

Howard County Planning & Zoning

Agenda

July 19, 2023

1. Call to order – recognize Open Meeting Law – read the published notice of the meeting
2. Roll Call
3. Old Business
4. Administrator/Board Comments
5. Discussion/Action on Amendments to Zoning Definitions: Adjacent
6. Discussion/Action -Wind Turbines
7. Discussion/Action- Accessory Dwelling Units
8. Discussion -Nate Timmons, Definitions
9. Discussion -Jordyn Robinson, Zoning Permit 2023-21
10. Discussion -Tylor Robinson, Definitions
11. Tentatively next meeting date – August 16, 2023

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th day of July 2023.

Chairman Terry Spilinek called the meeting to order at 8:00 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 7 members present: Daryl Anderson, Jack Reimers, Dave Sack, Ron Kulwicki, Jeff Christensen, Chris Kosmicki and Terry Spilinek. Absent members: Kenneth Kozisek, Randy Kauk. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Dave Schroeder, County Attorney, Members of the public were: Jordan Robinson, Tylor & Audrie Robinson, and Mark Serbousek.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Daryl Anderson and seconded by Ron Kulwicki to approve the minutes from the June 21, 2023 meeting. Motion carried by unanimous a voice vote.

Old Business: Administrator Klinginsmith gave zoning members copies of the amended By-Laws from the June 21, 2023 meeting, along with amended manual pages.

Administrator/Board Comments: Administrator Klinginsmith informed the board of the County Commissioners decision to table the Verizon tower on Phyllis Stepanek's land until their meeting of August 8, at 9:00 a.m. Terry Spilinek stated the commissioners would like to see the tower moved away from the road further. Also, the commissioners will be discussing the idea of using a common 911 road signs system at the meeting of July 25, 10:00 a.m.

First item on agenda was discussion of the word adjacent in the zoning definitions.

Zoning Administrator Klinginsmith gave the board a copy of the current wording listed in the Howard County Zoning definitions, websters definition, along with a copy of Adams, Merrick and Lincoln County's zoning definitions for comparison. The review is due to a court case where the judge noted the definition of "adjacent" was not clear. After some discussion by the board, it was suggested that Administrator Klinginsmith search all the areas of the zoning regulations for the word adjacent and review the context of each paragraph. This will be reviewed more at the next meeting, no changes requested at this time.

Discussion and action regarding Wind Turbines. Kerry Dale with American Wind power was available by speaker phone and Mark Serbousek were present. Items discussed were reviewing the height of towers, setbacks and how many will be allowed on a residential property. After much discussion, it was decided to move forward with reviewing changes to the wind turbine regulations. Jack Reimers made a motion to move forward with discussion on residential wind turbines and Ron Kulwicki seconded. Roll Call Vote: Anderson-no, Christensen-yes, Kauk-absent, Kosmicki-yes, Kozisek-absent, Kulwicki-yes, Reimers-yes, Sack-no, Spilinek-yes. Motion passed 5-2. Motion passed

Discussion and action regarding Accessory Dwelling Units, (ADU's) Administrative Klinginsmith presented to the board a copy of Custer County's zoning regulations on ADU's along with a copy of a recorded deed. Klinginsmith spoke to Darci, Custer County Zoning Administrator and asked what they would do if the need of the ADU was no longer necessary and was told their board discussed a couple possibilities. 1) that the house could possibly be split off and have its own parcel if it met the subdivision regulations, 2) be rented out to someone else with same provisions or 3) the house could be moved off the property. After much discussion the board liked the idea of having a deed restriction agreement form with minimum standards to go along with the CUP and the ADU not to exceed 1,000 square feet. Chris Kosmicki made a motion to move forward with ADU regulations and possible permits. Size not to exceed 1,000 square feet and Jeff Christensen seconded. Roll Call Vote: Anderson-yes, Christensen-yes, Kauk-absent, Kosmicki-yes, Kozisek-absent, Kulwicki-yes, Reimers-yes, Sack-yes, Spilinek-yes. Motion passed 7-0.

Next discussion – Nate Timmons, regarding definitions of commercial feedlot. Nate was not present at meeting to address his request. Therefore, nothing was discussed.

Next discussion – Jordyn Robinson, regarding zoning permit 2023-21. Jordyn was present and stated her attorney wants to know if there is an active feedlot on the corner of 7th and Denton, and if her permit can be acted upon. Administrator Klinginsmith stated there is an odor footprint at the above location. Terry Spilinek stated due to the ongoing litigation, nothing can be decided on 2023-21 zoning permit until after the legal system has been exhausted. After some discussion, no action was taken.

Last item on agenda was Tylor Robinson, regarding feedlot definitions. Tylor was present and gave the board a copy of all the definitions he could find that apply to a feedlot, and wants to know what he can do to exploit this farm feedlot thing and wanted to discuss a proposal for a feedlot. Tylor did not present any site plans for proposed feedlot. After some discussion and no specific site plan reviewed, no action was taken.

With no further discussion Jeff Christensen made a motion to adjourn the meeting. Ron Kulwicki seconded. Motion was passed with a unanimous voice vote. The next Howard County Planning and Zoning meeting is tentatively scheduled for August 16, 2023 at 8PM.

Cherri Klinginsmith
Planning & Zoning Administrator