

Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING & ZONING

March 17, 2021

A meeting of the Howard County Planning and Zoning Commission was convened in Open and Public session on the 17th of March, 2021. Due to COVID-19 some members of the zoning board and public were present virtually by Zoom.

Chairman Terry Spilinek called the meeting to order at 8:00P.M. The Open Meetings Act was recognized. 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 in person: Daryl Anderson, Randy Kauk, Kenneth Kozisek, Jack Reimers, Dave Sack, and Terry Spilinek. 3 members virtually: Jeff Christensen, Chris Kosmicki, and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning and Zoning Administrator and Jennifer Ostendorf, Planning and Zoning Secretary. Members of the public present were: Janet Thomsen, Shelly Wolinski, Thomas Backus, Jack Steffes, Vance Hansen, Tony Johansen, Mark Maybon, David Stephens, G.H. Woodgate, Adam Svoboda, Ruth Kosmicki, Robert Rawley, Dominic Rawley, Larry Bahensky, Teresa Weller, Steve Weller, Jessica Schenck, Carmen Christensen, and Linda Vargason

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Dave Sack and seconded by Jack Reimers to approve the minutes of the February 17, meeting. The motion was carried on unanimous voice vote.

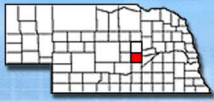
Old Business: Administrator Klinginsmith informed the board that the Floodplain Plan was approved by County Commissioners on March 9, 2021. The regulations on-line have been updated with the new floodplain rules and new manual pages will be printed later in May. The Back Nine subdivision was the first LOMR-F application we received and has been approved by FEMA. Administrator Klinginsmith has approved the zoning permit to build the house as they are officially out of the floodplain.

At 8:05 P.M. a Public Hearing was opened for a Conditional Use Permit for extracting raw materials by starting a gravel pit by Edwin Kay Farms LLC, Ronald E and Kristin K. Stock, landowners and Tri-County Sand and Gravel, mining applicant: This is located SW ¼, NW ¼ and part of NE ¼ of Section 28-15-10 and part of the S ½ of Section 21-15-10W. Shelly Wolinski was present to represent the request.

Shelly Wolinski, spoke about the expectations from Nebraska Department of Environment & Energy (NDEE). She provided a packet to the board and she went over the information with the board. The packet included the Grading Map showing the existing contours, map showing the map of the proposed excavation contours, map of proposed final grade contours, location of proposed vehicle and equipment storage areas, proving character of runoff from and onto adjacent land should it not be changed, where topsoil shall be placed along with future plans or expansion, and a list of erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff to adjacent land. She is working on getting a statement identifying the effect on the groundwater table of adjoining properties. She has spoken with NDEE and NRD and they didn't know how she could get this information. The NDEE suggested that she go to NRD. When she spoke with the NRD they told her they didn't have that information and to speak with NDEE. Wolinski is still working on this and will get the information to the board as she gets it. Randy Kauk mentioned to Shelly to talk to a Tylr Naprstek in the Ord NRD office on the ground water issue. Wolinski stated she has not spoken with the Howard County Roads Department, and states she will address this issue with them soon. Wolinski states she is sure there will probably be issues that need to be addressed with residents being worried about extra traffic and wear on the roads.

She also had included a picture to the board showing them approximately where the site would be and look like.

Chairman Spilinek asked for testimony in favor being none he asked if there was opposition and discussion as followed:



Howard Planning and Zoning Minutes



Larry Bahensky – Has the area been tested for gravel? Wolinski responded saying yes it has and it tested very well surprisingly.

Thomas Backus – What road will the trucks take? Road department can't maintain roads now and this will only make it worse. Wolinski responded with it would depend on which way the load needs to be delivered. Chairman Spilinek testified that he lives by Tri County Pits now and the roads are no worse now than they were before. Janet Thomsen, Howard Co. Roads Supt. said she understands that the roads north of river, compared to the south side are completely different due to the north side has more clay. She said that the last 2 years weather hasn't allowed them to fix the issues properly, but it is in their plans to fix the issues on all the roads.

Robert Rawley – States that if the roads can't be fix now they don't want the Sand Pit because it is going to add for traffic and only going to make the roads worse.

Jack Steffes – There is a line of trees on the west end of where they want to start digging. There is a Bald Eagle nest in there and she has babies every spring, he doesn't want her nest to be disturbed.

Mark Maybon- Can you explain to us about how the special use permit works? Wolinski responded stating that she has to meet all the expectations that she went over with the board. Also she is working with the NDEE to make sure she is meeting all the requirements.

Adam Svoboda – Since the gravel is not very deep what is the plan for hitting ground water, just dig a big hole until you find water? Wolinski responded by saying yes. They will push the dirt in front of them and then once they hit the water and can start mining they will pull that dirt back in hole to extract the gravel. Svoboda also asked will the dredge be about 20 feet and if so, we won't be able to see the water? Wolinski states yes it could be around 20 feet, so likely won't see water, and there will also be a berm all around. This may help with noise concerns.

Ryan Camden – Do you have a proposed entrance? What are running hours? Wolinski responded with yes around the curve (not on the curve for safety reasons) on the North side coming in, this will be approved by road department. She said it doesn't have to be there, that is just what they proposed. Running hours are usually Monday thru Friday 8-5. Right now she has a guy running until 7P.M. because they are trying to get some stockpiled for the spring, but that won't last very long. Machines are shut off when they leave so there is no noise at night for neighboring residents.

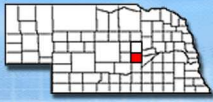
Jessica Schenck – I'm representing the Lake of the Woods and our concern is the roads.

Chairman Spilinek informed the public that the County Commissioners will be the ones who deal with the road issues. The public is allowed to voice concerns of road issues to them at their public hearing. The Public hearing was closed at 8:34 P.M. Discussion was had by the board. Questions were: Where is the closest house? Wolinski states there is one to the south. What is elevation of River and where is ground water? Wolinski states she wasn't sure what it is but said it could be looked up online. Ron (landowner) doesn't have any intention of developing around the pit in the future. Will Ron want to renew pit after 7 year lease is up? The lease will be for 7 years. Wolinski states that right now Ron has no plans to extend the lease. How deep will you be going? Wolinski said they tested 35-40 feet only because that's how long their probe was. When would you like to start? Wolinski states as soon as possible. Wolinski stated there will be berms in place and activity will be hard to see from gravel road.

With no further discussion a motion was made by Dave Sack and seconded by Kenneth Kozisek to approve a Conditional Use Permit for Edwin Kay Farms LLC- Ron Stock to allow Tri County Sand and Gravel Inc. to mine gravel in sections 21&28 15-10W. This will be a seven year permit ending April 1, 2028. Motion carried 9-0 Roll Call Vote. A Finding of Fact was completed and is attached.

Next Discussion and action taken was on:

A-1 (Agricultural District) Regulation, Intensity of use regulations: Administrator Klingensmith had provided a copy of the proposed changes to board members for their review.



Howard Planning and Zoning Minutes



The current regulations are confusing, and after discussing in February's meeting the board felt to keep A-1 zoned land agricultural, the best practice would be to remove the wording for non-farm and farming residences. Which would then allow 2 residences per quarter section. Changes discussed and see attached manual changes.

A-1, Section 2, Permitted Uses: page 88

Insert wording for a #2

A-1, Section 2, Conditional Uses: page 89

Eliminate wording for #1

A-1, Section 3, Intensity of Use Regulations: page 103

Changed wording for 1. a. #1. and eliminate #2.

A-2, Section 3, Intensity of Use Regulations: page 118 (A-2: Agricultural –Transitional District)

Eliminate 1. a. #2

A-3, Section 3, Intensity of Use Regulations: page 126 (A-3: Agricultural Conservation District)

Eliminate 1. a. #1

Sections A-2 and A-3 wording for additional dwellings was not needed and should not have been in the regulations to begin with. A-3 needs to be kept to one (1) residence per 80 acres, for many safety reasons and to keep with the conservation zoned areas.

After discussions, it was agreed to go ahead and have a public hearing on these changes at our April zoning meeting.

With no further discussion Randy Kauk moved to adjourn the meeting and Dave Sack seconded the motion. Motion was passed by voice Vote. Next meeting is tentatively scheduled for April 21, 2021

Jennifer Ostendorf
Secretary