

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The November 19, 2020 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:00 p.m. by Zoom Meeting.

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

Present: Grant, Prauner, Griffith, Oswald, Milander and Westerman

Absent: Schapman, Abler and Acklie

Tardy: Flood

Also Present: Jerry Guenther, Lowell Schroeder, Stacey & Todd Knutson, Derek Unkel, Mrs. Unkel, Karen Grant, Zoning Administrator Heather McWhorter and Zoning Office Assistant Rhonda Cortner.

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

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

Minutes-September 17, 2020: The minutes of the September 17, 2020 Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Grant, Prauner, Griffith, Oswald, Milander, and Westerman vote "Aye" none vote "Nay".

Motion carried.

Minutes-October 15, 2020: The minutes of the October 15, 2020 Madison County Joint Planning Commission meeting were presented.

Motion made by Prauner to approve the minutes and seconded by Griffith

Vote taken. Grant, Prauner, Griffith, Oswald, Milander, 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 application of Todd & Stacey Knutson to construct a home on less than 40 acres on BRIAN TAAKE'S SECOND LOTSPLIT located on property described as a Part of the SE ¼ of the SW ¼ of Section 10, Township 23 North, Range 3 West of the 6th P.M. Madison County, Nebraska. This property is located west of the City of Battle Creek, Nebraska along 838th Rd.

Heather states that the applicant wants to build a home on a 5.02-acre tract located in an AG1 district. This will be the second residence on the quarter section which meets the density requirement.

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

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. The property is zoned AG1 Ag Intensive and meets the density requirements for the Zoning district.

Recommended Conditions:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison 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 zoning permit must be obtained from the Zoning Office before construction of the home begins.
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

Grant asks if there is anyone in favor.

Todd Knutson speaks in favor. Discussion consists of location being 180' off the road. Waterways from the east and the west, location of driveway and applicants planting trees along driveway and along the west property line.

Grant discusses his opinion of the location not being an ideal corner to build on.

Grant points out that there is a feed lot just south of the location.

Oswald discusses the possibility of expansion of the neighboring feedlot. It is determined that the feedlot there is not a current Conditional Use Permit on file due to the feedlot being too small.

Grant discusses with Heather the density of the area. Heather confirms that this will be the 2nd house on the quarter section and no more homes will be allowed.

Grant discusses the NW corner to be a better spot to build.

Grant asks if there is anyone else in favor.

No one speaks

Grant asks if there is anyone opposed.

Mrs. Unkel discusses the distance of the location to the west lot line. Heather states that it will be 795' from the corner to the west.

Mrs. Unkel discusses with Heather the distance from location to the waterway. Grant and Prauner discuss the location of the waterway with Knutson.

Mrs. Unkel clarifies with Knutson what he will be building. Knutson states that he will be building a house and a shop with the shop being located to the east property line and north of the house.

Grant asks if there is anyone else opposed.

No one speaks.

Grant and Milander discuss with Knutson expansion and any concerns regarding the feed lot across the road. Knutson has no concerns.

Grant asks if there are any additional questions.

Prauner discusses concerns with the waterways and proximity of the Unkel's property.

Griffith discusses with Grant the direction the water runs. Grant states that the water runs to the north.

Grant discusses with Knutson the possibility of Taake's selling the other corner as Grant feels that the other corner would be better for building on. Knutson states that Taake does not want to sell.

Milander discusses with Knutson that this home will meet the density of the area.

Grant asks if there is anyone else opposed

No one speaks.

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

Oswald discusses that additional time may be necessary in making a recommendation due to this area being Ag Intensive and needing more time to evaluate to ensure growth. He speaks of the feed lot across

the road and discusses his concern with expansion and the probability of future owners of the Knutson property.

Prauner asks Knutson if he would be willing to wait for a recommendation. Knutson states that he has been working on this project and would prefer not to wait.

Heather explains the livestock waiver form and discusses it with Knutson. Knutson agrees to sign the waiver.

Prauner discusses his concern with the waterway.

Milander discusses his concern regarding the Unkel's not receiving a letter in the mail with information of the meeting. Heather informs them that the letter is a courtesy only and a Public Notice of the Public Hearing was in the newspaper which meets the requirements.

Griffith discusses the boards responsibility and gives an example of another property in which the property did not seem suitable and it was determined that it was the buyer's responsibility.

Oswald discusses his concerns with building in this area as we need to protect agriculture.

Griffith voices her concern of not approving the application and states that denying this application could set a precedence.

Heather explains the regulations and states that 2 homes are allowed per quarter section in an Ag Intensive Zoning District. She states that in her opinion by interpreting the regulations this home would meet the requirements.

Oswald discusses with Heather if a waiver should be placed as a standard condition of a CUP. Heather states that she does not feel that there should be a waiver in every one.

Oswald discusses his opinion of this property not being an appropriate place for a house.

Heather asks the Planning commission to keep in mind when making a decision that a reason is needed for their decision. She explains that a Conditional Use Permit allows extra conditions that may protect public safety, and this is not a public safety issue. She states that there must be a justified reason.

Prauner discusses his concerns and states that the waterway needs to be open.

Grant discusses with Heather the lay out of the property. He states that the shape is not like normal corner, drops off to the west and north.

Griffith makes a motion to approve based on the above recommended conditions and a signed waiver. Flood seconds the motion.

Vote taken Flood and Griffith vote "Aye"

Grant, Milander, Oswald, Westerman and Prauner vote "Nay". Motion denied.

Other Business:

Lowell Schroeder; Northeast Nebraska Economic Developer gives an update regarding the grant funding to update the Comprehensive Plan.

Zoning permits are discussed.

Election of officers is discussed and postpones to a later date.

Prauner makes a motion to adjourn.

Milander seconds the motion.

Vote taken. Grant, Prauner, Griffith, Oswald, Milander, Flood and Westerman vote "Aye" none vote "Nay". Motion carried.

8:00 p.m. Meeting adjourned.