

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING July 17, 2013

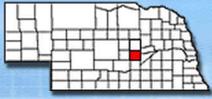
A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17th of July, 2013 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Dave Sack, Randy Kauk and Terry Spilinek. Those absent were: Jack Reimers, and Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klingensmith, Zoning Secretary. The Agenda and Minutes of April 17, 2013 were reviewed at the meeting and approved by unanimous voice vote. Old business: Administrator Trumler stated the Commissioners approved our revisions to the Matrix.

At 8:05 P.M. the **public hearing on the Kuck Subdivision** in the NW $\frac{1}{4}$ of Section 21-13-9W was opened. Franz Trumler read the notice. Doug Wissing presented the plat to the board, stating the buyer wants to build a new house outside of St. Libory because where he lives now he is unable to put a basement in. Testimony from the public asked if the drainage would be changing. Doug stated only to level where the house is to be built but no changing in the water flow. A motion was made by Dave Sack and 2nd by Randy Kauk to approve the Kuck Subdivision. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached)

At 8:15 P.M. the **public hearing on Zoning Regulations pertaining to Administrative Conditional Use Permits for Manure storage procedures** was opened. Franz Trumler read the notice. Franz explained we, in the past, have not allowed manure storage on site, except at the feedlots. After hauling we allow storage for 30 days in which they have time to apply it to their fields. We have a couple independent haulers storing on property pivot corners without a permit. Our regulations state land owners have to apply for an Administrative CUP if their land is not on the feedlots DEQ plan. On our form it states they have 6 months to apply, but only 30 days to store. The commissioners feel strongly that the land owner be able to apply and store manure for up to 6 months from the time of paper work is completed, which would get into another crop cycle but not skipping a cycle. And really we like to have it hauled now so it doesn't ruin the roads, but not able to apply due to crop in the field. The board asked if it doesn't get applied within the 6 month time period due to weather, what the penalty is. Currently there isn't one, if not completed, just the fine for not filing out the application form to apply the manure. The board suggests that we keep track of expiration date and if not completed within 6 months the applicant come and explain the situation and the date to expect to have it applied to their fields. If applicant goes beyond a crop season, then state statue says we can charge \$100.00 a day for each day in noncompliance and being unresolved. Usually this is enough said. Administrator Trumler stated he would take the board's comments to the commissioners to finalize what we will do. A motion was made by Randy Kauk and 2nd by



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Ron Kulwicky to recommend to the commissioners a 6 month manure application period to receive and apply manure; storage must be ¼ mile away from any residence, with a administrative conditional use permit. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached).

At 8:40 the discussion regarding Rich Loeffelbein requesting to have a 2nd non-farming residence on a quarter was opened, with Rich present to state his case. Rich explained he has 8.6 acres with a farm house and would like to build a new house for his family to move into, and keep the old house to allow for a rental. "I was told I would have to tear down, or use the old house for storage. The farm house is not bad enough to just tear down and not good enough to sell and move off the property.

I have talked to Nick Wissing a neighbor and he was okay with it." Franz Trumler explained our current regulations that state only 1 non-farming residence per ¼ section in A1 Zoned property. You may continue to talk to the board, or even take it to Variance board, but just so you are aware of regulations. Rich stated he understands the regulations; just his house is over 60 years old and wants something better. After much discussion it was decided that the regulations would stand, he can build but must leave the old house vacant, or if he would buy 20 acres more, he could keep the tracts of land separate, have 1 house on 3 acres and your new house on the 20 acre farm ground.

Last item on the agenda is to discuss the wording of multi-lot subdivisions and adding Utility easements to our plats, so that these are defined before the subdivision is finalized. Nothing the board needs to do; we just wanted you to be aware that we will be adding this to our guidelines for multi-lot subdivisions.

At 9:20 P.M. a motion was made by Jeff Christensen and 2nd by Dave Sack to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for August 21, 2013, however nothing currently on the agenda.

Cherri Klinginsmith, Acting Secretary