

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The March 20, 2025 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: Abler, Griffith, Oswald, Flood, Acklie, Westerman and Milander

Absent: Amen, Brown

Also Present: Jason Gall, Skylar Luse, Kevin Connot, Don Mozer, 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 20, 2025: The minutes of February 20, 2025, Madison County Joint Planning Commission meeting were presented.

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

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

Acklie reads the first Public Hearing.

The purpose of this hearing is to consider the application of Don & Joan Mozer for a Conditional Use Permit to build a home on less than 40 acres on Mozer Lotsplit on property located in Part of the Northeast ¼ of the Northwest ¼ of Section 13, Township 24, Range 4 Madison County, Nebraska. The property is located approximately 2 miles North of the village of Meadow Grove, East of the intersection of 539th Ave and 844th Rd. (Parcel id# 590145398)

Heather states that the applicants are requesting a lot split of 3.45 acres to build a home. Property is AG-2, General Agriculture which allows for 3 homes per ¼ section, there are currently 2 homes on the quarter.

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 AG2 General Agriculture 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 their 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 the applicant.

6:02 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Don Mozer speaks in favor. He explains that he would like to downsize and build a heritage home. He states that he will be turning the home place over to his son.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone who is opposed.

No one speaks.

6:03 p.m. Acklie closes the Public Hearing.

Griffith makes a motion to recommend approval based on the above recommended conditions. Milander seconds the motion.

Vote taken. Abler, Acklie, Oswald, Flood, Westerman, Milander, and Griffith 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 application of Knife River Midwest for a temporary asphalt plant on property described as the Southeast ¼ of the Southwest ¼ of Section 21, Township 22 North, Range 1 west of the 6th P.M. Madison County, Nebraska. This property is located at 55465 830th Road Madison, Nebraska.

Heather states that the applicant is requesting permission for a temporary asphalt plant for one year on a 9-acre tract located in an Ag Transitional District. They have indicated they will be a portable operation that will not require utility installation, and they have obtained any required air and storm water permits. They are working on roads for the State of Nebraska and Madison County.

Acklie verifies with Jason Gall the location of the driveway.

The planning Commission discuss the road and maintenance to the road leading to the property.

Heather reads the Findings of Fact and the Recommended Conditions.

Findings of Fact:

- 1. The application is consistent with the County's Comprehensive Plan and Zoning and Subdivision Regulations.**
- 2. Ingress and egress to the site will occur on 830th Road.**
- 3. The permit request is for 1 year while working on roads for the State of Nebraska and Madison County.**

Recommended Conditions:

- 1. This is a Conditional Use Permit for a temporary Asphalt Plant and Road Maintenance Yard valid for one (1) years or six (6) months after construction is declared completed by the Nebraska Department of Roads or its successors.**
- 2. No excavation of raw materials is to be done on site, except for the stripping of the topsoil.**
- 3. The topsoil must be replaced, and the site must be returned to the original condition when the plant is removed.**
- 4. If the Zoning Administrator receives a complaint regarding noise by any residential neighbors close to the plant, the Zoning Administrator may declare such noise a nuisance and require operations not to be conducted after dark, on Sundays or Holidays.**
- 5. The site will produce paving materials for local, state, and federal road projects only and not for sale to the public or paving contractors for private use.**
- 6. Proper signage will be installed identifying entrances for safety.**
- 7. Knife River Midwest must notify the property owner and the Zoning Administrator for a final inspection when the site has been vacated.**

Heather asks the Planning Commission if they would like to add a Condition that they will maintain the road.

Acklie states that it is a good idea.

Jason Gall asks if the CUP will be good for 1 year. He states that they will not be there a full year.

Heather states that they will have a year however when they complete the project just let her know.

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

Acklie asks if there is anyone in favor.

Skylar Luse speaks in favor. She states that they will turn the property back to the way it was. She states that they will do a berm around it to keep any water on site or use filters if water needs to leave the site, practice good housekeeping, follow all state laws.

Acklie points out that there is a little stream.

Jason Gall states that all water that leaves the site will be tested.

Luse states that the soil will be sampled as well.

Gall states that he has spoken with the gentleman that lives to the west of there and will meet with him again.

Luse states that they would like to set up a safety meeting with a hazmat team and has spoken to Bobbie Riser. She states that they will meet at the site and go over any potential hazards and how to react if something does happen.

Gall states the purpose of the meeting is in the event there is an emergency they will know how to handle it.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone who is opposed.

No one speaks.

6:11 p.m. Acklie closes the Public Hearing.

Milander makes a motion to recommend approval based on the above recommended conditions with the addition that the road will be maintained at their expense. Abler seconds the motion.

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

Other Business-Discussion and /or action

Citizens Comments: Kevin Connot; representing Orsted introduces himself. He states that he does not have any updates; however, wants to let the Planning Commission know they can reach out he if anyone has any questions.

Administrators report:

Zoning permits are discussed.

Disclosure & Accountability updates are discussed.

Knox County is discussed.

Citizens comments, responsibilities and guidelines are discussed.

MSDS is discussed.

Franklin County Zoning Administrator and his desire to talk to the Planning Commission is discussed.

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

Meeting adjourned at 6:32 p.m.