

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

The Hamilton County Joint Planning Commission held a public meeting, March 21st, 2023, 7:00 pm at the 4-H Building, Hamilton Co. Fairgrounds, Aurora, Ne.

Fruit called the meeting to order at 7:00 pm, stating that the open meetings act was posted on the back table for public inspection. The public notice was read into the record.

Members Present: Fruit, Joyce, Lyons, Barnesberger, Blasé, Brandt, Perry, Epp

Members Absent: Archer, Miller, Hongsermeier, Kinney, McDonald

Also present: Zoning Administrator, County Attorney, Randy Beckman, Nancy Larson, Lane Freirichs, Angie Joyce, Joan Pfeifer, Pat Harvey, Ryan Epp, Brock Ekhoﬀ, Jeremy Brandt, Mike Larson, Erick Joseph, and other members of the public.

Chairperson Fruit asked if there was any conflict of interest on the agenda. No conflicts stated.

Moved and seconded to approve the agenda.

All yes by voice vote. Motion passed.

Moved and seconded to approve the minutes of the last meeting.

All yes by voice vote. Motion passed.

Item #1 – Public hearing for a conditional use permit application for a temporary construction batch plant on a tract located in # NW1/4, SW1/4, 28-10-6, Hamilton County, NE.

Moved and seconded to open the public hearing at 7:01pm. All yes by voice vote. Motion passed.

Stuhr shared the situation surrounding the application and placed the Hamilton County Comprehensive Plan and Zoning Regulations into the record. Lane Freirichs from Werner Construction addressed the board. Stated that as of now, they are not planning on using this site, and if they did it would be for only one project at the Hampton Spur that would last less than a month from July to August. They would only work during the day and not do night work. Requesting the CUP just in case this site is needed.

Angie Joyce spoke stating that trucks were going by her house at all hours of the night. Joan Pfeifer shared that she believes there were promises broken because they were using other roads, and only had the right to use the approved haul route. Once 8 Road was destroyed, they started using other roads and ruined them also. There were large rocks and tar-like substances left on the road and she was concerned for safety. She tried to flag trucks down to have them remove it but was ignored. Finally, someone came to take care of it. Pat Harvey stated that he live ¼ mile north of the location. Nighttime work was not good as it kept his family up. Did a pretty good job of controlling the smell, but sometimes there was a strong odor. There were traffic issues of trucks and workers heading to the site at all hours and going by his house and keeping his family awake. He does not want the facility to be able to work at night. Ryan Epp shared that he noticed several trucks that were going wherever they wanted. When he called the company to complain, he was told that they had an agreement with the county to go on other roads. Stated that there were several accidents, incidents, and near misses at 8 Road and Hwy 14. Brock Eckhoﬀ stated that vehicles were being parked in the floodplain and questioned if this was allowed. Stuhr shared the floodplain regulations pertaining to this situation. Harvey stated that they have started to notice an oil slick in the creek and that there was a couch dumped into the creek. Joyce asked if development can happen in a designated flood hazard area without a permit. Stuhr shared a permit is required. Stuhr also showed pictures and movies that were given to him and was asked to share with the board concerning roads being torn up and trucks where they shouldn't be.

Moved and seconded to go out of public hearing at 7:23pm. All approve by voice vote. Motion passed.

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Item #2 – Discussion/Action for a conditional use permit application for a temporary construction batch plant on a tract located in # NW1/4, SW1/4, 28-10-6, Hamilton County, NE

Stuhr went over the findings of fact with the Planning Commission. Highway Superintendent, Jeremy Brandt was asked to speak to the board concerning the haul route agreement. He shared that from the site they went south to 8 Road, then west to Hwy 14. He felt that the applicant tried to work with the county. He did receive complaints of trucks going off route and would call Werner and believed they did correct the situation when he called them. Shared that the Haul route agreements stated that Werner was required to take care of the road. If approved, Brandt would work with Werner on different aggregates to help make the road better. Part of the agreement was that when done, Werner had to put back the road the way it should be. Also shared that the road was put back as required in the agreement. If approved, Brandt would work closer with Werner to ensure compliance with the haul route agreement. Was asked if he could place weight limit signs on the other roads to prevent trucks from going elsewhere without penalty. Brandt shared that if he did, those would have to be followed by everyone, not just Werner.

Moved and seconded to recommend denial of the Conditional Use Permit Application.

Chairperson Fruit asked the zoning administrator to call the role.

Voting for: Joyce, Epp, Blasé, Fruit

Voting against: Barnesberger, Brandt, Lyons, Perry

There was not a majority vote. Stuhr shared that since there wasn't a majority vote, the recommendation to the governing body would be "no recommendation". The findings of facts will go with the recommendation of "no recommendation".

Item #3 – Public hearing for an application to amend Article 8 of the Village of Marquette, NE zoning regulations.

Moved and seconded to open the public hearing at 7:44pm. All yes by voice vote. Motion passed.

Stuhr shared the situation surrounding the application. He also shared that he submitted a set of potential regulations that he believes would clear up some of the wording of the proposed amendment. Randy Beckman said that he would like to amend the regulations and have the village board determine what signs are allowed and where they can be placed and not have all the regulations pertaining to signs. Believes they are confusing and difficult to understand and enforce. No other public input.

Moved and seconded to close the public hearing at 7:47pm. All yes by voice vote. Motion passed.

Item #4 – Discussion/Action for an application to amend Article 8 of the Village of Marquette, NE zoning regulations.

Moved to recommend approval of the application request as presented. Motion died for lack of a second.

Moved and seconded to recommend approval of the regulation amendment proposed by Stuhr.

Chairperson Fruit asked the zoning administrator to call the role.

Voting for: Lyons, Barnesberger, Blasé, Brandt, Joyce, Perry, Epp, Fruit

Voting against: none

Motion passed.

Item #5 – Public hearing for an application to rezone a tract from R-2 to I-1 located at Tract 2, Administrative Plat Subdivision, in part SE1/4, SE1/4, 33-11-5.

Moved and seconded to open the public hearing at 7:52pm. All yes by voice vote. Motion passed.

Stuhr shared the situation surrounding the request. Mike Larson shared that he would like to build a shop for his excavating business and move it to town. The village future land use map has this as an I-1 district for future zoning and it fits with the future development of the village.

Moved and seconded to close the public hearing at 7:55pm. All yes by voice vote. Motions passed.

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Item #6 – Discussion/Action for an application to rezone a tract from R-2 to I-1 located at Tract 2, Administrative Plat Subdivision, in part SE1/4, SE1/4, 33-11-5.

It was asked why a culvert was put in and trees removed prior to receiving approval. It was shared that it was assumed that it was already zoned properly because what was found on the assessor's gis website.

Moved and seconded to recommend approval.

Chairperson Fruit asked the zoning administrator to call the role.

Voting for: Blasé, Brandt, Joyce, Perry, Lyons, Bamesberger, Epp, Fruit

Voting against: none

Motion passed.

Item #7 – Public hearing for a conditional use permit application for an additional house per quarter section, in the AG-1 District located in E1/2, NW1/4, 22-11-5.

Moved and seconded to open the public hearing at 7:58pm. All approve by voice vote. Motion passed.

Stuhr shared the situation surrounding the application and entered the Hamilton County Zoning Regulations into the record. Eric Joseph spoke to the board and wanted to build a house on the family farm. His parents are there and would be able to help him with his kids.

Moved and seconded to close the public hearing at 8:00pm. All yes. Motion passed.

Item #8 – Discussion/Action for a conditional use permit application for an additional house per quarter section, in the AG-1 District located in E1/2, NW1/4, 22-11-5.

There was concern about allowing more houses. This quarter section already had approval for a CUP for an additional house in 2021. It was questioned who lived in the houses on the quarter. It was asked where the house would be placed. Board members shared that this doesn't matter. The responsibility is to determine whether the board will allow or not allow another house, not where the house will go. Questions how many would be allowed. Was also shared that they would not be taking any tilled ground out of production. Stuhr went through the findings of fact with the board. Shared that would need to either take access from an existing drive or would need approval of the highway superintendent to place a driveway as per the regulations.

Moved and seconded to recommend approval.

Chairperson Fruit asked the zoning administrator to call the role.

Voting for: Bamesberger, Brandt, Epp, Blasé, Perry, Fruit

Voting against: Lyons, Joyce,

Motion passed.

Item #9 – Zoning Administrator Report

Stated that is going to start advertising for hiring of a zoning administrator.

There being no further business, it was moved and seconded to adjourn the meeting at 8:14pm.

All yes by voice vote. Motion passed.

Chairman,
Hamilton County Joint Planning Commission

Date