

Howard County Board Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING May 18, 2016

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th day of May, 2016 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 Klinginsmith read the notice of meeting. A proof of publication is filed at the Howard County Clerk's office.

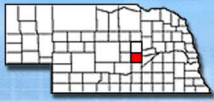
Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers and Terry Spilinek. Those absent were Ron Kulwicki, Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Howard County Planning & Zoning Administrator and Nancy Usasz, Planning & Zoning Secretary. Members of the public present were Bo Vanis, Marilyn Bader & Rod Placke.

The agenda and minutes were emailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and Seconded by Jeff Christensen to approve the minutes from the April 20, 2016 meeting. The motion was carried by unanimous voice vote.

At 8:05 P.M. The Public Hearing for Mathis Re-Plat Subdivision was held. This is a multi-lot subdivision located in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, Township 13N, Range 9W. Cherri Klinginsmith read the Notice of Public Hearing. The final plat was presented. Rod Placke asked about the possibility of re-zoning lot 1 to C-1 in the future. The board said that since the neighboring lot is Commercial it would just be a matter of filing the paperwork and having a public hearing. Discussion was had regarding roads accessing the property and powerlines. There was no opposing testimony. The Public hearing was closed and Jack Reimers made a motion to approve the Mathis re-plat subdivision, a multiple lot subdivision, seconded by Kenneth Kozisek. The motion carried 6-0 vote. Finding of Fact attached.

Next of the Agenda was Discussion on Harvey Finck's request for a subdivision located at w $\frac{1}{2}$ NE $\frac{1}{4}$ 13-13-11, located within the A-3 district. Harvey came into the Planning & Zoning office inquiring about the possibility of subdividing his 76 acre farm. Administrator Klinginsmith told him that the quarter already has one non-farming residence on it and therefore the farm site needs to stay with the farm ground. The Zoning Board agreed.

Next on the agenda was Discussion on CAFO waste setbacks for Marilyn Bader. Marilyn was in attendance to present her request for a CAFO waste setback. She had previously had a CAFO waste setback at SE $\frac{1}{4}$ 1-13-10 and has moved across the road. She feels that she has the right to request the setback and wants the board to re-consider her request. Administrator Klinginsmith informed her that the neighboring land owner when applying manure must stay 300 feet away from her residence and 100 feet from a well. Marilyn stated the manure is full of e-coli and microorganisms and is a great health risk for her family. She also asked why the CAFO waste setback could not be requested after November 2009. The Board explained that if everyone started requesting the setback the feedlot owners would not have a place to spread their manure. Therefore, a deadline was put into place, and now residents who lived in homes in existence prior to November 2009 can request the CAFO waste setback. Once the resident moves, the new resident of the home does not have the



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option to file for the setback. Cherri spoke to County Attorney Dave Schroeder and the CAFO waste setback wording needs to be clarified from: Rural residents of homes in existence prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned resides at the location. (All homes built after that date will not have this option). The new clarified wording will read: Rural residents who lived in homes in existence prior to Nov. 2009, may request a 1320' (1/4 mile) waste setback from their home which will be kept on file by the Planning & Zoning Office. It will remain in effect as long as the undersigned resides at the location. (All homes built after that date, or new occupants for existing homes will not have this option)

Next on the agenda was discussion regarding Margaret Friesen and her request for a guest house located at W ½ SW ¼ 14-13-10. She called the Planning and Zoning office inquiring about the possibility of putting a guest house on her property for a handicapped family member. After discussion and reviewing the regulations for A-1 district; section 2 conditional uses #11, the board decided that it would be permitted with an approved Conditional Use Permit and the electrical and sewer must come from the main dwelling.

Next on the agenda was discussion regarding Jared Rasmussen's dealership. In 2012 Sarah Rasmussen met with the Planning and Zoning Board and asked for approval to operate a car sales business in an Agricultural Zoned District. Administrator Klinginsmith sent a letter to the Motor Vehicle Licensing Board stating that they would be allowed to have 5 vehicles on display at a time. Jared called the office and stated that Motor Vehicle Licensing Board requires them to have space for 10. Cherri Klingsmith asked for approval to reword the letter to state that they have space for 10+ vehicles but can only display 5 at a time. The board approved her request.

Next on the agenda the Proposed Adult Entertainment regulations were discussed. The proposed regulations were mailed the board members prior to the meeting. The County Attorney read the regulations and approved of them prior to the meeting. It was decided that such establishments should be located in the A-1 district with an approved conditional use permit and must be located within 500 feet of a highway in Howard County. Klinginsmith also visited with the Sheriff's office and they liked like the idea of establishments being within 500 feet of a highway. The Board members were upset that the County Attorney was not present to give legal counsel and hope that he will be present for the Public Hearing to accept the Adult Entertainment Regulations in June. Also the board asked if the County Attorney is not present at our June Public Hearing, is there a way to cancel the Public Hearing? Administrator Klinginsmith will check into this.

At 9:20 P.M. a motion was made by Kenneth Kozisek and seconded by Chris Kosmicki to adjourn. The motion carried by unanimous voice vote. Next meeting is tentatively scheduled for June 15, 2016.

Nancy Usasz, Secretary