

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The September 23, 2021 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:00 p.m. in the 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, Oswald, Milander, Amen, Schapman, Abler and Westerman

Absent: Griffith, Flood and Prauner

Also Present: Jerry Guenther, Dave Claussen, Sara Dewey, Michael Dewey, Tom Pfeifer, Zoning Administrator Heather McWhorter and Zoning Office Assistant Rhonda Cortner.

Open Meetings Act: Acklie stated that the Open Meetings Act that will be followed.

Proof of Publication: Acklie stated the Proof of Publication Notice was published in the Norfolk Daily News.

Minutes-August 19, 2021: The minutes of the November 19, 2020 Madison County Joint Planning Commission meeting were presented. Some corrections to be made were noted.

Motion made by Abler to approve the minutes and seconded by Westerman.

Vote taken. Acklie, Schapman, Amen, Oswald, Milander, Abler and Westerman vote "Aye" none vote "Nay". Motion carried.

Grant reads the first Public Hearing.

The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Michael and Sara Dewey to construct a home on less than 40 acres on property described as Part of the NE ¼ of the NE ¼ of Section 9, Township 24, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located North of the City of Battle Creek at the intersection of 845th Rd & 549th Ave.

Heather states that the applicant is requesting to build a single-family home on the property which was previously approved as a CUP and a lot split. It is an AG2 district, and the density does allow for an additional home.

Heather reads the Statement of Finding of Facts.

Statement of Finding of Facts:

1. **This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
2. **Property is zoned AG2 General Agriculture and meets the density requirements for the Zoning district.**

7:03 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Michael Dewey speaks in favor, states that they want to build a home. They purchased 4.9 acres to build on.

Sara Dewey speaks in favor.

Roger asks if anyone is opposed, no one speaks.

Public Hearing closed 7:05p.m.

Steve asks if this corner had already been approved for a permit by previous owner why couldn't they (Sara & Michael) start building? Heather states you have to start building within a year of approval of the CUP. It has been more than a year since the previous owners got a CUP so they need to go through the process of getting a CUP before they build since it's less than 40 acres.

Travis asks when they are going to build? Michael says probably next spring or summer. They are talking to contractors now to see what their schedules are and when they can start.

Roger asks if there are any other questions? No more questions.

Travis makes a motion to approve, Stan seconds the motion. Vote taken Abler, Acklie, Amen, Milander, Oswald, Westerman, and Schapman vote "Aye" none vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Thomas Pfeifer to operate a Medium Livestock Feeding Operation of up to 999 head of Feeder Cattle on property described as Part of the S ½ S ½ NE ¼ SW ¼ & Part of the SE ¼ SW ¼ of Section 12, Township 21 North, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located at 55121 826th Rd.

Heather states that the applicant currently has 300 feeder cattle and would like to expand up to 999 head. He has submitted a closure plan, his CNMP along with maps of the sites and has completed the county matrix with a score of 416. Property is zoned A1 Primary Ag and there are no homes inside the 1,320 foot setback requirement as indicated on the map.

Statement of Findings 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. There are cattle currently on the property, this is an expansion to 999 head.
4. The proposed expansion would be outside of the ¼-mile setbacks to the nearest homes.
5. The property is zoned A-1 Agricultural Intensive.

Recommended Conditions:

1. This is a Livestock Feeding Operation Conditional Use Permit for an operation of up to 999 head of feeder cattle.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution.
3. This permit is subject to all the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska and shall be constructed to meet both groups.
4. DEQ permits shall be made part of the file.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by the applicant.

Based on the facts and conditions, I recommend approval.

7:12 p.m. Acklie opens the Public Hearing.

Thomas speaks. He has been raising cattle since 2010 and just wants to prepare for the future by increasing the amount of cattle he can raise. He has talked to DEQ they gave him suggestions of what to do and he thinks he can make it work if he follows those suggestions. The only way he is going to increase to 999 head is if he puts in a deep pit barn. He is not doing that, it is too expensive.

Acklie asks how close to his east fence line will the yards get? Thomas states about 40 feet, that way he can get a planer through there and a 60 foot drive way. It may go closer if it will help with manure management.

Acklie asks if the water from the rain drains through Pfeifer's place?

Thomas states yes it does. He said DEQ was out there and they suggested in his yard that he build a trench and divert the yard water from his driveway, out and around his cattle yard, the whole yard. This worked well to divert the water. He talked to a gentleman and he stated that Thomas has a catch pen on

the south side of his barn where he catches cattle and herds them into the barn. The man suggested Thomas put a berm in there and tile it through the cattle yard for a slow release on the east side.

Acklie asks if they are requiring him to put a lagoon in? No.

Heather reads what DEQ told Thomas he would need to do.

Merlin Oswald states he did visit the farm checked the drainage. He could see how the drainage worked and that it wasn't running through the cattle yards.

Acklie asks for anyone else in favor.

Dave Classen speaks, he has no objection he has the 80 acres to the north there was some manure that flowed to the bottom of his property this spring and he doesn't want it to happen again. They have discussed it and that Tom will do every thing he can to prevent it. Thomas asks Dave is this the first year they have had an issue? Dave states as far as manure goes yes. With the heavy rain and the beans coming up water washed in the field and killed the beans. This has been the only time. Thomas states that he is going to do every thing he can to prevent that. They have discussed it as neighbors and Dave has no issue with the cattle yard.

Thomas states that he will work on the yard furthest to the east and pour concrete for feed bunks, etc. there to see how that works and how the drainage holds up. It will be a 300' by 400' pen. If drainage goes well in that yard then he will work in the other direction with the other pen.

Abler asks what is the reason for 999 head? Thomas states it is for the future, that if his daughter marries and her husband wants to raise more cattle and put in a deep pit barn they will be able to.

Acklie asks if anybody else wants to speak in favor? No one speaks.

Acklie asks if anyone is opposed? No one speaks.

7:25 p.m. Public Hearing closed.

Oswald makes motion to approve. Abler seconds the motion. Vote taken Schapman, Westerman, Oswald, Milander, Amen, Acklie, and Abler vote "Aye" None vote "Nay". Motion carried.

Other Business:

NPZA discussed.

Violations discussed.

Schapman makes a motion to adjourn. Amen seconds the motion. Vote taken Abler, Acklie, Amen, Milander, Oswald, Westerman, and Schapman vote "Aye" None vote "Nay". Motion carried.

7:55 p.m. Meeting adjourned.