

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 19035, COMMERCIAL)
FEEDLOT ON PROPERTY GENERALLY) RESOLUTION NO. R-19-0081
LOCATED APPROXIMATELY ¼ MILE EAST)
OF NW 27TH ST AND ASHLAND ROAD,)
LANCASTER COUNTY, NEBRASKA)

WHEREAS, Sunset Poultry, LLC (“Applicant” and “Permittee”) and Wayne and Charlene Greve (“Owners”), requested approval of County Special Permit No. 19035 (“Special Permit”), for a Commercial Feedlot for up to 380,000 chickens in eight buildings within a 20 acre building envelope on an approximately 100 acre lot under the provisions of Section 13.035 of the Lancaster County Zoning Resolution on property located approximately ¼ mile east of NW 27th Street and West Ashland Road, legally described as follows:

Lot 2, Benes Country Acres 1st Addition and the E ½ of the NW ¼ of Section 4,
Township 12 North, Range 6, East of the 6th P.M., Lancaster County, Nebraska
 (“Property”);

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning Department”) recommended conditional approval of said Special Permit, concluding that this application is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan and should not have an impact on the surrounding area. There is one house (Owner’s house) within a quarter mile and only five within one-half mile of the boundaries of the building envelope. The barns and accessory structures are only allowed within the building envelope. The increase in traffic is relatively minor. The Lower Platte South Natural Resource District, the Lincoln-Lancaster County Health Department, and the Nebraska Department of Environment and Energy

(f/k/a Nebraska Department of Environmental Quality) (“NDEE”) do not object to this application. Although a permit is not required by NDEE, the Planning Department recommended requiring a permit to ensure compliance with and prevent impact to ground water and to reduce odors;

WHEREAS, on October 2, 2019, the Lincoln-Lancaster County Planning Commission (“Planning Commission”) conducted a public hearing on County Special Permit No. 19035 and voted 5-1 to conditionally approve the Special Permit based on the findings of fact, application, staff report, evidence, and testimony before them;

WHEREAS, appeals of the Planning Commission’s action to the Lancaster County Board of County Commissioners (“County Board”) were filed with the Lancaster County Clerk’s Office on October 8, 2019, October 9, 2019; October 11, 2019, October 13, 2019, and October 15, 2019;

WHEREAS, on November 7, 2019, the County Board conducted a public hearing on the Special Permit, voting 3-2 to DENY said Special Permit;

WHEREAS, based on the application, staff report, evidence, and testimony before the Planning Commission hearing on October 2, 2019, and the Board’s hearing November 7, 2019, the Board finds as follows:

1. The proposed use failed to assure adequate long-term provision of water. Although testimony by the Applicant and the Lower Platte South Natural Resource District (“NRD”) indicated well testing would be completed by the NRD after approval of the special permit to provide more information on water availability, evidence fell short of ensuring long-term water supply for the surrounding community. Testimony in opposition was concerned about the water quantity, more specifically, testimony in opposition by Cathy Burklund referenced a

hydrogeology assessment completed by Dave Hume, professional Geologist, submitted on the record to the Board by Derrick Joel, which factually demonstrated potential long-term water quantity problems that could arise due to the increased demand for groundwater should the special permit be approved.

2. The Applicant failed to demonstrate their ability to protect the chickens, the Property, and surrounding properties from fire. Based on testimony by Jessica Kolterman of Lincoln Premium Poultry, the technology in the barns inadvertently would fuel a fire in the barns. Although the Applicant testified they were willing to install a fire hydrant and keep vegetation planted fifty (50) feet away from a barn, a statement provided by Derek Matulka, Chief of the volunteer Valparaiso Fire and Rescue Department, voiced concerns and factually demonstrated the inability for local fire departments to fight a potential fire at a barn, along with the potential lack of adequate water supply to fight a fire.
3. The proposed use leads to increased traffic congestion on County roads and the need for increased road maintenance. Testimony and evidence provided by the Applicant established their need for trucks as an integral part of their proposed operations. Specific testimony by Larry Legg, Assistant Lancaster County Engineer, stated a road maintenance agreement would be needed to account for the negative impact the increased use would have on certain County roads.
4. The proposed use does not promote the health, safety, and general welfare of County residents. The Property is zoned Agricultural and the proposed use of the Property is a use for which a special permit may be granted in an Agricultural district. In addition, other commercial feedlots exist relatively free of complaints

elsewhere in the County, even near other schools. However, testimony in opposition and evidence in the record demonstrate the risk of negative environmental impacts, health and safety risks, and the stress and strain on the general welfare the approval of *this* special permit would have on County residents in *this* location. The testimony demonstrates that those risks, stresses, and strains arise out of the Property's proximity to Raymond Central High School and the size of this use. These impacts, risks, stresses, and strains threaten Raymond Central and the students in attendance. For example, testimony established that there would be increased truck traffic on County roads adjacent to the school at the same time that those same roads would be in use by inexperienced drivers regularly traveling to and from the school at a variety of hours.

NOW, THEREFORE, BE IT RESOLVED, by the County Board that Special Permit 19035 on the Property is hereby DENIED.

DATED this 19 day of November, 2019, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA



Rick Vest



SCHORR VOTED NO

AMUNDSON VOTED NO

APPROVED AS TO FORM
this 19 day of November, 2019.



Deputy County Attorney
for PAT CONDON
Lancaster County Attorney