

## MINUTES

### Madison County Joint Planning Commission

Norfolk, Nebraska

The February 17, 2022 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie 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, Griffith, Milander, Westerman, Flood and Amen

**Tardy:** Oswald

**Absent:** Schapman, Abler and Prauner

**Also Present:** Jerry Guenther, Gary White, Billy O'Brein, Dylan Amick, Keisha Nelson, Mayor Alvin Brandl, Ryan Zohner, Penny Korth, Craig Korth, John Wagner, Mitch Hyde and Zoning Administrator Heather McWhorter Zoning and Office Assistant Jennie Martinez.

**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-January 20, 2021:** The minutes of the January 20, 2021 Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Acklie, Griffith, Flood, Milander, Westerman 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 Penny Korth for a Conditional Use Permit to operate an official office for REST Ag & Auction and to temporarily park online auction equipment on property described as PT NE ¼ of Section 29, Township 24 North, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located at 54778 HWY 275 Norfolk, Nebraska.**

Heather states that the applicant would like to have an official office for REST Ag and Auction and temporarily park online auction equipment. Heather states that the applicant will need to clarify the request with the Planning Commission and that Conditions of the CUP will be better written based on the information provided during the Public Hearing.

Heather reads the Finding of Facts.

**Findings of Fact:**

- 1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. The property is zoned AT Agriculture Transitional and is located entirely in the floodplain, however no request to build a new structure has been made.**
- 3. Applicant is renting space from the property owner for an office for real estate and online auction services.**

**7:05 P.M** Acklie opens the Public Hearing

Acklie asks if there is anyone in favor.

Penny Korth speaks in favor and states that the primary purpose for obtaining a Conditional Use Permit is for her real estate business so that they can occupy the office full time. She states in addition to that when they post online equipment for auction, the location would be used to park equipment during the duration of the sale to allow exposure.

Craig Korth speaks in favor and further explains the online auctions that they have. He states that high dollar equipment would be parked on the property. He states that there would not be any junk parked on the property as they do not want to be known for selling junk. He states that it will not be a consignment yard.

Heather asks the length of the auction.

Craig Korth states that the auction items are available for 30 days.

Penny Korth states that once the item sells it will be moved to another location on the property to await pick up by the buyer.

Milander asks if the barn will be used to store equipment.

Craig Korth states that he does not intend to use the barn for equipment.

Penny Korth states that they intend to use the barn solely for the office space.

Acklie asks if there is anyone else in favor.

No one speaks

Acklie asks if there is anyone opposed.

No one speaks

**7:10 P. M.** Acklie closes the Public Hearing.

Discussion amongst the board regarding the display of auction items on the property, floodplain, utilities, and the new owner's intent for the property.

The planning Commission discusses the Conditions that should be placed on the Conditional Use Permit, and it is decided that the recommended Conditions will be:

**Recommended Conditions:**

- 1. This Conditional Use Permit is for a period of ten years and will be renewed automatically pending no verifiable complaints.**
- 2. This Conditional Use Permit allows an office in the existing building for REST Ag & Auction.**
- 3. This Conditional Use Permit allows display of up to 20 online auction items on the property for the duration of the auction. Auction items will be moved away from the front of the property at the conclusion of the auction while waiting to be picked up.**
- 4. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**
- 5. A zoning permit must be obtained from the Zoning office if any new construction is considered in the future. Zoning mitigation must be completed for any new structures as well.**

Flood makes a motion to approve based on the above recommended conditions. Milander seconds the motion.

Vote taken Acklie, Griffith, Milander, Amen, Oswald, Westerman and Flood all vote "Aye". None vote "Nay". Motion carried.

Acklie reads the 2<sup>nd</sup> Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of John Wagner agent for Blue Stem Energy Solutions for a Conditional Use Permit to construct a Solar Array on property described as PT E½ SE ¼ Section 29, Township 22 North, Range 1 West of the 6<sup>th</sup> P.M, Madison County, Nebraska. This property is located North and East of the City of Madison along 829<sup>th</sup> Rd, Madison, Nebraska.**

Heather states that Blue Stem Energy Solutions is requesting to install a 2MGW array on approximately 14 acres owned by Gary White for the City of Madison. She states that it requires approval of a Conditional Use Permit per Madison City Zoning.

Heather reads the Statement of Finding of Facts and the Recommended Conditions.

**Findings of Fact:**

- 1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. The property is in an Ag District.**
- 3. The Solar Array will be 2 MW and be located on approximately 14 Acres.**

**Recommended Conditions:**

- 1. This Conditional Use Permit allows applicant to build a 2 MW Solar Farm.**
- 2. Applicant must obtain necessary permits from the State of Nebraska and follow all local permitting as well.**
- 3. Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the City of Madison Regulations.**
- 4. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**
- 5. An approved zoning permit must be obtained from the Madison City office before construction of the solar array begins.**

**7:36 P.M.** Acklie opens the Public Hearing

Acklie asks if there is anyone in favor.

John Wagner: Agent speaks in favor. He gives background on the project stating that the project is a 2MW Solar array on approximately 15 acres on property owned by Gary White. He states that they are leasing the land and sell the power to the City of Madison.

Acklie asks if there is anyone else in favor.

Gary White: owner states that he is in favor and states that we are running out of natural resources, and we need this.

Acklie asks if there will be battery storage.

Wagner states that there will not be batteries.

Mitch Hyde: Blue stem Energy Systems states that it does not make financial sense to have batteries. He states that if batteries are needed in the future will be considered at that time.

Acklie asks if there is anyone else

Madison Mayor Brandl speaks in favor and states that the project has council support and the City is looking forward to it.

Milander asks what the construction time is.

Mitch Hyde states that it will take approximately 1 year.

Acklie asks if dirt work is needed.

Wagner states that there is not much dirt work needed.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

**7:45 P.M.** Acklie closes the Public Hearing.

Discussion amongst the board includes current land usage (Ag), usage of anti-reflective casing, support from neighbor across the street, 25-year lifespan and the decommissioning plan included in the contract.

Oswald makes a motion to approve based on the above conditions. Amen seconds the motion.

Vote taken Acklie, Griffith, Milander, Amen, Oswald, Westerman and Flood all vote "Aye". None vote "Nay". Motion carried.

#### **Other Business:**

Battle Creek High School FFA gives a presentation.

Westerman makes a motion to adjourn. Flood seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 8:15 p.m.