planning Commission.

Wendy Clark signed in and asked some questions regarding the motions that were made.

Kearney County Attorney Melodie Bellamy made note on the sign-up sheet that Wendy Clark signed in after the public hearing had closed.

Joseph Anderson stated that there was a motion to recommend approval that did not pass and there was a motion to recommend denial and that did not pass.

Wendy Clark asked if the Kearney County Joint Planning Commission was aware that there were two residents within the required  $\frac{3}{4}$  mile set back distance.

Kearney County Attorney Melodie Bellamy stated that the public hearing was at 7:30 and that the public hearing was now closed and that if there were specific statement or questions that Wendy Clark had that she would need to wait until the public hearing with the Kearney County Board of Supervisors.

Joseph Anderson told Wendy Clark that if she had any material that she wished for the Kearney County Board of Supervisors to review prior to the meeting that she could submit that information to either Myra Johnson the Kearney County Clerk or Joseph Anderson the Zoning Administrator to forward that information to the Board of Supervisors.

Wendy Clark presented a packet of information that she would like the Kearney County Board of Supervisors to review and asked if the date for the public hearing with the Kearney County Board of Supervisors had been set yet.

Joseph Anderson stated that meeting had not been set yet but once that meeting is set there will be notification as required for that public hearing/meeting.

Joseph Anderson updated the board on some issues that he felt needed to be discussed when Kearney County updates their comprehensive plan and zoning regulations and asked the board members to bring any issues that they feel need to be addressed to him so they can start to work on that.

- Language in Subdivision Regulations dealing with having more than 4 houses per quarter section
- Adding Kearney County Website as a form of legal notice
- Adding a waiver for LCF and Residence to allow for expansion
- Change Supervisors to Commissioners
- About adding setbacks for grain bins from residence
- Adding setback requirement for planting of trees from Right-of-Way
- Simplify the requirements and language for Administrative Subdivisions
- Adding language in the Comprehensive plan to address conservation easements.

Joseph Anderson also stated that he is working on a request for professional services to send out to update Kearney County Comprehensive plan and zoning regulations.

Chairman John Kuehn asked if there was any other business that needed to be discussed. With no other business Tom Anderson made a motion to adjourn at 9:01 pm seconded by Terry Buettner.

Aye: John Kuehn, Tom Anderson, Jody Casper, Terry Buettner, John Harris, Kevin Raun

Nay: NONE

Members Absent: Patty Lundeen, Dawn Thompson, Malcom Dornhoff

Next Meeting will be set at a later date.