



Howard Planning and Zoning Minutes



Minutes

Howard County Planning & Zoning

September 15, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th day of September, 2021.

Chairman Terry Spilinek called the meeting to order at 8:00PM and the Open Meeting 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: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Kenneth Kozisek, Jack Reimers, and Terry Spilinek. Absent members: Ron Kulwicki, Randy Kauk and Dave Sack. Also present were Cherri Klinginsmith, Planning and Zoning Administrator, and Jennifer Ostendorf Planning and Zoning Secretary. Members of the public present were: Janet Thomson, Rose Dixson, Lynnette Marshall, Tylor Robinson, Jordan Robinson, Brandt Botttolfson, Bryan Robinson, Michael Happ, Bob Hirschman and Robert Pearson.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ken Kozisek and seconded by Chris Kosmicki to approve the minutes of the August 18, 2021 meeting. The motion was carried on unanimous voice vote.

Administrator Report: Administrator Klinginsmith updated the board letting them know that she met with commissioners and let them know that Hornady Manufacturing withdrew their application for the training and shooting range. She also updated the board letting them know that the commissioners approved both Ole Suzanna Replat and A-3 wording change.

Administrator Klinginsmith also let the board know that she had attended the first day of planning and zoning conference in Kearney and will complete the conference this week. She said that thus far it has been an informative conference.

At 8:05 PM a Preliminary Public hearing on a multi-lot subdivision application by Jerald E Hirschman, current land owner and Dirt Road Development LLC, proposed buyer. (E ½ of NE ¼ 5-13-9) Tylor Robinson with Dirt Road Development was present to present the request. Tylor explained to the board their plan is to subdivide the land into 24-3 acre lots and 2-4 ½ acre lots. Tylor explained that he thought this was a good location as it is several houses within a ½ mile from Highway 281 and about a mile from the Scarecrow Patch. He also explained to board that his plan would add approximately \$78,000 in tax income for the county. There was no testimony in favor. Rose Dixson and Bob Hirschman were present and opposed the application. Asking about water rights for this many wells, when we cannot get water rights to irrigate crop land. She states she always has concerns about housing in ag area. Worried about the state of the road with this much traffic. Concerned about run off from water runoff from housing to ag land. Bob Hirschman also voiced concern about extra housing in Ag area. The public hearing was closed and after much discussion Daryl Anderson moved and Jeff Christensen 2nd motion to approve the Preliminary Dirt Road Development Multi Lot Subdivision application by Jerald Hirschman located in section 5-13-9, 80 acres in Howard County. The board also would like Dirt Road Development to research and present their findings at the next meeting – what REA says about the electrical out there, talk to NRD to ok 26 wells in this area, they would like to see a copy of the covenants, present the grading, drainage, elevations, topographical map and ground water level. The board did confirm this is in A-2 District. Motion passed carried with a 5-1 Roll Call Vote. Finding of Fact attached.

At 8:15 PM a public hearing on a Single Lot Subdivision application by Marilyn A. Placke - Placke Fifth Subdivision (SW ¼ 11-13-10) Administrator Klinginsmith presented request to the board. Dalton Placke is requesting to subdivide off +/- 3 acres of his grandmother's land. There was no testimony in favor or against. With no further discussion a motion was



Howard Planning and Zoning Minutes



made by Jeff Christensen and 2nd by Jack Reimers to approve the Placke Fifth subdivision a single lot by Dalton Placke located in section SW ¼ 11-13-10 in Howard County. Motion carried 5-1 by Roll Call Vote. Finding of Fact Attached.

Discussion/Action Lynnette Marshall presented to the board to ask for a 3rd residence in quarter section SW ¼ 35-14-10. She had come to the board in June of 2020 with this same request. In June of 2020 the zoning board approved her request to build a 3rd house in their quarter section. Lynnette asked the board if they would consider grandfathering her request in since it was approved once already in 2020. The regulations for A-1 changed in May of 2021 stating only 2 houses per quarter section. The zoning board told Lynnette that her case would have to go to the variance board since the regulations have changed since her initial request.

Discussion/Action New odor footprint NW ¼ Section 4-13-9 a neighbor came in to ask if the board would consider making it 2 separate odor footprints? Administrator Klinginsmith doesn't feel like the odor footprint that G-Works came up with is correct. Bob Hirschman is the applicant of the odor foot print in question. One of the neighbors that lives close to the odor footprint but not within the footprint brought up the fact that the middle of the "feedlot" is not in the middle of the pivot it is really in the middle of each pivot corner.

This application for the farm feedlot odor footprint was received the same day as the multi-lot subdivision discussed above. The way that the odor foot print is now it would affect several of the lots in the multi-lot subdivision. If the board would decide to make this into 2 separate odor foot prints, the south odor foot print would include an existing property and therefore would not be allowed according to current regulations. The North West corner in question would be the only odor foot print allowed since it wouldn't interfere with any existing houses. After much discussion the board decided to table the discussion to next month as they had some questions for the County Attorney who was not present.

Discussion/Action Traylor homes placed without approved zoning permits and not meeting Title 123 State Codes. Administrator Klinginsmith informed the board that the neighbor contacted her that there was another trailer house out there. Administrator Klinginsmith drove out to take pictures on August 17th and there were 2 trailer houses on the property and drove by again on September 2nd and there were 3 trailer houses on the property. Pictures were taken both times and presented to the board. The roads depart has notified Administrator Klinginsmith that there is insulation and trash blowing around on the road. Also, the County Commissioners have also asked Administrator Klinginsmith to look into this issue. Administrator Klinginsmith has sent out a letter to the land owner and informed the board that first letter gives land owner 30 days to clean up. If no action a second letter will be sent and that will allow 15 days to clean up and again if no action the last letter will go out and notify the land owner that the case was turned over to the County Attorney.

This was just something that Administrator Klinginsmith wanted to make the board aware of so no action was needed by the zoning board at this time.

Jack Reimers moved to adjourn the meeting and Jeff Christensen seconded the motion. Motion was carried with a unanimous voice vote.

Jennifer Ostendorf

Planning & Zoning Secretary