

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The February 22, 2024, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 6:00 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: Griffith, Brown, Oswald, Flood, Amen, and Acklie

Absent: Abler, Westerman, Milander and Grosserode

Also Present: Jill Stonacek, Bronson Stonacek, Dennis Watts, Chad Roberts, Jeanne Reigle, Dawn Winkelbauer, Bob Pollack, Ryan Zimmerman, Luke Winkelbauer, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez

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

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

Minutes-February 1, 2024: The minutes of the February 1, 2024, Madison County Joint Planning Commission meeting were presented.

Motion made by Griffith to approve the minutes and seconded by Flood.

Vote taken. Griffith, Acklie, Oswald, Flood, Brown, and Amen vote "Aye" none vote "Nay". Motion carried.

Acklie reads the Public Hearing

The purpose of this hearing is to receive public comments concerning the application of Bronson & Jill Stonacek for a Conditional Use Permit to operate a medium confined animal operation of 850 head of cattle on property described as the Northeast corner of the NW ¼ of Section 22, Township 24, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located at 54913 Half Mile Rd, Norfolk, Nebraska.

Heather states that the applicant applied for a CUP in 2022 that allowed for 525 head of cattle in a deep pit barn on this legal and were going to have 250 cattle in an open lot pen directly north of this on another parcel, which did not require a permit due to the number of animals. At that time, the City of Norfolk spoke concerning the well head protection district which the north parcel falls within. They agreed to not protest the approval of the CUP if the numbers were not increased.

Heather states that the applicant is now requesting to take the cattle from the north parcel and combine with the approved amount for a total of 850 in a deep pit barn. They will still utilize the north quarter, however only for seasonal winter grazing, no confinement.

Heather states that she reached out to the city of Norfolk regarding the request, and they met with the applicant. They are agreeable to the change if there is a condition regarding no confined animals on the north corner.

Heather states that this is an amendment to the original CUP and does not require a pre-submission meeting.

6:04 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone else in favor.

Bronson Stonacek speaks in favor and states that they are wanting to move the head count in the north lot into a barn to ease the operation.

Jill Stonacek speaks in favor and states that they would like to build a barn at this location for 850 head instead of having a portion of them on the north. She states that this makes more sense to build a bigger barn to accommodate 850 head rather than 525 head. She said with this proposal they will not have any issues with run off like they would with the pens in the north; therefore, easier to put them all in the barn.

Acklie asks if there is anyone else in favor.

Bob Pollack clarifies with Heather the legal description of the property.

An audience member asks the size of the building.

Jill Stonacek states that the building will be approximately 450' X 70'.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

Dennis Watts; City of Norfolk states that he is not in favor or opposed. He confirms with Stonacek's that NDEE will be involved with the project.

Bronson Stonacek states that they will for the new site.

Heather states that once NDEE gives their approval the information will be sent to the Planning and Zoning office. Heather agrees to give the City of Norfolk a copy of the information.

Acklie asks if there is anyone else who is opposed.

No one speaks.

6:09 p.m. Acklie closes the Public Hearing.

Heather reads the Statement of Finding of Facts and Recommended 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 674 points, and 350 points are needed to pass.
4. The only home within the ¼ mile setback belongs to the owners.
5. The property is zoned AG2.

Recommended Conditions:

1. This is a Medium Animal Feeding Operation Conditional Use Permit for an operation of up to 850 head equivalent of feeder cattle, there will be no expansion of this number in the future due to the proximity to the Wellhead Protection District.
2. The property owned by the applicant to the north, legal description the SW ¼ of 15-24-2, will have no more than 299 head of cattle grazing at any given time. There will be no placement of any penned cattle on this legal description.
2. This conditional use permit shall be for a period of 20 years 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. Three monitoring wells will be installed, one upstream and two downstream. Tests will be conducted semi-annually to monitor for manure pit leakage and the results submitted to the Zoning office and the City of Norfolk.
4. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska and the United States Government and the CAFO permitted here shall be operated to comply with all these entities.
5. NDEE permits shall be made part of the file and an approved NDEE permit must be obtained before beginning the expansion.
6. 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.
7. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by the applicant.

Oswald makes a motion to recommend approval based on the above Recommended Conditions. Brown seconds the motion.

Vote taken. Griffith, Acklie, Oswald, Flood, Brown and Amen vote "Aye" none vote "Nay". Motion carried.

Administrators report:

Zoning permits are discussed.

Wind Towers are discussed.

Sinclair Violation is discussed.

NPZA is discussed.

Oswald makes a motion to adjourn. Griffith seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 7:23 p.m.