

## MINUTES

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

Pierce, Nebraska

The March 22, 2021 meeting of the Pierce County Joint Planning Commission was called to order by Chairman Zimmerman at 7:01 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, Byron Wragge, Joe Aschoff, Guy Ellsworth, Gerry Krueger, Dwaine Hoffman, Larry Schaefer and Tom Nathan.

**Absent:** None

**Also present:** Rich Koenig, Aaron Stech, Allen Kampschnieder, Ron Stech, Cody Mattson, Shauna Gossman, Pam Flesner, Linda Mattson, Scott Mattson, 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-February 16, 2020:** The minutes of the February 16, 2020 Pierce County Joint Planning Commission were presented. Motion made by Hoffman to approve the minutes and seconded by Krueger. Members Wragge, Nathan, Ellsworth, Krueger, Hoffman, Aschoff, Schaefer and Zimmerman vote "AYE" none vote "NAY". Motion Carried.

The Stech Pre-submission meeting to discuss the application of Aaron Stech to build two finishing barns for a total of 5,200 head on a 5-acre tract in an Ag Intensive district on property described as Part of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 27 North, Range 4 west of the 6th P.M., Pierce County, Nebraska was held prior to the Regular Pierce County Planning Commission Meeting. (Please see Pre-submission meeting minutes)

#### **Zimmerman reads the first Public Hearing.**

**The purpose of this hearing is to receive public comments concerning the application of Aaron Stech for a Conditional Use Permit for a 5200 head swine Finishing operation on property described as Part of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 27 North, Range 4 west of the 6th P.M., Pierce County, Nebraska.**

Heather states that Applicant is requesting to build two finishing barns for a total of 5,200 head on a 5-acre tract he is in the process of purchasing located in an Ag Intensive district. She states that there are no homes within the required setback.

Heather reads the Finding of Facts and the Recommended Conditions.

Statement of Finding of Facts:

1. This application is consistent with the Pierce County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AG1 Ag Intensive.
3. No homes are located within the required setback.

Recommended Conditions:

1. This is a Medium Livestock Feeding Operation Conditional Use Permit for an operation of up to 5,200 head of swine over 55 lbs.
2. All manure shall be applied on property as shown on the manure management plan developed by the applicant in accordance with Nebraska Title 130.
3. This conditional use permit shall be for a period of twenty-years and will become effective with the adoption of this resolution. 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. This conditional use permit shall become invalid if the application with Nebraska Department of Environmental Quality is not approved within one year of adoption of this resolution.
5. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.
6. This facility may be secured by fencing and gates. Any other security devices are strongly encouraged.

**7:04 P.M.** Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.

Aaron Stech speaks in favor and states that they would like to build two barns for 5200 head of swine.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

No one speaks.

**7:05 P.M.** Zimmerman closes the Public Hearing.

Krueger makes a motion to approve based on the above recommended conditions.

Ellsworth seconds the motion.

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

None vote "NAY".

Motion Carried.

Zimmerman reads the second Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Kimberly J. Rowley for a Conditional Use Permit to construct a home on less than 40 acres on JOSHUA P. GOSSMAN'S LOTSPLIT on property described as Part of the Southwest ¼ of the Southwest ¼ of Section 10, Township 25 North, Range 1 west of the 6th P.M., Pierce County, Nebraska.**

Heather states that applicant is requesting approval to build a shouse on a 5-acre lot split. She states that the property is in an Ag Intensive district and meets the density requirement of the district.

#### Finding of Facts

1. The property is zoned A-1 Agricultural Intensive.
2. Density requirements for this zoning district allow for only two houses per quarter, this will be the second home on the quarter section.
3. There is access to an improved county road.

#### Recommended Conditions:

1. This Conditional Use Permit allows a Single-Family Home of less than 40 acres.
2. This Conditional Use Permit is permanent and may be transferred between owners.
3. With the passage of this permit, the applicant realizes that the new residence is going to be subject to livestock odors, dust, and general nuisance. This does not, however, mean that the applicant is giving up the right to be protected by Pierce County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County board of Commissioners.
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 before construction of the home begins.

**7:07 P.M.** Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.

Shauna Gossman current owner of the property speaks in favor.

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

Pam Flesner states that she is in favor.

Zimmerman asks if there is anyone else in favor.

No one speaks.

Zimmerman asks if there is anyone opposed.

No one speaks.

Aschoff confirms with Gossman that the shouse will be built on a 5-acre tract. Gossman states that it will.

Zimmerman asks if there is anyone opposed.

No one speaks.

**7:08 P.M.** Zimmerman closes the Public Hearing.

Hoffman makes a motion to approve based on the above recommended conditions.

Aschoff seconds the motion.

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

None votes "NAY".

Zimmerman reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Cody Mattson for a Conditional Use Permit to construct a body shop on property described as Part of the Northeast ¼ of the Northwest ¼ of Section 4, Township 25 North, Range 3 west of the 6th P.M., Pierce County, Nebraska.**

Heather states that Cody would like to operate a Body Repair Shop out of a building located on the property which is a Conditional Use under the Cottage Industry regulations. She states that the property is zoned Ag Intensive.

Finding of Facts

1. The property is zoned A-1 Agricultural Intensive.

Recommended Conditions:

1. The permit is for a period of ten (10) years. If the Body Shop is operating without complaint at the end of the ten-year period, permit will automatically be renewed for an additional ten years.
2. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.
3. No oil, antifreeze, paint, or other fluids may be disposed of on the ground or through a septic system. Holding tanks shall be installed.
4. Any auto work done on-site must be done on a paved surface.

**7:11 p.m.** Zimmerman opens the Public Hearing.

Zimmerman asks if there is anyone in favor.  
Cody Mattson states that he is in favor. Discussion consists of starting an autobody business, the disposal of chemicals and filtering.  
Zimmerman asks if there is anyone in favor.  
Heather reads a letter in favor received from David & Donna Hoffman. (Exhibit A)  
Zimmerman asks if there is anyone else in favor.  
No one speaks.  
Zimmerman asks if there is anyone opposed.  
No one speaks.  
Krueger discusses with Mattson the amount of land he has and asks if he has enough for a building. Mattson states that he will be expanding his current building.  
Zimmerman discusses with Mattson if everything will be stored inside. Mattson states that everything will be inside, and he will be putting up a security system upon approval.  
Zimmerman asks if there is anyone opposed.  
No one speaks.

**7:15 P.M.** Zimmerman closes the Public Hearing.  
Ellsworth discusses his concern with the property having more vehicles if permit is approved. Mattson states that there will not be a problem with additional vehicles showing up.  
Krueger states that Mattson's place is clean now.  
Ellsworth makes a motion to approve based on the above recommended conditions.  
Krueger seconds the motion.  
Members Aschoff, Ellsworth, Hoffman, Wragge, Zimmerman, Nathan, Schaefer and Krueger vote "AYE"  
None votes "NAY".  
Motion Carried.

### **Other Business:**

#### **Continue Discussion and take action concerning a possible amendment to the Commercial Solar Energy regulations regarding setbacks to a feedlot.**

Heather reminds everyone that this item was tabled at the last meeting, therefore there will not be public input. She also reminds everyone that this is a possible amendment to Commercial Solar only.

Zimmerman removes Agenda item from table status.

Heather gives the members 3 handouts that include tables to use as a reference and goes over them with the Planning Commission (Exhibits B, C, D).

The Planning Commission discuss handouts.

Zimmerman states that he would like to keep things uniform with Madison County using the information in the handouts.

Nathan asks what setbacks we are currently using.

Heather states that we are using the normal building setbacks.

Planning Commission members discuss implementing setbacks for open feed yards or confinements or both.

Nathan states that he would like to see setbacks for all livestock facilities.

Krueger makes a motion that an amendment to the Commercial Solar Energy setbacks from all animal feeding operations be set at:

Up to 5000 head equivalent a setback of 1320'

5001 – 10,000 head equivalent a setback of 2640'

10,000 or more head equivalent a setback of 3960'

Ellsworth seconds the motion.

Members Aschoff, Zimmerman, Ellsworth, Hoffman, Wragge, Schaefer, Nathan and

Krueger vote "AYE"

None votes "NAY".

Motion Carried.

Heather gives the Administrators report.

Winklebaur CUP is discussed

Pierce County problem property is discussed.

Zoning permits are discussed.

**8:06 p.m.** Nathan motions to Adjourn.

Krueger seconds the motion.

All vote "AYE" none vote "NAY".

Meeting adjourned.