

**Howard County
Planning & Zoning Minutes
December 20, 2023**

- 1.) Public Hearing - Conditional Use Permit Application by John & Ruth Ropp for the startup of a Church, Cemetery, Community Center and School building for home schooling NW ¼ 8-13-10**
- 2.) Public Hearing - regarding the amendments of Zoning Regulations for Wind Generator Facilities.**
- 3.) Discussion & Possible Action – A-3 zoned land uses**
- 4.) Discussion & Possible Action – Zoning Regulations wording in sections A-1, A-2 & District Boundaries**

Minutes

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th day of December 2023.

Chairman 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. Proof of publication is filed at the Howard County Clerk's Office. Roll call showed 6 members present: Daryl Anderson, Kenneth Kozisek, Jeff Christensen, Chris Kosmicki, Jack Reimers, and Terry Spilinek. Absent members: Randy Kauk, Ron Kulwicki, Dave Sack & Dave Schroeder, County Attorney. Also, present were Cherri Klinginsmith, Planning & Zoning Administrator, Jennifer Ostendorf, Planning & Zoning Secretary. Members of the public were: Kathy Connelly, Jesse Yoder, Lawayne Yoder, Tylor Robinson, Wendy Stutzman, Bill Schleicher, Dennis Stutzman, James Swantz, John Ropp, Jonathan Kroeger, Jerome Reimers, Deana Pullen, Dianne Danhauer, and Mike Wetzel.

The agenda and minutes were mailed to the board members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes from the November 15, 2023 meeting. Motion carried by unanimous voice vote.

Old Business: Administrator Klinginsmith reported to the board that the Commissioners approved the Rolling Hill Estates Multi-Lot Subdivision, Windmill Feedlot CUP and Vacate Freedom Acres, which were all recommended by this board to the Howard County Commissioners at November 15, 2023 meeting.

Administrator/Board Comment – None

Discussion & Possible Action – A-3 zoned land uses – John Ropp was present to present to the board. John is thinking of selling part of his land. His plan is to divide off +/- 6 acres for his community to build a school, church and cemetery. Once that is divided off it leaves +/- 74 acres. The land he is thinking of selling to someone to build a house on is part in A-3 and part A-1. John would like to know if the board would approve if he sold the land to build a house on if that is possible without 80 acres? After much discussion the board decided that if the land is sold with less than 80 acres the house would have to be built in the A-1 zoned area.

Public Hearing - Conditional Use Permit Application by John & Ruth Ropp for the startup of a Church, Cemetery, Community Center and School building for home schooling NW ¼ 8-13-10 – John Ropp was present to present his request to the board. John lives in an Amish Community and their community would like to use +/- 6 acres of John's land to build a school building on to "homeschool" their community's children. In the future they may like to add a church, community building and cemetery. Chairman Spilinek asked the public if anyone was in favor of this plan. Bill Schieicher, Dennis Stutzman, and Kathy Connelly all spoke in favor of the allowing the Conditional Use Permit. They all stated that they are neighbors to people in this Amish Community and they are all very community oriented, kind and hardworking people. Bill stated that he had been invited to sit in on the school session and fellowship. All three spoke of how much of a pleasure it has been to add them to the community and as neighbors. With no other testimony in favor Chairman Spilinek asked the public if anyone was opposed to the request. There was no one who came out to oppose the request

however few people in public had some questions of clarification from John and the board. Tylor Robinson asked are these buildings allowed in A-3 without 80 acres? Administrator Klinginsmith stated yes that since no one is living (nonresidential) in the buildings, and they are outside of the floodplain, the building proposed would be allowed on less than 80 acres. Jerome Reimers asked if there are any regulations for cemeteries? Administrator Klinginsmith said there are some that the state requires and that is what the county would follow. There were several questions from public in regards to taxes for the request. Administrator Klinginsmith told them that she had spoke with the accessors office and they stated that these buildings would be taxed like all other building and if they wanted to apply for tax exemptions on the church, they would have to apply for that through the state. This request would not affect neighboring land or building site evaluations that she knew of. With no further testimony in favor or against the public hearing was closed. After much discussion among the board Jack Reimers moved to table the request until they have more specific information including a survey of the land they would like to use and a detailed sketch with setbacks on where the building/s and cemetery would be located. Ken Kozisek seconded the motion. Motion passed with a 6-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Ken Kozisek – yes, Jack Reimers – yes, Terry Spilinek – yes

Public Hearing - regarding the amendments of Zoning Regulations for Wind Generator Facilities. Administrator Klinginsmith presented to the board copies of the proposed changes discussed in prior meeting. Chairman Spilinek asked for testimony in favor or against from the public. With no testimony in favor or against the public hearing was closed. Jeff Christensen moved to approve changes to the wind generator towers, limiting them to one tower per ¼ section. Jack Reimers seconded the motion. Motion passed with a 6-0 roll call vote. Daryl Anderson – yes, Jeff Christensen – yes, Chris Kosmicki – yes, Ken Kozisek – yes, Jack Reimers – yes, Terry Spilinek – yes

Discussion & Possible Action – Zoning Regulations wording in sections A-1, A-2 & District Boundaries

Administrator Klinginsmith presented to the board a copy of the regulations and proposed wording change that Jeff Christensen worked on wording allowing odor footprints to remain in effect until the land owner request them to be removed in A-1, A-2 and District Boundaries. The board reviewed these proposed changes and went over the wording and decided that it would be ok to add this as a public hearing in January.

With no further discussion Jeff Christensen moved to adjourn the meeting with Ken Kozisek seconding the motion. Motion passed with a unanimous voice vote. The next meeting of the Howard County Planning & Zoning board is scheduled for January 17, 2024 at 7 PM.

Jennifer Ostendorf
Planning & Zoning Secretary