

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The April 27, 2023, 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, Griffith, Oswald, Flood, and Westerman

Absent: Amen, Brown, Milander and Abler

Also Present: Jerry Guenther, Andrew Ekstein, Andy Reigle, Travis Casperson, Shari Auge, Tom Bagley, John Reigle, Andrew Willis, 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 16, 2023: The minutes of the February 16, 2023, Madison County Joint Planning Commission meeting were presented.

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

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

Acklie reads the first Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Reigle Cattle Co. LLC for a large Animal Feeding Operation on property described as W ½ SW ¼ & PT NE ¼ SW ¼ of Section 27, Township 21 North, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located at 55527 823rd Rd Madison, Madison County Nebraska.

Acklie states that a Pre-Submission meeting to gather information was held prior to the Madison County Planning Commission meeting.

Heather states that the applicant is requesting an additional 11,000 head to add to the 14,000 currently on the property for a total of 25,000 cattle. This requires a setback of 3,960 feet to surrounding homes. Two residences fall within this setback, signed and notarized livestock waivers have been provided for both properties. The matrix score is 479.

Heather reads the Finding of Facts and Recommended Conditions.

Findings of Fact:

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. Reigle Farms has a construction permit from the Nebraska Department of Environment and Energy.
4. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 479 points, and 350 points is needed to pass.
5. The feedlot setback for a 25,000 head operation has been met with the submission of two signed and notarized livestock waivers.

Recommended Conditions:

1. This is a Large Confined Animal Feeding Operation Conditional Use Permit for the operation of up to 25,000 head of feeder cattle.
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 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 the State of Nebraska and the United States Government and shall be operated to comply with all 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.

7:02 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Andy Reigle speaks in favor. He explains the project and states that the last expansion was in 2012.

Acklie asks what direction will run off go.

Travis Casperson shows the site plan map (Exhibit A) and describes how runoff will be managed. He states that there will be two phases; Phase 1 using the current lagoon and taking the water off it and phase 2 water will go out in the yards. He states that this plan has been submitted to NDEE.

Flood asks if there have ever been any complaints of the smell from irrigation manure.

Andy Reigle states that there have not been. He states that there is plenty of ground available for manure.

Acklie asks if anyone else is in favor.

John Reigle speaks in favor. He states that they have been farming the land since 1971 and Andy is a 3rd generation farmer. He states that they had always talked about adding more yards and now it is time to make that happen.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed?

No one Speaks.

7:07 p.m. Acklie closes the public hearing.

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

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

Acklie Reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of AMG Technology for a Tower Development Permit to construct a telecommunications tower on property described as SW ¼ of Section 32, Township 22 North, Range 4, West of the 6th P.M. Madison County, Nebraska. This property is located at 56545 828th Rd Newman Grove, Nebraska, Madison County, Nebraska.

Heather states that Nextlink is requesting to locate a 120-foot telecommunications tower on a 20 x 20 leased area of land owned by Nancy Wherley.

Findings of Fact:

1. This application is consistent with the County of Madison Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. Property is zoned A-1 Agricultural Intensive.
3. Applicant is leasing a 20 x 20 tract for location of tower from landowner.
4. The nearest residence falls outside the required setback from the proposed tower site.

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 the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska.
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 the 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.
5. 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.
6. This tower may co-locate up to four individual antennas. Prior to installation of collocated antennas on the tower, contact must be made with the Madison County Zoning Administrator.
7. This conditional use permit shall become null and void if construction of the tower is not begun within one year of the date of approval of this application.
8. This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than AMG Technology within the fifty-year time limit of this permit.
9. Setback will be 153 from the road centerline or 120 from the road right of way from 535th Avenue and 828th Road.

7:10 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

No one speaks.

7:11 p.m. Acklie closes the public hearing.

Public Hearing open and closed as no one is present to represent, approve or oppose.

Flood makes a motion to table to gather more information. Griffith seconds the motion.

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

Acklie reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of the City of Madison for a change of zoning from R1 Single Family Residential to R3 Multi Family Residential on property described as Northern Heights Addition Part of the SE ¼ of the NW ¼ Section 32, Township 22 North, Range 1 containing 6 acres. The property is located at 703 North Main Street, Madison, Madison County, Nebraska.

Heather states that the City of Madison owns a building that currently is being leased as a nursing facility. One wing of the facility is empty, and they would like to lease it for a licensed daycare for the community. The property is currently zoned as R1 Single Family which would not allow for a Daycare facility of this size. They are requesting rezoning to R3 Multi Family Residential which allows the Daycare General as a Permitted Use. The property is adjacent to R3 on the west side so no spot zoning would occur.

Heather states that she recommends approval.

7:17 p.m. Acklie opens the public hearing.

Acklie asks if there is anyone in favor.

No one speaks.

Acklie asks if there is anyone opposed?

No one Speaks.

7:18 p.m. Acklie closes the public hearing.

Public Hearing open and closed as there is no one present to represent, approve, or oppose.

Oswald makes a motion to recommend approval. Griffith seconds the motion.

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

Acklie reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of The City of Newman Grove for a Final Plat of Fowlkes 2nd Addition to The City of Newman Grove on property described as Part of the N ½ NE ¼ of Section 4, Township 20 North, Range 4 West of the 6th P.M., Newman Grove, Platte County, Nebraska.

Heather states that the city of Newman Grove has developed a tract of land for a subdivision. They were not aware that a recommendation from Planning was required before City Council approval. We are following the subdivision regulations by conducting a public hearing and asking for a recommendation.

7:20 p.m. Acklie opens the public hearing.

Acklie asks if there is anyone in favor.

Tom Bagley speaks in favor. He states that Newman Grove has struggled to find a place and this property came open and the City acquired it.

Acklie asks if the property is all located in Platte County.

Bagley states that it is.

Acklie asks the location.

Bagley verifies the location.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed?

No one Speaks.

7:22 p.m. Acklie closes the public hearing.

Flood makes a motion to recommend approval of the Newman Grove Final Plat of Fowlkes 2nd Addition to the City of Newman Grove. Westerman seconds the motion.

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

Acklie reads the next Public Hearing.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed amendment to the redevelopment plan for the City of Newman Grove for a specific redevelopment project located on the property legally described as follows: Lots 1-4 and Out lot A of Block A and Lots 1-5 of Block B, Fowlkes 2nd Addition to the City of Newman Grove, Platte County, Nebraska.

Heather states that the Redevelopment Plan Amendment identifies the project and adds it to the Redevelopment Plan. This is necessary to utilize TIF. The proposed plan amendment broadly identifies the project – it will have up to nine phases to build the 9 homes. It has been calculated that the TIF amount will be \$421,000 based on an assumed value of \$400,000 for each lot, and a 6.5% interest rate over the term of the TIF.

7:25 p.m. Acklie opens the public hearing.

Acklie asks if there is anyone in favor.

Andrew Willis: attorney for the City of Newman Grove Redevelopment Plan speaks in favor. He states that the area has been determined blighted and substandard. He states that they are amending the redevelopment plan to include this project.

Willis states that it is currently vacant and will have 9 lots. He states that they are looking at TIF infrastructure is too expensive and TIF will make it affordable. He states that there is a lot of interest in the lots.

Willis states that some of the main things with this project are that the city owns and is selling the lots, follows all state laws, traffic flow has been addressed with no major impact and the project will conform to the Comprehensive Plan. He reads from the Comprehensive plan to describe how the project fits.

Willis explains tax increment Financing.

Willis states that housing is needed.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed?

No one Speaks.

7:35 p.m. Acklie closes the public hearing.

Flood makes a motion to recommend approval. Griffith seconds the motion.

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

Other Business:

Discussion on a possible amendment to Article 2 of the Madison County Zoning Regulations to define a shouse and the characteristics required. The board would like time to research and will discuss it again at a future date.

Discussion on CO2 pipeline.

Administrators report:

Zoning permits are discussed.

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

Meeting adjourned at 7:58 p.m.