



November 24, 2020

Ms. Jessica Coyle and Planning Commissioners
Cherry County
365 Main Street #8
Valentine, NE 69201

RE: Danielski Farms Swine Facility CUP Application
Cherry County, NE

Jessica and Commissioner members;

The following are my thoughts and suggestions for the above referenced project.

Thoughts and Concerns

1. Traffic and roads
2. Phasing of the project
3. Monitoring wells and testing
4. Long-term waste management
5. Neighbors
6. Infiltration into the soil and water table
7. Item 501.05 #15 (D) of the Cherry County Zoning Regulations state "To minimize the potential for unreasonable odor impacts on abutting and neighboring properties and/or to minimize the extent of the number of properties which may be occasionally impacted through surface application of manure in any general location, the number of animal units in any confined animal feeding use *shall not exceed 2,000 animal units* per section of land. Authorization to exceed this limit may be approved by the County Board of Commissioners if the *owner of the proposed confined feeding use can provide assurances, acceptable to the County Board of Commissioners that such larger numbers of animals will not result in more properties being subjected to unreasonable levels of odor for unreasonable duration periods.* This CUP exceeds the 2000 Animal Unit maximum of this section.
 - A. Planning Commission and County Board of Commissioners must show the *owner of the proposed confined feeding use can provide assurances, acceptable to the County Board of Commissioners that such larger numbers of animals will not result in more properties being subjected to unreasonable levels of odor for unreasonable duration periods.*
8. Ensuring the composting will be continue throughout the life of the facility.
9. Based upon the NRCS's review, 78% of the soils in the area have a high infiltration rate.
10. Based upon the NRCS's review, the soils in the proposed area have a high leaching potential.
11. Based upon the NRCS's review, 59 of the land application sites are listed as having a HIGH potential for nitrogen leaching from nitrogen fertilizer or manure with high ammonia level which is associated with deep pit liquid manure).
12. Based upon the NRCS's review, the operator area for land application will only be adequate for 1.5 years.

Approval of CUP - Conditions to consider

1. All manure application shall be through injection regardless of the Waste Management Plan on file with NDEE
2. Phasing of the project - Phase 1 including any shared facilities with Phase 2 shall be allowed.
 - A. All shared facilities and earth work may be completed during Phase 1

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- B. Phase 2 shall require a second CUP.
3. Monitoring wells shall be installed according to NRD and NRCS identified locations
 4. Monitoring wells shall be test annually by the NRD and all fees associated with testing shall be borne by the producer
 5. Monitoring wells shall monitor for both nitrates and phosphorus annually.
 6. The applicant/producer shall work with the County Board of Commissioners on a road maintenance program in order to maintain the roads used by the facility and local residents.
 7. The facility's proposed deep pit, capacity of 365 days of waste shall remain at this capacity and shall not be reduced when Phase 2 comes on-line
 8. The application of manure shall be done immediately prior to planting a crop or cover crop.
 9. The application of manure or dumping of manure shall not be done on frozen ground.
 10. are not included in the application considering the soil types and properties of the site. Monitoring wells should be included.
 11. The applicant shall maintain a vegetative screen on the property edges

Note: these conditions are only the opinions of MPC and the Planning Commission and County Board of Commissioners should select the ones each is comfortable enforcing. In addition, these conditions do not imply MPC's acceptance of this application and are only provided for your consideration as critical items. Finally, both the Planning Commission and/or County Board may choose to not approve said CUP.

If you have questions or comments, please contact me at 402.367.5031 or 402.606.6405.

Yours truly,

Keith A. Marvin, AICP
President/Project Manager

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