



Howard Planning and Zoning Minutes



Howard County Planning & Zoning December 28, 2022

A Meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 28th day of December 2022. This meeting was previously scheduled for December 21, 2022 and was rescheduled due to the weather.

Chairman Terry Spilinek called the meeting to order at 7:00PM 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 6 members present: Daryl Anderson, Randy Kauk, Chris Kosmicki, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Absent: Ken Kozisek, Dave Sack and Jeff Christensen. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and Jennifer Ostendorf, Planning & Zoning secretary. Dave Schroeder, County Attorney was absent. Members of the public were: Carol Dixon, Dirk Dietz, Jose Avila Gutierrez, Jeff Leo and Sarah Leo.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Ron Kulwicki and seconded by Jack Reimers to approve the minutes from the November 16, 2022 meeting. Motion carried by a unanimous voice vote.

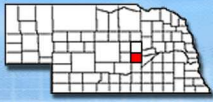
Administrative/Board Comments: Administrator Klinginsmith let the board know that she has given them a copy of the JET Properties survey. This is a subdivision within the 1-mile jurisdiction for city of St. Paul, so they will be taking care of this property but wanted to let the county know what is being presented and if we have any comments. The zoning board has no issues with the proposed subdivision.

7:05 PM – Public hearing for Single Lot Subdivision Application for Twilight Subdivision by Jose Avila Gutierrez and Gloria Ramirez-Ramirez – NW ¼ NW ¼ 9-13-10 – Jose Avila Gutierrez was present to present his plan to the board. Gutierrez has purchased a 20-acre parcel and would like to split the parcel in half creating 2, 10 acre lots. Gutierrez plans to build a residence on the north parcel. Gutierrez has spoken with the road department and they are working with him to clear some or all of the trees along the un-improved road on the north side of the property. Gutierrez plans to have driveway to property off of Jansen Road on west side of property. With no testimony in favor or against the public hearing was closed. Discussion was had amongst the board members in regards to the un-improved road on the north side of property. In future if someone else on another parcel wants to build the board and road department will have to look at the un-improved road to make sure they are not land locking the other property owners. Ron Kulwicki made a motion to approve the single lot subdivision application as presented. Jack Reimers seconded the motion. Motion was passed with a 6-0 roll call vote. Finding of fact is attached.

7:10 PM – Public hearing regarding amendments of Zoning Regulations for revisions to the Matrix of the Planning and Zoning Regulations – Administrator Klinginsmith had prepared some proposed changes to the Matrix of the Planning and Zoning Regulations and presented the proposed changes to the board. On page 17 of regulations the proposed change is to:

- 1.) Dwelling, Accessory Use, ~~to farming operation~~. Adding a "C" under A-1, A-2 & A-3 columns.
- 2.) Dwelling, single family attached - add a "C" under A-1 & A-2 column.
- 3.) Dwelling, two family, ~~non-ag~~ - add a "C" to A-1 column.

With no testimony in favor or against the public hearing was closed. Discussion was had among the board with Jack making a motion to approve changes to land use matrix – dwellings. Motion was seconded by Randy Kauk. Motion was passed by a 6-0 roll call vote. Finding of fact is attached.



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7:15 PM – Public hearing for conditional use permit application by Carol Dixon for a single family attached dwelling – W ½ NE ¼ 11-14-11 – Carol Dixon was present to represent her request. She would like to get approval to move in a modular home for her daughter to live in and attach it to Carol's existing house. With no testimony in favor or against the public hearing was closed. Discussion was had by the board and Chris Kosmicki made a motion to approve the conditional use permit application for a single family attached dwelling. Jack Reimers seconded the motion. Motion was passed by a 6-0 roll call vote. Finding of fact attached.

7:25 PM – Public hearing regarding amendments of Zoning regulations for Wind Generator Facilities, Sanitary Requirements, updating wording from non-farm and ag operations and changing name of Nebraska Department of Environmental Quality (NDEQ) to Nebraska Department of Environment and Energy (NDEE) in all planning and zoning regulations, definitions and matrix – Administrator Klinginsmith had prepared some proposed changes to the regulations, definitions and matrix that she presented to the board to review and discuss. With no favor in favor or against the public hearing was closed. There was much discussion among the board regarding updates and changes to regulations, definitions and matrix. It was discussed to remove the definition of "tower height" from regulations all together just leaving "total height" when discussing wind energy. It was also discussed to type out Nebraska Department of Environment and Energy one time per section and then will use acronym NDEE to follow. After much discussion Jack made a motion to table the changes of zoning regulations for wind generators, sanitary requirements, updating wording on non-farm and ag operations and changing name of Nebraska Department of Environmental Quality to Nebraska Department of Environment and Energy so that board can review again after all the changes discussed are made. Ron Kulwicki seconded the motion. Motion was passed by a 6-0 roll call vote.

Discussion and review of the N ½ of section 36-14-10 for a farm odor footprint was reviewed. The board agreed with the odor footprint presented. Administrator Klinginsmith will continue the process of putting it on the website.

With no further discussions Ron Kulwicki moved to adjourn the meeting and Jack Reimers seconded then motion. Motion was passed with a unanimous voice vote.

The next Planning and Zoning meeting is planned for January 18, 2023 at 7 PM.

Jennifer Ostendorf
Planning & Zoning Secretary.