

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The January 17, 2019 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:00 p.m. in the Madison County Planning Department Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

Call To Order/Roll Call- Consideration and/or action on:

Present: Acklie, Grant, Griffith, Milander, Oswald, Flood, Schapman and Westerman

Absent: Abler

Also Present: Jerry Guenther, Randy Melcher, Shawn Korth, Kailie McDermitt, Jeanette Korth, Gary Korth, Ron Schmidt, Andy Scholting, Tom Clabaugh, Brent Nygen, Brian Nykodym, Jessica Kolterman, Virgil Preister, Chad Riha, Jerry Rutjens, Bryan Batenhorst, Rose Wissenburg, Gene Wissenburg, Pam Maughan, Chelsey Hartner, Ryan Zimmerman, Dick Johnson, Planning and Zoning Administrator Heather McWhorter, Planning and Zoning Office Assistant Jennie Martinez

Open Meetings Act: Grant pointed out the Open Meetings Act posted on the wall that would be followed.

Proof of Publication: Grant stated there were notices in the Norfolk Daily News.

Minutes-November 15, 2018: The minutes of the November 15, 2018 Madison County Joint Planning Commission meeting were presented.

Motion made by Acklie to approve minutes with corrections and seconded by Westerman to approve the minutes.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the first Public Hearing:

The purpose of this hearing is to receive public comments concerning the application of Clifford and Phyllis Pittack for a Conditional Use Permit to construct a home on less than 40 acres on property described as CLIFFORD L. PITTACK LOT SPLIT PT NW 1/4 NW 1/4 of Section 9, Township 23 North, Range 4, West of the 6th P.M., Madison County, Nebraska. Property is located approximately 3 miles south and 3 miles west of the Village of Meadow Grove, Madison County, Nebraska.

Heather states that the applicant applied for a Lot Split 12-11-18 and was approved by the Madison County Commissioners. She states that the applicant is now applying for a Conditional

Use Permit to build a single family home on the lot split. Property is zoned as A-1, Ag Intensive and meets the density requirements of the district.

7:05 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Dick Johnson speaks in favor. He states that the applicant recently split the property and now would like to sell the acreage with the purpose of building a house.

Grant asks if everything is ok with the property.

Johnson states that it is.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

7:06 p.m. Grant closes the Public Hearing.

Acklie asks if it is an old farmstead.

Johnson states that it is not.

Heather states that this property is vacant.

Griffith makes a motion to recommend approval based on the above recommended conditions. Flood seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Aaron Lentz and Chelsey Hartner-Lentz for a Conditional Use Permit to construct a home on less than 40 acres on property described as Jean M Blanks Minor Subdivision Lot 2 of Section 15, Township 22 North, Range 1, West of the 6th P.M., Madison County, Nebraska. Property is located approximately 2 1/2 miles north and 1/4 mile east of Madison City, Madison County, Nebraska.

Heather states that the applicant is applying to build a home on less than 40 acres located in an A-1, Ag Intensive District. She states that the location meets the density requirements of the zoning district.

7:08 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Chelsey Hartner-Lentz; applicant speaks in favor. She states that she would like to build a house there.

Grant asks if there is currently a driveway.

Hartner-Lentz states that there is.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone who would like to speak in opposition.

No one speaks.

7:09 p.m. Grant closes the Public Hearing.

Acklie states that when they did a lot split on this property we knew that they were going to build a house on there at some point.

Acklie makes a motion to recommend approval based on the above recommended conditions. Oswald seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Gene R. & Rose M. Wissenburg for a Conditional Use Permit to install a Solar Cell Array on property described as a Tract of land in the NW ¼ of the NW ¼ of Section 3, Township 20 North, Range 4 West of the 6th P.M., City of Newman Grove, Platte County, Nebraska. Property is located at 1101 County Line Rd, Newman Grove, Nebraska.

Heather states that the applicant is requesting to install a solar panel array, which requires a Conditional Use Permit per Newman Grove Zoning Regulations. She states that the property is located in an Industrial District in Platte County.

Heather reads the Facts and Conditions.

Statement of Finding of Facts:

- 1. The application is consistent with the Newman Grove comprehensive Plan and Zoning and Subdivision Regulations.**
- 2. Installation of alternative energy in an Industrial district requires a Conditional Use Permit.**

Recommended Conditions:

- 1. Array must be installed as per Newman Grove setback requirements.**
- 2. A zoning permit must be obtained from the city office and approved prior to construction of the structure.**

7:12 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Gene Wissenburg speaks in favor. He states that the solar array is on his property and will be beneficial to him. He says that it is environmentally friendly, creates no noise, and creates no odor.

Grant asks how big of an area it will be.

Gene Wissenburg states that it is approximately 12' x 52'.

Grant asks how many panels.

Gene Wissenburg states that they will be 340 watt panels. He states that they are made in San Antonio, Texas.

Grant asks how much they will generate on a sunny day.

Gene Wissenburg states that the best they will do is about 13.2 kw.

Grant asks what he is going to use them for.

Gene Wissenburg states that they will be used for his home. He states that whatever his house uses and on good days it will actually deliver some power back to Loup.

Gene Wissenburg states that a special meter is installed that will show delivery and received power. He states that they are hoping to get the electric bill down to just the line fee.

Acklie verifies the location of the property.

Gene Wissenburg explains the location and states that the solar panels cannot be seen from the road.

Grant asks how tall they are.

Gene Wissenburg states that they are about 3' off the ground at a 30 degree angle with the top of it being about 12' off the ground.

Grant asks what they will do under the panels.

Gene Wissenburg states that he has not decided yet. He states that he has seen some with gravel, wood chips, rubber or even storage.

Gene Wissenburg states that the installation will be done by someone in Monroe, Nebraska.

Acklie asks if the City of Newman Grove has regulations for Solar Energy.

Heather states that it is considered Alternative Energy in which the city of Newman Grove has regulations.

Grant asks if there is anyone else in favor.

Rose Wissenburg states that she is in favor.

Grant asks if there is anyone else in favor.

Flood states that he feels that it is a good project.

Grant asks if there is anyone who would like to speak in opposition.

No one speaks.

7:18 p.m. Grant closes the Public Hearing.

Flood makes a motion to recommend approval based on the above recommended conditions. Schapman seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Brian & Wendy Taake and Gary & Kathleen Taake for a Conditional Use Permit to construct a home on less than 40 acres on TAAKE BROTHERS LOTSPLIT. Property described as a Tract of land in the NE 1/4 of the NE 1/4 of Section 9, Township 24 North, Range 2 West of the 6th P.M., Madison County,

Nebraska. Property is located approximately 4 miles West of Norfolk City, Madison County, Nebraska.

Heather states that the applicant would like to build a home on 3.61 acres zoned as AG2-General Agriculture. She states that this will be the second home on the quarter, meeting the density requirements of the district.

7:20 p.m. Grant Opens the Public Hearing.

Grant asks if there is anyone in favor.

Dick Johnson speaks in favor. He states that Taake's have a buyer for this piece and the new owner would like to build a house.

Acklie asks who lives in the house that is there.

Johnson states that he does not know.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

7:21 p.m. Grant closes the Public Hearing.

Acklie asks if there is a County road to the east.

Heather states that there is.

Schapman makes a motion to recommend approval based on the recommended conditions. Milander seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of RTK Farms LLC for a Conditional Use Permit to construct a home on less than 40 acres on RTK FARMS LOTSPLIT. Property described as a Tract of land in the SW ¼ of the NE ¼ of Section 19, Township 23 North, Range 2 West of the 6th P.M., Madison County, Nebraska. Property is located approximately 3 miles south and ½ mile east of Battle Creek City, Madison County, Nebraska.

Heather states that the applicant would like to build a home on 4.73 acres zoned as AG1-Agriculture Intensive. She states that this will be the first home on the quarter, meeting the density requirements of the district.

Heather explains on the map the location of the property in comparison to the subdivision in the area. She states that this house would not be part of the subdivision but will be in line with it.

7:24 p.m Grant opens the Public Hearing.

Grant asks if there is anyone who would like to speak in favor.

Dick Johnson speaks in favor. He states that the owners would like to sell to a gentleman that would like to build a house on the property.

Grant states that it is a nice location.

Grant asks where the driveway is

Bryan Batenhorst states that the driveway is at the crest of the hill.

Grant asks if there is anyone else in favor.

Randy Melcher states that he is in favor.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

7:25 p.m. Grant closes the Public Hearing.

Acklie makes a motion to recommend approval based on the recommended conditions. Oswald seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Brian Nykodym for a Conditional Use Permit to construct a shop with living quarters on property described as West Side Park Addition, N ½ Lot 16, City of Madison, Madison County, Nebraska. Property is located at 303 Industrial PKWY.

Heather states that the applicant has requested a permit to build a shouse of approximately 2,478 square feet on a lot zoned R1- Single Family in Madison City. She states that shops used for residential purposes require a Conditional Use Permit per Madison City zoning.

Heather reads the Facts and Conditions.

Statement of Finding of Facts:

- 1. This application is consistent with the city of Madison Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. A Conditional Use Permit is required for a shop used as a residential structure in the R1 Single Family district per regulation.**

Recommended Conditions:

- 1. This Conditional Use Permit will be permanent.**
- 2. All setbacks and lot density requirements must be followed per City of Madison Zoning Regulations.**
- 3. Before building, an approved zoning permit must be obtained from the Madison City office.**

Acklie clarifies that the property is in a residential district.

Heather states that it is.

7:27 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone who would like to speak in favor.

Brian Nykodym; applicant speaks in favor. He states that he needs extra storage for his lawn business supplies and equipment.

Acklie confirms that he is putting living quarters in the building.

Nykodym states that he is. He states that is the only way that he can put this building up.

Acklie asks if the building will be his primary residence.

Nykodym states that it will not. He states that he lives in a house on 2nd St.

Heather explains that Nykodym has to build a shouse on the property. She states that because it is in a Residential District it must follow the intent of the Zoning District.

Acklie asks if it can just be classified as an accessory building.

Heather states that it cannot be an accessory building because there is no home on the property that the new building can be an accessory of.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

7:31 p.m. Grant closes the Public Hearing.

Grant asks if the building will fit in with the area.

Nykodym states that it will. He states that it will be 2478 square feet.

Grant asks if it will be a steel building.

Nykodym states that it will be a beige steel Morton building. He states that it will look very nice in the neighborhood.

Grant clarifies that it will have plumbing.

Nykodym states that it will and it will be fully insulated.

Grant asks if there are any other questions.

Oswald makes a motion to recommend approval based on the recommended conditions.

Westerman seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Cliff & Kay Vondra for a Conditional Use Permit to build a garage over 1,000 square feet on property described as PT NW ¼ SW ¼ Tract 2 of Section 18, Township 24 North, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located at 306 N Elm St, City of Tilden, Nebraska.

Heather states that the applicant added the building in approximately 2014 without a CUP or building permit. She states that he provided paperwork from the City office for a house addition but no mention is made in our minutes or Tilden's minutes regarding the building or an addition. She states that because there is such confusion, the city office asked us to make the building legal. She states that he currently is adding an addition to his home and has since applied for a permit for the work. She states that there was some question about whether the

building met setback requirements. She states that she asked the zoning inspector to find markers and verify the setbacks were ok, as you can see from his measurements included in the packets it does meet the setback requirement.

Schapman asks what the original application was for.

Heather states that we cannot find any evidence that there was an original Conditional Use Permit. She states that the regulations that state that a Conditional Use Permit is needed for this type of building went into effect in 2007 and this building was built in 2013. She states that the City office was not able to find anything in their records.

Schapman states that he spoke with the City office and it appears that the original permit was for something different than what was built.

7:40 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone who would like to speak in favor.

Jerry Rutjens; Father-in-Law of the applicant speaks in favor.

Acklie asks when the building was built.

Heather states that it was built in 2013.

Rutjens states that Pat Borgelt; Tilden City Clerk at that time gave Cliff Vondra a permit for the building. He states that she evidently didn't follow through with turning everything in. He states that Cliff Vondra has a paper that Pat gave to him for the building. He states that Cliff Vondra felt that he had what he needed.

Rutjens states that when he started his addition to the house that is when it all came up that there was no permit.

Heather states that the Vondra's have filed and have an approved permit for the addition to the house.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

7:42 p.m. Grant closes the Public Hearing.

Schapman makes a motion to recommend approval based on the recommended conditions. Griffith seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of NE Colorado Cellular INC., d/b/a Viaero Wireless for a Tower Development Permit to construct a cellular tower on property described as Tax Lots SE ¼ NW ¼ of Section 25, Township 24 North, Range 4, West of the 6th P.M. & PT Tax Lot 36, Village of Meadow Grove, Madison County, Nebraska. This property is located on East Railroad Ave, Meadow Grove, Nebraska.

Heather states that Viaero is requesting to install a tower in the Village of Meadow Grove jurisdiction. She states that it will be a 150 FT Lattice Tower equipped with Antennas and Microwave dishes, a 9 x 17 aggregate building to house electronic equipment and a backup generator fueled by a buried 1,000GA propane tank. She states that a padlocked, galvanized, chain linked fence 7 FT high will enclose all of this.

Heather reads the Facts & Conditions.

Statement of Finding of Facts:

- 1. This application is consistent with the Village of Meadow Grove Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. Property is zoned Ag- Agricultural.**
- 3. Applicant will lease at .5-acre tract for location of tower from landowner.**
- 4. The nearest residential zoning district is 237 feet from the proposed tower site; regulations require a 200 foot buffer. Nearest property line is 160 feet with a 150 setback required.**

Recommended Conditions:

- 1. This conditional use permit shall be for a period of fifty-years and will become effective with the adoption of this resolution. This permit is subject to all of the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be constructed to meet both groups.**
- 2. The applicant must provide a lease, purchase agreement or easement to secure rights to the required setbacks of one foot for every foot of height of the tower.**
- 3. Applicant must conform to the regulations of the Federal Aeronautics Administration, which includes filing Form 7460-1. Documentation must be presented to Zoning Administrator prior to beginning construction.**
- 4. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access.**

7. **If the tower shall cease to be used for a period of one (1) year, the Madison County Zoning Administrator shall determine if the tower has been abandoned. Once the Zoning Administrator has determined the tower to be abandoned, the tower shall be removed in 75 days after receiving notice from the Zoning Administrator.**
8. **This tower may co-locate up to four individual antennas. Prior to installation of collocated antennas on the tower, a zoning permit must first be secured from the Madison County Zoning Administrator.**
9. **This conditional use permit shall become null and void if ownership or lease of the property is not secured, or if construction of the tower is not begun within one-year of the date of approval of this application.**
10. **This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than NE Colorado Cellular INC, d/b/a Viaero Wireless Communications within the fifty-year time limit of this permit.**

7:45 p.m. Grant opens the Public Hearing.

Grant asks if anyone would like to speak in favor.

Chris Riha; Viaero Wireless speaks in favor. He states that the Company is excited to come into to Meadow Grove.

Riha states that they are requesting a 150' tower on the east side of Meadow Grove. He states that the property is not in a flood plain, currently zoned Ag.

Riha shows the Planning Commission where the tower will be located on the map.

Riha states that access will need to be granted from the Village Board of Meadow Grove.

Schapman asks what kind of coverage the tower will provide.

Riha states that it will fill in the gap from Tilden to Battle Creek.

Griffith asks for an explanation of the owner-lease agreement.

Riha explains that there will be a permanent easement with the land owner.

Grant asks if it will be a new style tower.

Riha states that it will not. He states that it will be a lattice, 3 legged tower.

Grant asks if they fall over.

Riha states that it will be stacked on 20' sections with all the weight typically on the top 40'. He states that if the tower was hit by a tornado the top would typically fall off. He states that on the really tall lattice towers that he has seen hit by a tornado have just been twisted similar to a center pivot. He states that he has never seen them break off.

Riha states that it will have a backup generator.

Flood asks if there is a requirement to bury the propane.

Riha states that there is and assures the Planning Commission that it will be constructed in the ground according to states specifications.

Flood asks if the propane is buried in a concrete box.

Riha states that he believes that it is done in a vault.

Schapman asks Riha to explain the microwave path.

Riha explains that this site will not be hooked up to fiber yet; however maybe in the future. He explains that phone calls and data transmissions have to go to and from the antennas. He states that the tower will have a microwave dish talking to the Tilden tower and then the Tilden tower will be talking to another one eventually reaching the one that is hooked up to fiber. He states that this tower will be acting as a relay.

Riha states that the site will be secure with the typical galvanized chain link fencing; 6' high.

Acklie asks is something new comes out and the towers are obsolete who would take it down.

Riha states that he can see frequency waves being the main demand. He states that there are plans to go to 5g and does not see the towers coming down.

Grant asks if there is anyone else in favor.

Pam Maughan states that she is a Viaero customer and is in favor.

Griffith states that Meadow Grove can use it. She asks how long it takes to build the tower.

Riha states that within a year. He states that the tower is built in several stages; 1. Foundation; needs to dry for 7-10 days. 2. Stack the tower; takes 1/2 to 1 day. 3. Place the aggregate building. 4. Wiring and testing 5. Security fence. He states that he has seen it take 3 months.

Riha states that they will need to obtain approval with the FFA. He states that everything was filed about 60 days ago; however the federal shutdown has slowed the approval process down. He states that typically approval is given within 30 days. He states that due to the location of this tower he expects the FFA to grant approval.

Grant asks if anyone else is in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

8:04 p.m. Grant closes the Public Hearing.

Griffith makes a motion to recommend approval based on the recommended conditions. Flood seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted “Aye” none vote “Nay”. Motion carried.

Grant reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of K & K Poultry LLC c/o Shawn Korth for a Poultry Feeding Operation on property described as N ½ SE ¼ of Section 34, Township 21 North, Range 3 West of the 6th P.M., Madison County, Nebraska. This property is located approximately 6 miles east and ½ mile north of the Newman Grove City, Madison County, Nebraska.

Applicant is proposing an eight-barn facility to house 380,000 broiler chickens on approximately 12 acres. Matrix score is 430.

Heather reads the Facts and Conditions.

Statement of Finding of Facts:

- 1. The application is consistent with the Madison County Comprehensive Plan.**
- 2. The application is consistent with the Madison County Zoning and Subdivision Regulations.**
- 3. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 430 points, and 350 points are needed to pass.**
- 4. The feeding operation setback is 1,980 ft. from the nearest dwelling. There is one home located approximately 1500 feet from the proposed facility. They have provided a signed waiver of setback agreement. The next closest residence is over 2500 feet from the proposed facility.**
- 5. The property is zoned AG1 Agriculture Intensive**

Recommended Conditions:

- 1. This is a Large Animal Feeding Operation Conditional Use Permit for an operation of up to 380,000 broiler chickens (3,040 HE).**
- 2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix, implementing the additional conditions of this permit, and will become effective with the adoption of this resolution.**

3. **This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government and Nebraska Department of Environmental Quality; the AFO permitted here shall be operated to comply with all of these entities.**
4. **Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.**
4. **A zoning permit must be obtained from the Zoning Office before construction of the barns begins.**
5. **A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**

Grant states that a Pre-submission meeting was held prior to this Public Hearing. He stated that the Planning Commission went over a lot of the information.

8:08 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Shawn Korth states that he is in favor.

Jeanette Korth states that she is in favor

Kailie McDermitt states that she is in favor

Virgil Preister states that he is in favor.

Randy Melcher states that he is in favor.

Gary Korth states that he is in favor.

Andy Scholting states that he is in favor.

Jessica Kolterman states that she is in favor.

Shawn Korth states that he would like to expand his operation in farming. He states that farming crops isn't very good right now and this will give him the opportunity for a sustainable income. He states that currently he runs a custom bailing business and plans to get out of that.

Shawn Korth states that there are chicken barns straight south of him in Platte County and the Olmers chicken barns are east of his place approximately 8-10 miles.

Acklie asks if Shawn Korth lives on the site.

Shawn Korth states that he does.

Andy Scholting states that it is an excellent site. He states that the soil will pack really well for the floor, he states that the registered wells in the area show 70'-140' to static water; therefore a lot of separation between any ground water resources. He states that run off from the site would have to travel nearly 4 miles before it could hit Union Creek.

Scholting states that these are broiler houses so it is the same production style that the Planning Commission previously approved. He states that DEQ sent a letter informing Shawn Korth that no permit is required, however Lincoln Premium Poultry requires the applicant to obtain the State operating permit from DEQ. He states that upon approval from the Planning Commission and the Madison County Board of Commissioners they will be submitting the application to DEQ.

Scholting states that the application will include a Nutrient Management plan. He states that Shawn Korth has more than 2600 acres aligned to utilize the litter.

Jessica Kolterman; Lincoln premium Poultry states that she is there in support of Shawn Korth and very excited to have another young grower.

Grant asks if they will need to put in two wells.

Shawn Korth states that is correct. He states that his area is a little harder to find water, but on his last test it showed that he should be able to find enough.

Grant asks how deep he had to go.

Shawn Korth states that he went about 270' on the last test.

Grant asks if they will be emptying and filling the barns all at the same time.

Shawn Korth states that they will.

Schapman asks what size the well is.

Shawn Korth states that he was given three options; 2 wells of 160 gallons a minute, 3 wells of 80 gallons a minute or 4 wells of 60 gallons a minute.

Kolterman states that there are a lot of different ways you can do it. She states that you don't use all the wells at the same time.

Shawn Korth states that the only time you really need to utilize 160 gallons per minute is on the hottest and driest day of the year as it helps with the cooling system inside the barn.

Scholting states that he would like to remind the Planning Commission of the litter and composting process. He states that between each flock the litter is treated with PLT which is designed to bind the ammonia. .

Schapman asks what is used for litter.

Kolterman states that it starts out as wood chips.

Acklie asks if all the roads and bridges are sufficient.

Shawn Korth states that there are no bridges and the property is only 1 mile into Madison County.

Milander asks what is the rotation on the birds.

Shawn Korth states that it is 2 months.

Kolterman states that there are 6 flocks per year.

Acklie asks how soon before chickens would be brought in.

Shawn states that he is supposed to break ground in the middle of March and receive chickens the 16th of October.

Kolterman states that a lot of their buildings are prebuilt so they can be ready as they are ready.

Grant asks if there is anyone else in favor.

Gary Korth; father of the applicant, states that he thinks it is a good idea.

Flood asks what the mortality rate is.

Kolterman states that it is about 3% and is usually when they are first born.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if anyone else is opposed.

No one speaks.

8:25p.m. Grant closes the Public Hearing.

Acklie makes a motion to recommend approval based on the recommended conditions.
Schapman seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

OLD BUSINESS: Discussion and/or action on:

Amendment of the Madison County Zoning Regulations to include Solar Energy Regulations
Public Hearing is removed from tabled status.

Heather introduces Ryan Zimmerman; Chairman of the Pierce County Planning Commission.
She states that he is very knowledgeable in regards to Solar Energy.

Heather states that Zimmerman is involved with solar personally and would like to give him an opportunity to speak and answer any questions.

Zimmerman states that a couple years ago he started looking into the idea of a utility scale solar farm on land belonging to him and his brother in southwest Pierce County. He states that he recently signed into a contract with an investor/developer. He states that the application is already in the southwest power pool.

Zimmerman states that the project is in the process of being built. He states that it will be a 420 megawatt solar farm. He states that if it were built today it would be 6th largest in the entire United States.

Zimmerman states that he and Heather visited a community solar farm in Kearney last year to see what one looks like. He states that he was at least a ¼ of a mile away and didn't know it was there.

Heather states that they were trying to find it but because the profile of it was so low it was hard to find it.

Zimmerman states that wind energy is right now but solar is going to be the next energy boom. He states that solar energy is really simple in comparison to wind. He states that you do not have to worry about things such as visual obstructions and noise.

Grant asks how many acres Zimmerman is covering.

Zimmerman states that it will be 2500 acres.

Griffith asks Zimmerman if he hopes to sell a portion to someone.

Zimmerman states that it is just being leased.

Grant asks what he will be putting under the panels.

Zimmerman states that bare dirt is not a good idea as it can create dust and dust on the solar panels reduces the productivity. He states that crushed rock is not good as its expensive and in the event of decommissioning removal is very expensive. He states that Nextera is talking about planting grass throughout the solar farm. He states that there will be workers out there to maintain the weeds. He states that one thing that has become very popular across the United States is to plant a pollinator habitat.

Zimmerman states that his property is located in southern Pierce County and half of the property taxes go to Pierce Public Schools and the other half go to Battle Creek Public Schools.

Flood asks how this is taxed.

Zimmerman states that it is taxed by the Name Plate Capacity.

Heather states that it is taxed in the same way as the wind towers.

Milander asks how hail would affect them.

Zimmerman states that they are hail safe.

Schapman asks if reflection is an issue.

Zimmerman states that he attended the Wind and Solar Conference and one of the things that were talked about was glare and how it would affect aircraft. He states that whenever a solar farm is built an application must be submitted to the FAA as well as other Federal agencies. He states that if you are on the ground you will never see any sort of glare.

Grant asks what the panels are mounted on.

Zimmerman states that poles are powered into the ground about 4' deep about 10' apart. He states that each solar panel is wired into the next one with a series of plugs.

Grant asks if animals can disturb them.

Zimmerman states that is the reason they are 6' tall.

Milander asks what percentage of land will actually be covered.

Zimmerman states that he does not know the answer. He states that between each row they will have basically service roads.

Milander asks how much room will be between in each panel.

Zimmerman states that the panels will be touching.

Zimmerman states that there are environmental rules and regulations that the developer will have to deal with such as the wet lands. He states that in Pierce County they didn't address it in the Regulations as they have to comply with agencies that overrule the County's' regulations.

Westerman asks how the panel gets online.

Zimmerman states that they will construct a substation right next to the transmission line and all the power will be distributed to that substation.

Westerman asks if any of the power is stored prior or go directly on.

Zimmerman states that some can be stored. He states that the new technology is battery storage.

Heather states that battery storage is one of the updates she has included in the proposed regulations.

Flood states that he went on an African mission trip in which they constructed solar panels to operate schools. He states that they were battery backup.

Zimmerman states that currently the technology allows battery storage to store about 4-6 hours of electricity. He states that the battery storage comes in handy on hot summer nights when the sun starts to go down. He states that technology will continue to evolve.

Heather refers to the proposed Solar Energy Regulations (Exhibit A) and states that she would like to go over the proposal with the Planning Commission members.

Heather reads 603.A (Exhibit A). She states that this section deals with private solar.

Heather reads 603.B (Exhibit A). She states that this section deals with solar farms. She points out that the definition of “Solar Energy Systems” was added to the current proposal.

Heather reads 603.C (Exhibit A). She states that she made a couple of changes. 1. Lot coverage was change from 1% to no more than 5%. 2. Setbacks were changed to defined setbacks.

Acklie asks if the batteries are stored inside buildings.

Zimmerman states that they are.

Heather reviews #3, 603.C (Exhibit A). She states that originally it read that the average height of the solar panel arrays shall not exceed 12 feet. She states that has been changed to 20 feet.

Zimmerman states that will compensate for topography.

Heather continues to read 603.C (Exhibit A).

Heather reads 603.E (Exhibit A). She states that in this section are the requirements to submit the application for a Conditional Use Permit.

Acklie asks if there is something that includes decommissioning.

Heather states that it is included in the Conditional Use Process. She reads #9, 603.E (Exhibit A). She states that every Conditional Use Permit application will have a plan in place and the Planning Commission will have the opportunity to recommend approval or denial of the plan.

Heather reads 603.F (Exhibit A).

Heather reads 603.G (Exhibit A).

Westerman asks if the company were to go out of business would there be a type of bond for removal.

Heather states that it will be determined in the Conditional Use Process.

Zimmerman states that he can speak specific to his contract but states that one of the things that happens in all of these renewable energy projects whether it is solar or wind is the developer will have a contract with an end user. He states that the contract will be for however it takes for the developer to pay off the equipment; therefore the likelihood of any of these companies to go broke is not something for us to worry about.

Zimmerman states that there is a state statue that protects landowners.

Heather asks if anyone else has any questions. She states that the Planning Commission has to decide if they would like to take any action tonight.

Ron Schmidt asks if there is a wind capacity that the solar panels can take.

Zimmerman states that once the wind gets to high they will go flat.

Schmidt asks how they are attached to the ground.

Zimmerman states that they are attached by a galvanized pole 4' in the ground.

Brent Nygen asks what the voltage output is on each panel.

Zimmerman states that he does not know.

Nygen states that during a tornado what guidelines would be in place if emergency services or fire department would need to go out.

Zimmerman states that they have built in safety features.

Grant states that he feels as we get further into it we can make changes.

Heather states that Pierce County determined that changes can be made as solar is new.

Schmidt states that there is some interest in putting them on top of hog buildings and asks if the 20' height requirement would apply.

Heather states that it would be considered part of the structure.

Schmidt states that he feels that solar is an exciting deal and we need to be ready.

Schmidt asks if topography will affect the placement of solar panels.

Zimmerman states that it does. He states that it has to be less than 3% slope.

Grant asks if there is anyone else that would like to speak in favor.
No one speaks.

Grant asks if there is anyone who would like to speak in opposition.
No one speaks.

9:02 p.m. Grant closes the Public Hearing.

Schapman makes a motion to recommend approval of the proposed Madison County Zoning Regulations to include Solar Energy regulations.

Flood seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

Other Business:

Building Permits are discussed.

NPZA 2019 Conference in Kearney is discussed.

A taxidermy business in rural Newman Grove and how it should be handled is discussed.

A violation of a Construction Business in rural Battle Creek is discussed.

Flood makes a motion to adjourn.

Westerman seconds the motion.

Vote taken. Members Acklie, Grant, Milander, Oswald, Flood, Griffith, Schapman and Westerman voted "Aye" none vote "Nay". Motion carried.

9:15 p.m. Meeting adjourned.

