

Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING March 18, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of March, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 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 7 members present: Daryl Anderson, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack, and Terry Spilinek. Those absent were: Randy Kauk and Jeff Christensen. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Dave Schroeder, County Attorney, David Boehle, Commissioner, Rance Lierman, Commissioner, and members of the public including: Lonnie Dickson, Willow Holoubek, Alan Lewandowski, Leo Haggerty, Jim Olsen, Joan Christensen, Fred Meyer, Franz Trumler, Connie Thompson, Carol Schooley, John Dvorak, Carl Jerabek, Rose Dixson, Bill Dixson, Elizabeth Dixson, Brian Timmons, Aaron Rasmussen, and Crystal Rasmussen.

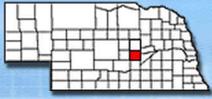
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the February 18, 2015 meeting. The motion carried on unanimous voice vote.

Chairman Spilinek commented on LB106 and urged the public to call their State Senator and express their concerns regarding the Bill. He also commented on LB175 to adopt the Livestock Growth Act. It's a revolving loan for livestock development.

At 7:05 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan answered questions regarding the amendments to the Howard County zoning regulations and the addition of the Villages in the county. Mr. Dickson asked the board if they are ready to hold a public hearing to approve the Comprehensive Plan and the amendments for the zoning regulations. Administrator Klinginsmith stated she wanted to wait another month so that the Villages have time to review the changes and discuss them at their next meeting. The next meeting to discuss the Comprehensive Plan will be in May 2015.

A discussion was held regarding the wording under A-3 Yard Regulations. A Commercial Feeding Nuisance Easement Waiver was adopted into the A-1, A-2 and A-3 regulations in previous meetings, but the wording in A-3 under yard regulations is repetitive. Administrator Klinginsmith suggested removing the wording and replacing it with the wording used in the A-1 and A-2 regulations. The change will be made and a public hearing will be scheduled at next month's meeting.

Administrator Klinginsmith stated the definition for Home Occupation will be changed to include an accessory building on the same zoning lot for business activities. Regulations will also be added for multi-family dwellings in the A-2 District. Both of these items will be on the agenda for the April meeting.



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A discussion was held on LB106. This bill would allow the agriculture department to create a matrix of statewide standards to be used by a governor-appointed board in reviewing county decisions to grant or deny special use permits for livestock expansion. This is a serious concern because if adopted, this bill could supersede our county regulations. Anyone that has an interest in this bill should call their Senator and voice their concerns.

Dave Boehle, Commissioner, commented on the Livestock Friendly County Program (LFCP) and LB106. The Livestock Friendly County Program is an economic promotional program offered by the Department of Agriculture to counties in Nebraska. If a county does not want to belong, they don't have to. A county that has been designated also has the option of leaving the program at any time. LB106 is actual legislation. If adopted, a Matrix would be created that could supersede county regulations. The LFCP and LB106 are two separate issues. If LB106 is adopted it will affect all counties whether they are Livestock Friendly or not.

At 7:50 p.m. the public hearing regarding designation as Livestock Friendly County (LFC) was opened. Cheri Klinginsmith read the Notice of Hearing. Willow Holoubek, Alliance for the Future of Agriculture in Nebraska (A-FAN), explained what Livestock Friendly is. Livestock Friendly is a voluntary program that allows counties to become part of the livestock friendly designation across the state. There are currently 29 counties that are designated. What the program does is foster economic development and promote livestock in the community. Any potential livestock operation coming into the county would have to abide by Howard County zoning regulations; local control is upheld with the program. Discussion on this item was temporarily suspended in order to open the next public hearing on the agenda.

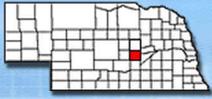
At 8:10 p.m. the public hearing regarding Paul Rasmussen's single lot subdivision application located in the N ½ NW ¼ of 22-13-11 was opened. Cheri Klinginsmith read the Notice of Hearing. Aaron and Crystal Rasmussen were present for the hearing. Aaron stated they want to build a house on approximately 9 acres. The subdivision will be called the Aaron & Crystal Rasmussen subdivision. All zoning regulations have been met. There was no testimony for or against the application. A motion was made by Ken Kozisek to approve the subdivision and seconded by Jack Reimers. The motion carried on unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

Chairman Spilinek again opened the public hearing regarding designation as Livestock Friendly County (LFC). Jim Kasson is concerned that the designation would allow extremely large livestock operations to come into the county. Ms. Holoubek stated a 40,000 plus operation will probably not happen in Nebraska because of the concern with disease control. Most feeding operations are 4,000 head or less.

Chairman Spilinek asked for testimony in favor of the designation. John Dvorak read a letter from Tim Scheer which stated he was in favor of the designation because it provides opportunity for economic development in the county. He stated the county has a process in place for responsible, well-placed livestock operations. He feels being designated a LFC would bring more jobs and tax base to our county. He said he can't guarantee any of these things will happen because of the designation but he is concerned that these opportunities will bypass us if we are not designated as livestock friendly.

John Dvorak, Jim Olson, Carl Jerabek, Ryan Timmons, and Fred Meyer agreed with the statements made by Tim Scheer and are in favor of the designation. Fred Meyer added he does not believe in the fallacy that an animal feeding operation hurts the value of property.

Chairman Spilinek then asked for testimony against the designation. Franz Trumler stated he is concerned with the Livestock Friendly laws regarding setbacks or separation distance because our setbacks are greater than the



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law. Would we need to change our setback regulations? Dave Schroeder, County Attorney stated he believes the Department of Agriculture would accept our setbacks and odor footprints as reasonable and justifiable.

Joan Christensen stated she is opposed to the Livestock Friendly County Program because she feels Howard County is already livestock friendly without the designation. Minnie Sprague agreed with Ms. Christensen.

Carol Schooley stated she was neither for nor against the designation. She stated there are no statistics that show a LFC doing better than a county that is not designated. She feels this program is groomed towards LB106 and suggested our county wait to make a decision of becoming livestock friendly until the Bill passes or fails. Dave Boehle reiterated that the Livestock Friendly Program and LB106 are two separate items and are not related whatsoever. Rance Lierman, Commissioner again stated to those in attendance to contact their State Senator if they had any concerns regarding LB106.

Chairman Spilinek closed the public hearing. A motion was made by Ken Kozisek to apply for a Livestock Friendly designation and seconded by Daryl Anderson. The motion carried on unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding Chuck Helgoth wanting to bring in a hog confinement operation. Administrator Klinginsmith let the board know that where he wants to build will not meet the current setback regulations of 1.5 times the Class I distance requirements. Mr. Helgoth wanted to be at the meeting to explain the new technology for confinement buildings as they have decreased the odor. He believes the setback requirement of 1.5 times could be removed from the regulations. Without his presence at the meeting the item was tabled until he can present the information.

Bill and Rose Dixson asked for clarification on rural residents being able to request a quarter setback from a manure application if their residence was in existence prior to November 2009. Administrator Klinginsmith stated she interprets the regulations as any new resident living in an old existing home cannot request the setback. The Dixson's and the zoning board thought there was a timeline for those residences to request the setback if a home was built prior to November 2009. If so, that should be added to the regulations. Cherri will check the files and minutes to find what timeline was given. This item will be discussed at our next meeting.

At 9:45 p.m., a motion was made by Dave Sack and seconded by Chris Kosmicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for April 15, 2015.

Molly Tebo, Secretary