



# Howard Planning and Zoning Minutes



## Howard County Planning & Zoning September 21, 2022

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21<sup>st</sup> day of September 2022.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. and 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 7 members present: Daryl Anderson, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack, and Terry Spilinek. Absent; Randy Kauk and Chris Kosmicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney and Jennifer Ostendorf, Planning & Zoning secretary. Jack Reimers arrived at 8:10 pm and Dave Schroeder left meeting after discussion of Hornady Gun Club. Members of the public were: Jodi & Keith Espeland, Ryan Hall, Mike Mathews, Jeff McClellan, Kip Lukasiewicz, Spenser Wichmann, Ron Kunze, Ken Kunze, Anne Gannon, Jessie Urbanski, Mitch Mittelstaedt, Neil Davies, Travis Ayala, Brent Kunze, Miles Neville, Mark Starkey, Craig Kuszak, Jason Hornady, Lisa Asche, Pat Epp, Misty Dvorak, Steve Hornady and Mitch Horak. The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Jeff Christensen and seconded by Jack Reimers to approve the minutes from the July 20, 2022 meeting. Motion carried by a unanimous voice vote.

**Old Business:** Administrator Klinginsmith informed the board that Travis Casperson with Settje Agri-Services emailed her a letter from NDEE stating that Mamot Feedlot is in compliance from the August 12<sup>th</sup> Letter of Non-Compliance.

**Administrator/Board Comments:** Administrator Klinginsmith informed the board that she attended the annual NPZA (Nebraska Planning & Zoning Association) conference last week in Kearney. While at the meeting Administrator Klinginsmith was presented with the Loretta Ludemann Award for Excellence in planning by a Women.

**8:05 PM a public hearing for a conditional use permit application by JWH Farms LLC for a Hornady Gun Club – S ½ S ½ Section 30-15-9** - Jason Hornady and Steve Hornady were present to represent the continuation of the conditional use request. After the August workshop meeting with the board at the location Jason Hornady relayed to the board that they have provided them with the information that was requested and asked if they had any questions (The public received a Frequently Asked Questions flyer from Jason).

Chairman Spilinek asked the public if there was any testimony in favor.

Misty Dvorak spoke stating that she is a resident of Howard County and employee of Hornady. She stated that safety is top priority of Hornady and if concerned about safety at this location then as a county we need to also be looking at safety concerns when it comes to hunting seasons in our area. She also goes on to say that if this is allowed she believes that Hornady Manufacturing will be a big supporter of the county and the city of St. Paul as she has seen how generous they have been to Hall County and the City of Grand Island.

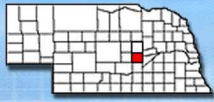
Jessie Urbanski spoke in favor stating that Hornady has come back with a plan of improvements that were asked of them and he believes that this will be run professionally and safely. He also believes that this will bring a lot to Howard County. He stated that he believes that when the area is in use that the attendees will come into St. Paul to eat and sleep.

Miles Neville spoke in favor stating that he is one of the "trigger pullers" at this location. He told us that he can verify that when they do come to this location that they all do indeed support local businesses when they come to the property. The impact that they provide will vary according to how many shooters they have at one time.

Chairman Spilinek then asked if there was any testimony against.

Ryan Hall spoke against stating that he doesn't believe that this will bring anything to the county or community except for more traffic on the county roads which he said are already in bad shape.

Craig Kuszak spoke against stating that he thinks this seems to be more of a commercial use and not agricultural and asked will the land be taxed as commercial or agricultural? Daryl Anderson answered his question by stating that if



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approved it would be permitted use of the land. This is what Conditional Use Permits are for – to permit a different use of the land.

Mike Mathews spoke against stating he has concerns of the cattle on adjoining east property. The plan states that it will be checked to see if cattle are there, but doesn't state what will be done if cattle present...will they cease shooting or continue shooting? He also stated that he thought no metal targets should be used and states that if the CUP is approved and the property is ever sold, he states he thinks the CUP should be surrendered and not go with the land. Mathews also states that he appreciates the thoroughness of the plan and he is an avid shooter himself but feels like he has built a relationship with his neighbors and cares about their safety. Feeling like there are too many unknowns, is why he cannot support this use of land.

Keith Espeland spoke against the CUP stating as well there are too many unknowns. Espeland states that he continues to hear about "shoots" are these competition shoots or how many people shooting at once?

Also, with discussion Jeff McClellan spoke up stating that he believes that if the property is ever sold the CUP should be surrendered. With no further discussion in favor or against the public hearing was closed.

Now being open for the board to discuss Dave Sack asked Jason Hornady how many accidents they have had and how long they have been in business. Jason Hornady answered stating that they have been doing business for 75 years and have had zero accidents in that time during their shooting events.

Jeff Christensen stated that one of the things discussed at workshop was a maximum number of shooters. Jason Hornady answered stating they didn't put in a specific number as it varies all the time. Also letting them know that not everyone there will be shooting at one time. He didn't think there would be more than 10 people shooting at any one time.

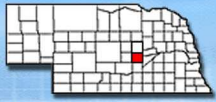
Ron Kulwicki said he noticed in plan it said they could shoot from 9-2 on Saturdays. How many weekends do you plan to shoot? Jason Hornady answered they don't really plan on any, they just wanted to have it listed in case they would, or sometimes the shooting team will need to dial in guns for a Monday shoot. Ron stated to the board he thought if approved, the weekend time should be taken out.

Ken stated in discussion that if approved it should be approved based on what equipment is available now. "We all know how things evolve and change. 20 years ago, who would have thought you could spray fields with a drone but here we are ....so I think we want to make sure that we protect against this in this instance."

After much discussion it was moved by Jeff Christensen and seconded by Jack Reimers to table the motion until the October 19<sup>th</sup> Planning and Zoning meeting to give the county attorney an opportunity to review the written up conditions of the CUP that Hornady submitted to the board for this meeting, as well as giving the board time to add any additional regulations they see fit. Motion to table CUP passed by a 7-0 roll call vote.

**Discussion & Possible Action - Mark Starkey** – requesting 3<sup>rd</sup> house in ¼ section – S ½ NE ¼ SE ¼ NW ¼ 12-15-9 – Mark Starkey was present to represent his request. He informed the board that he has 77 acres that include the east and west quarters. He would like to subdivide 20 acres on the west quarter so that his nephew could purchase the land and build a house on. Also would like to build a house on the east quarter on top of the hill, called Indian Hill, which would be the 3<sup>rd</sup> residence in the SE ¼, he is requesting to build there. Starkey stated the existing house on the SE ¼ corner is a rental and is a monthly lease, so he could have them leave at any time, but didn't want to have to do that if not necessary. After discussion the board is aware there are already 2 houses in this SE ¼ section and this is not allowed in the zoning regulations, so the board recommended that Mark apply for a Variance and go before the Variance Board if he wishes to pursue.

**Discussion & Possible Action – Animal Units** – Spencer Wichmann, Kip Lukasiewicz and Jim Olson were present to discuss how to interpret (AU) animal units according to regulations. Jim states that his operation has changed since he started the feedlot 20 years ago. Jacob Brothers purchased the feedlot a few years ago and now the feedlot only backgrounds cattle. Spencer with Settje Agri-Services explained that Jim is permitted for 10,000 head, (Class III) cattle



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come in at 400 pounds and shipping out at 750-800 pounds, averaging that 600 pounds about every 90-100 days, so that should be .6 AU, are we correct?

Administrator Klinginsmith stated the Howard County regulations state in definitions: One (1) Steer @ one thousand (1000) pounds = One (1) animal unit (AU). She spoke with Brad Edeal, NDEE Supervisor to ask for NDEE animal units and Brad Edeal said a cow calf pair is 1 AU, but once the calf is weaned they become 2 AU no matter the weight.

Daryl Anderson stated in theory, you are correct, but not sure how we would do that. Jim stated all we are looking at is conversion of the cattle, we don't have the manure we used to. Jim is asking the board if since the feed yard average weight is 600 pounds can they count their animal units as .60 animal units. Maybe we could go to 13,000 or 15,000 head, try it and see if there are any problems, and you are more than welcome to come out and visit and see what I'm doing now vs years ago.

Jeff Christensen stated he should apply for a CUP to request what he is requesting. The board felt that could be done also, but we need to have a guideline that we go by or this could be opening a can of worms for all those landowners backgrounding cattle now.

Ron Kulwicki asked if Jim is maxed out on AU. Administrator Klinginsmith stated, yes with Class III, the next Class IV allows up to 20,000 head and his odor footprint would increase from 1 mile to 1.5 miles. Jim could apply to increase to a Class IV and any residence within the increased area from 1 mile to 1.5 miles with an updated odor footprint would need to have the Nuisance Easement Waiver approved prior to increasing numbers. The residences within the current odor footprint would not have the waiver. After much discussion Daryl Anderson asked that this be added to the next agenda to discuss animal units, all members agreed.

**Discussion & Possible Action - Mitch Horak-** requesting 3<sup>rd</sup> house in  $\frac{1}{4}$  section – S  $\frac{1}{2}$  SW  $\frac{1}{4}$  excluding 20-acre and 5-acre tracts 4-13-9 – Mitch Horak was present to represent his request. Mitch is thinking of purchasing a piece of land to build a house on however it is in A-1 and there is already 2 houses in that  $\frac{1}{4}$  section. After much discussion the board recommended that Mr. Horak apply for a variance and go before the Variance Board, all members agreed.

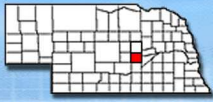
**Discussion & Possible Action – Mike Mathews** – requesting to subdivide off the home site in A-3 SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  23-15-10 – Mike Mathews was present to represent his request. Mike states that he and his wife would like to subdivide off the land where house and buildings are on the property. His mom owns the land and no longer live on the property. The land is meant to stay in the family for generations to come for everyone to enjoy and benefit from. Mike along with his mother and brother have come to agreement that Mike and his wife can purchase land with house and building but the rest of property is to stay in the Trust that is set up. The section 24-15-10 to the west, the family owns 320 acres. After much discussion the board suggested that Mike and his wife apply for a variance and go before the Variance Board or contact a lawyer to see about a 99-year lease for the house and building site. As current regulations state in A-3 a residence must have 80 acres. All members agreed.

## **Discussion – Zoning Regulation Changes**

**Wind Regulations** – The board asked Administrator Klinginsmith to research some more of what other counties and states do for setbacks from dwellings. This item will be discussed more at an upcoming meeting.

**Update wording for NDEE** – Administrator Klinginsmith informed the board that she will need to update the wording in regulations to meet the new name of NDEE (Nebraska Department of Environment and Energy) from NDEQ (Nebraska Department of Environment and Quality). Board is aware of change and ok with her doing the update.

**Update Supplementary pages – Sanitary Requirements and Septic Regulations** – Administrator Klinginsmith informed the board that it was brought to her attention that some counties require to know where the septic and wells are before approving any permits. Administrator Klinginsmith asked the board if they would be ok if she added wording on the zoning permit and setback sheet that it is required to follow NDEE's requirements for septic and wells and would not require a map. After discussion the board decided to add the above wording since there is not a building inspector for the county.



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**Farming Residence wording** – while reviewing regulations Administrator Klinginsmith states she found some areas of wording in A-1 that were missed when updating the regulations in May 2021. She asked the board if they are ok if she makes the changes now. The board are aware of the changes that need to be made and gave permission to make the necessary changes. A resolution will be sent to County Commissioners for final approval for the above changes administrator is allowed to make.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded the motion. Motion was passed with a unanimous voice vote. Next meeting is scheduled for October 19, 2022 at 8 PM.

Jennifer Ostendorf  
Planning & Zoning Secretary