



# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING AND ZONING August 19, 2020

A meeting of the Howard County Planning & Zoning Commission was convened in open and public session on the 19<sup>th</sup> day of August 2020, in the Assembly Room, Howard County Courthouse, St. Paul NE.

Chairman Terry Spilinek called the meeting to order at 8:00 PM. Administrator Klinginsmith read the notice of meeting, a proof of publication is filed with the Howard County Clerk's office. Roll call showed 7 members present: Daryl Anderson, Ken Kozisek, Jack Reimers, Terry Spilinek, Chris Kosmicki, Dave Sack and Jeff Christensen. Ron Kulwicki and Randy Kauk were absent. Also present was Cherri Klinginsmith Zoning Administrator and Nancy Usasz, Planning and Zoning Secretary. Members of the Public present included: Rance Lierman, Fritz Fredrick, Jeff Selden, Paul Janulewicz, Rick Vlach & Roger Lukasiewicz.

The Agenda and Minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the July 15, 2020 meeting. Motion carried 7-0 voice vote.

No old business.

Administrator/Board Comments: The Commissioners have approved both feedlot permits that were discussed at the July Meeting. Eagle Heart Ranch is waiting for final approval from NDEE (Nebraska Department of Environmental Energy) to proceed.

At 8:05 PM a Public Hearing was opened to add setbacks from residences to Landfills and/or Transfer Stations in Howard County. Administrator Klinginsmith read the notice of meeting. She stated that the Howard County Commissioners asked her to review setbacks for landfills. Klinginsmith researched surrounding counties regulations for Landfill regulations noting that they have anything from ¼ mile to ¾ mile setback. She made maps with buffers for the 3 setback options for the board to review. Chairman Spilinek asked for testimony in favor. Several Members of the Landfill board were in attendance to discuss this setback with all of them being in favor. Jeff Selden manager of the Loup Central Landfill stated that when he gets complaints almost always they are regarding odor, traffic and dust. With this added setback it would give them some protection from someone building a new home and then complaining about the landfill. After much discussion about setback distance Chairman Spilinek asked for testimony in opposition. Being none the public hearing was closed.

A Public Hearing was opened at 8:15 PM to update the Howard County Floodplain regulations. Klinginsmith read the notice of meeting. The Hearing was put on hold to finish the previous discussion.

Discussion was had by the board. After a short discussion, Dave Sack made a motion to approve a ¾ mile setback from the property line of the facility for Landfills and Transfer stations. Klinginsmith will update page 103 of the Howard County Planning & Zoning Regulations to read:

15. Solid waste transfer stations/Landfills: Must meet all Nebraska Department of Environmental Energy guidelines and ¾ mile set back from all residences.

The Motion was seconded by Chris Kosmicki. Motion carried 7-0 roll call vote. A Finding of Fact was competed and is attached.

The Public Hearing regarding an update to the Howard County Floodplain Regulations continued. Administrator Klinginsmith asked the board to consider revising the Howard County Floodplain Regulations to require a LOMR-F (Letter of Map Revision Based on Fill) for any new construction or substantial improvements of residential structures that is not



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meeting the 1 foot above base flood elevation requirement. Chairman Spilinek asked for testimony in favor or opposition. Being none the public hearing was closed. Discussion was had by the board. Klinginsmith stated that she is also updating the Flood Plain Permit Application to match the form FEMA uses. After a short discussion Dave Sack made a motion to approve the update to the Howard County Flood Plain Regulations to read:

- a. A LOMR-F (Letter of Map Revision Based on Fill) is required for any new construction or substantial improvements of residential structures that is not meeting the one (1) foot above the base flood elevation prior to construction. This requirement is excluding the City of St. Paul, Villages of Boelus, Dannebrog and Elba.

The Motion was seconded by Jeff Christensen. Motion carried 7-0 roll call vote. A Finding of Fact was completed and is attached.

The next discussion was regarding a question that was sent out to the district Zoning Administrators regarding the RTK Cellular Network towers for Farm Equipment. Klinginsmith just wanted to verify with the board that this would require a Conditional Use Permit (CUP) like all other towers. The Board agreed that a CUP would be necessary as well.

The final discussion was regarding the County Setback Sheet. Klinginsmith is updating some of the wording to match the Howard County Zoning Regulations as well as the state electrical code. She has also added a statement about needing an engineer and or architect plan when construction of a commercial building. It has recently come to her attention that Concrete in a Storage Unit facility should have been stamped by an engineer and it was not so the property owner now has to pay extra fees. She plans to hand out a brochure with this information to anyone constructing a commercial building.

With no further business to discuss Jeff Christensen made a motion to adjourn, Dave Sack seconded the motion. The next meeting is tentatively scheduled for September 16, 2020 at 8:00 PM.

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Nancy Usasz, Secretary