

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING January 21, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of January, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:11 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Randy Kauk, Jack Reimers, and Terry Spilinek. Those absent were: Ron Kulwicki and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Dave Schroeder, County Attorney, and members of the public including: Rose Dixson, Minnie Sprague, and Jay Peterson.

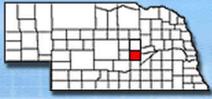
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Randy Kauk to approve the minutes of the December 3, 2014 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith provided the board with a copy of the agenda for the 2015 Annual Planning & Zoning Conference to be held in Kearney, March 11-13, 2015. If any members are interested in attending they need to let Cherri know by the end of this month.

At the December 3, 2014 meeting Randy Kauk made a comment regarding existing/new vineyards. Farwell Irrigation received a letter stating they had to spray a certain distance from grape crops because the pesticides can harm the grapes. Administrator Klinginsmith contacted the Farm Service Agency to see if there are any regulations regarding farmers spraying chemicals near grape crops and there are none. Cherri stated there is a website called DriftWatch. This site is a voluntary communication tool that enables crops producers, beekeepers, and pesticide applicators to work together to protect specialty crops through use of their mapping program. It is not a substitute for any state regulatory requirements.

At 7:15 p.m. the election of officers was discussed. Ken Kozisek made a motion to elect Terry Spilinek as Chairman. Jeff Christensen seconded the motion and the motion carried by unanimous voice vote. Jeff Christensen made a motion to elect Jack Reimers as Vice-Chairman. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Jack Reimers made a motion to elect Daryl Anderson as Secretary. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Dave Sack and Jeff Christensen were reappointed for another term.

At 7:18 p.m. the public hearing regarding the A-1, A-2, A-3 Zoning Regulation wording and an addition of a Commercial Feeding Nuisance Easement Requirement was opened. Cherri Klinginsmith read the Notice of Hearing. Dave Schroeder, Howard County Attorney, presented the case and explained the new easement form. This form was created to allow a waiver for accepting/approving a Conditional Use Permit which would be for residences and commercial feedlot owners to sign stating they are okay with their residence being within an Odor Footprint. Dave stated that in addition to the easement he is going to work on a notice or disclaimer the commercial feedlot owners and residential property owner(s) would sign to acknowledge they received the



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easement. Dave stated he would not want persons involved to rely on the legal sufficiency of the easement from a private perspective. He would encourage all people involved to receive their own legal advice. All owners of the property involved would be a part of the agreement including any spouse whose name is not on the deed.

Rose Dixon asked how this issue came about and Chairman Spilinek stated there is a farmer who wants to expand his farm feedlot into a commercial feedlot which would cause his odor footprint to overlap into his neighbor's property and the neighbor is willing to sign a waiver.

Jay Petersen spoke in favor of the waiver/easement. Minnie Sprague had a concern regarding how many feedlots this would allow to come into the county.

A motion was made by Ken Kozisek to approve the regulation wording and an addition of a Commercial Feeding Nuisance Easement requirement for A-1, A-2, and A-3 zoning districts. Jeff Christensen seconded the motion and the motion passed by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached). A motion was made by Jack Reimers to approve the Commercial Feeding Nuisance Easement. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:03 p.m. a discussion was held on the Livestock Friendly County Program. The Commissioners asked Cherri to send the necessary paperwork to the Nebraska Department of Agriculture (NDA) to see if Howard County would qualify as a Livestock Friendly County. Cherri received an e-mail from Steve Martin from the NDA which stated based on the information we sent them, there may be a couple items in our regulations that may be questioned. Steve asked why pit buildings and/or lagoons are 1.5 times greater than an open lot. Jack Reimers stated the regulations were worded that way due to certain animals having more concentrated odor than others. The board decided to table this item until the Commissioners ask them for a recommendation to apply to become a Livestock Friendly County.

At 8:14 p.m., a motion was made by Randy Kauk and seconded by Jeff Christensen to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for February 18, 2015.

Molly Tebo, Secretary