

# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING December 19, 2018

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19<sup>th</sup> day of December, 2018 in the Assembly Room of the Howard County Courthouse, St. Paul, NE.

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.

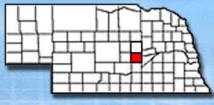
Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Jack Reimers, Chris Kosmicki, Dave Sack and Terry Spilinek. Ron Kulwicki, Ken Kozisek and Randy Kauk were absent. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Nancy Usasz, Planning & Zoning Secretary, and members of the public including: Preston Peterson, Jeff Turek, Lesley Dugan, Matt Geiser, and Nathan Timmons.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Daryl Anderson to approve the minutes of the October 17, 2018 meeting. The motion carried on unanimous voice vote.

Old business was discussed. Administrator Klinginsmith stated that Prairie Hill Wireless has put their equipment on two existing towers. (1) is located on the cell tower along the Hall and Howard County line along Liberty road, since this is an existing tower, no permit is needed. (2) is a commercial antenna attached to the Village of Dannebrog's water tower which is located in the I-1 zoning district and it is a permitted use.

The first item on the agenda was to review regulations suggestions for Solar Energy. Administrator Klinginsmith stated that she has been to two zoning meetings with other Administrators and got suggestions from them. Nebraska state law requires Auto Shut off in the event of a power outage for alternative energy systems. Klinginsmith proposed requiring a permit if more than 25 kilowatts of Solar Energy would be produced. After much discussion the board asked Klinginsmith to do more research on how big of any area of solar panels would produce 25 kilowatts of solar energy and over what time frame. Discussion will be continued at our next meeting.

The next item on the agenda was condition Suggestions on Dugan's Feedlot in the SE ¼ Section 21, Township 16, Range 10. Attorney Preston Peterson was in attendance to represent Jeff and Shelia Turek neighboring land owners. Peterson addressed concerns of Turek's with the board. He stated that the feedlot was a ½ mile away from Turek's residence and now it is a ¼ mile away creating more dust, flies and odor causing a decrease in land value, and harming their health and wellbeing. He also stated that he was surprised that no additional permitting was required by the county for Dugan's to relocate and expand the feeding operation. Due to Howard County not requiring additional permitting Turek's did not have an opportunity to voice their opinions against Dugan's expansion. Peterson also asked the board what minimum standards the county has and what do they do to enforce them. After much discussion by the board they stated that they had a discussion regarding the relocation of Dugan's feedlot on January 20, 2016. At that meeting the board felt the update would be more environmentally friendly and Dugan's can continue with the process to become compliant with NDEQ. The boards reasoning for this was In 2008 when the Odor Footprint Maps were developed, Turek's house was inside the odor footprint as when the house was built in 2005, the zoning application stated the house was ¾ mile away, however it was less than a ½ mile away when construction was completed. Therefore the zoning board agreed that Dugan's can continue the expansion as it didn't bring any new homes into the odor footprint and Turek's was already within the odor footprint. The feedlot was classified as Class I and they are allowed to have 501-2,500 head of cattle.



# Howard Planning and Zoning Minutes



There will not be any additional permitting needed unless they wish to feed more than 2,500 head of cattle and change into the next class size of 2501-5000 head (class II), which would then require a Conditional Use Permit. They also stated that they do not feel there is any way to measure how much dust and odor is too much and they will not put any additional conditions on Dugan's feedlot because no other feedlots in Howard County have such conditions. They also feel that doing so would not be livestock friendly.

The next item on the agenda was manure application for land listed on NDEQ Nutrient Management Plans was discussed to clarify the regulations. Matt Geiser, with Settje Agri-Services was in attendance to discuss with the board.

Klinginsmith stated that Kurt Kroger was fined for not having an Administrative Conditional Use Permit to spread manure from Bunker Hill Feedlot and after speaking with Matt Geiser, he stated that he understood the regulations to say that your land had to be on a Commercial feedlot's nutrient management plan, not a specific one. Klinginsmith, also discussed with Travis Caspersen from Settje Agri-Services, and Travis also felt that our regulations state that all commercial feedlots are required to supply us their Nutrient Management Plan. Klinginsmith explained, for those commercial feedlots that do not have a NMP, we have the administrative conditional use permit in place. After much discussion the board stated that you can have your land listed on multiple nutrient management plans. If your land is not on the plan for the commercial feedlot you are getting manure from, then you are required to get an Administrative Conditional Use Permit. The zoning board agreed that Mr. Kroger is still required to pay the \$200 fine.

The final discussion was on the January reorganizational meeting. Administrator Klinginsmith informed the board that we are needing a new member for the Variance Board as of January 1, 2019. It would be nice if the new member has zoning knowledge, therefore Klinginsmith asked Dave Sack to think about possibly moving to the Variance Board or if anyone had other suggestions about who they might ask and to bring them to the January meeting.

At 8:15 p.m. Dave Sack made a motion to adjourn the meeting. Jeff Christensen seconded the motion. The next meeting is tentatively scheduled for January 16, 2019 at 7:00 p.m.

---

Nancy Usasz, Secretary