



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning February 16, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16<sup>th</sup> day of February 2022.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. 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, Randy Kauk, Jeff Christensen, Chris Kosmicki, Dave Sack and Terry Spilinek. Absent members: Kenneth Kozisek, Ron Kulwicki, and Jack Reimers. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Dave Schroeder, Howard County Attorney. Members of the public were: Jarod Olsen, Jordan Robinson, Elizabeth Garduno, Tylor Robinson, Brandt Bottlofson, Rose Dixson and Bryan Robinson.

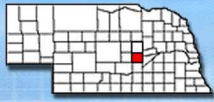
The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Randy Kauk and seconded by Dave Sack to approve the minutes from the January 19, 2022 meeting. Motion carried by unanimous a voice vote.

Administrator Klinginsmith let the board know the NPZA will hold its second annual spring workshop on March 18, 2022 by Zoom Webinar. The cost is \$20.00 per person, up to a maximum of \$100, so our entire board could attend and cost is only \$100.00. Klinginsmith will let board know when registration starts.

**At 7:05 P.M. A Preliminary Public Hearing for MG Multi-lot Subdivision was held. (SE ¼ 20-13-9)** Elizabeth Garduno was present to represent their application. Klinginsmith made the board aware of some additions to the preliminary mapping. 1) Road name will be Cottonwood Street, 2) County is not responsible for maintaining the road. 3) Access will not be allowed to the west for owners of these lots. Chairman Spilinek ask if there is any testimony in favor from the public. None. Chairman Spilinek asked if any opposition from the public? Jordan Robinson asked a question, is their soil conditions for the Septic systems. The board explained the land owner will have to make sure of this, as a plumber will not put a septic in if the soil is not meeting the perk test. Administrator Klinginsmith and board reaffirmed that the subdivision location with 3 acre lots and only 3 lots is not a concern prior to approval. Public hearing was closed and discussion held by zoning board. Dave Sack made a motion and Chris Kosmicki seconded the motion to approve the preliminary plat for MG Subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached. Klinginsmith informed Elizabeth that the final zoning hearing is scheduled for March 16, 2022, and commissioners hearing will be in April 2022.

**At 7:10 P.M. a Public Hearing for Jarod & Brandi Olsen; Single Lot Subdivision was held. (NW ¼ 20-16-11)** Jarod Olsen was present to represent the application. The land is SE of Cotesfield, Dan's house is east of the Shop and Jarod wants to build west of shop in Lot 1. Michelle R. house and shop will be located in Lot 2. Administrator reminded the board that this land was previously 37 acres and in 2004 a tract of 25 acres was split leaving the 12 acres. The 12 acres should have been subdivided through zoning process, however since they are applying now for a subdivision it will make the 12 acres now legal through zoning. Chairman Spilinek asked for testimony in favor? Testimony in opposition from the public? No testimony either way. Public hearing closed. Discussion held by zoning board. Chairman Spilinek stated it looks to be meeting all our guidelines. Dave Sack made a motion and Jeff Christensen seconded the motion to approve the subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached. Klinginsmith informed Jarod the commissioners hearing will be March 8<sup>th</sup> and she will call him with the time of meeting.

**At 7:17 P.M. a Public Hearing to Vacate Ambrose Will Trust Subdivision was opened. (NW ¼ 6-13-9)** Land owners, Bob and Rose Helgoth were not present, therefore Administrator Klinginsmith explained to the board that the current subdivision of 5.48 acres is being vacated so a new lot of 6 + acres can be established. This leaves a paper trail for title companies, assessors, etc. There is currently a house and outbuildings. No one from the public spoke in favor or



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opposition of the request. Public Hearing closed. Discussion held by the zoning board, Randy Kauk made a motion to approve; vacating of Ambrose Will Trust Subdivision and Chris Kosmicki seconded it. Motion carried by a 6-0 roll call vote. Finding of Fact attached.

**At 7:22 P.M. a Public Hearing for a Single Lot Subdivision by Helgoth's named Rose Subdivision was opened. (NW 6-13-9)** Administrator Klinginsmith presented the application to the board. The subdivision is being developed with 6.04 acres and follows the pivot corner. There is a note added that the subdivision is located within an odor footprint, so if a zoning permit application is received to build a house the applicant must first have a Nuisance Easement Waiver, CUP approved prior to a zoning permit approval. No testimony from public other than Rose Dixon, who wanted to reiterate what the administrator said about building a house within a odor footprint. Public hearing closed. Jeff Christensen made a motion and Dave Sack seconded the motion to approve the Rose Subdivision. Motion carried by a 6-0 roll call vote. Finding of Fact attached.

**Next on agenda was a discussion with possible action: regarding zoning permit along with country road information.**

Administrator stated the Road Supt has asked that the zoning office put something on the zoning permit or set back information sheet about cement trucks cleaning out their load on the road right of ways, and asked if this can be considered littering and possible fines issued. Dave Schroeder stated he agreed that concrete and cement could be considered littering, and this doesn't have any effect on planning and zoning, as it is a law enforcement problem. He also stated you can't hold the land owner responsible for the acts of somebody else, it would be the driver's responsibility. Terry Spilinek agreed that it is a Road Department and Law enforcement issue. After discussion it was decided to add a statement to the setback sheet, administrator will review with attorney on wording to be added.

Chairman Spilinek asked if there was anything else. Tyler Robinson from the public asked that he has a leasee wanting to rent out our pasture where we have the approved subdivision, can he rent out that land for grazing. After much discussion it was decided that the land can be grazed, with 80 acres they can have 1.5 animal units for every acre, once he has sold more lots and has say 40 acres, then the amount of animal units would be changed to only 40 head. The board agreed.

Next on the agenda was adjournment: Dave Sack made a motion to adjourn and Jeff Christensen seconded it. Motion was passed by a unanimous voice vote.

Next meeting tentatively scheduled for March 16, 2022 at 8:00pm

Cherri Klinginsmith  
Planning & Zoning Administrator