



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
January 21, 2015**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 21st day of January, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 6:30 p.m. Roll call showed 5 members present: Gary Craig, Fred Meyer, Mike Nelson, Terry Spilinek and Janet Thomsen. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Molly Tebo, Secretary.

Zoning Administrator, Klinginsmith read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 7st day of January 2015 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerk's office.

The agenda and minutes were mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Fred Meyer and seconded by Terry Spilinek to approve the minutes of the October 15, 2014 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith provided the board with a copy of the agenda for the 2015 Annual Planning & Zoning Conference to be held in Kearney, March 11-13, 2015. If any members are interested in attending the Board of Zoning Adjustment session on March 13, they need to let Cherri know by the end of this month.

At 6:33 p.m. the election of officers was discussed. Fred Meyer made a motion to elect Mike Nelson as Chairman. Terry Spilinek seconded the motion and the motion carried by unanimous voice vote. Terry Spilinek made a motion to elect Fred Meyer as Vice-Chairman. Janet Thomsen seconded the motion and the motion carried by unanimous voice vote. Terry Spilinek made a motion to elect Gary Craig as Secretary. Fred Meyer seconded the motion and the motion carried by unanimous voice vote.

Gary Craig was reappointed for another term. Clare Kurz did not wish to serve on the board as alternate for another term. Cherri Klinginsmith, Administrator, will look for a replacement.

Mike Nelson advised the board that this will be his last term. Fred Meyer stated that he may not want to be reappointed when his term expires at the end of 2015.

With there being no further business the meeting adjourned at 6:37 p.m.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING January 21, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of January, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:11 p.m. The Open Meeting Act is posted in the rear of the room. 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, Jeff Christensen, Ken Kozisek, Randy Kauk, Jack Reimers, and Terry Spilinek. Those absent were: Ron Kulwicki and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Dave Schroeder, County Attorney, and members of the public including: Rose Dixson, Minnie Sprague, and Jay Peterson.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Randy Kauk to approve the minutes of the December 3, 2014 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith provided the board with a copy of the agenda for the 2015 Annual Planning & Zoning Conference to be held in Kearney, March 11-13, 2015. If any members are interested in attending they need to let Cherri know by the end of this month.

At the December 3, 2014 meeting Randy Kauk made a comment regarding existing/new vineyards. Farwell Irrigation received a letter stating they had to spray a certain distance from grape crops because the pesticides can harm the grapes. Administrator Klinginsmith contacted the Farm Service Agency to see if there are any regulations regarding farmers spraying chemicals near grape crops and there are none. Cherri stated there is a website called DriftWatch. This site is a voluntary communication tool that enables crops producers, beekeepers, and pesticide applicators to work together to protect specialty crops through use of their mapping program. It is not a substitute for any state regulatory requirements.

At 7:15 p.m. the election of officers was discussed. Ken Kozisek made a motion to elect Terry Spilinek as Chairman. Jeff Christensen seconded the motion and the motion carried by unanimous voice vote. Jeff Christensen made a motion to elect Jack Reimers as Vice-Chairman. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Jack Reimers made a motion to elect Daryl Anderson as Secretary. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote. Dave Sack and Jeff Christensen were reappointed for another term.

At 7:18 p.m. the public hearing regarding the A-1, A-2, A-3 Zoning Regulation wording and an addition of a Commercial Feeding Nuisance Easement Requirement was opened. Cherri Klinginsmith read the Notice of Hearing. Dave Schroeder, Howard County Attorney, presented the case and explained the new easement form. This form was created to allow a waiver for accepting/approving a Conditional Use Permit which would be for residences and commercial feedlot owners to sign stating they are okay with their residence being within an Odor Footprint. Dave stated that in addition to the easement he is going to work on a notice or disclaimer the commercial feedlot owners and residential property owner(s) would sign to acknowledge they received the



Howard Planning and Zoning Minutes



easement. Dave stated he would not want persons involved to rely on the legal sufficiency of the easement from a private perspective. He would encourage all people involved to receive their own legal advice. All owners of the property involved would be a part of the agreement including any spouse whose name is not on the deed.

Rose Dixon asked how this issue came about and Chairman Spilinek stated there is a farmer who wants to expand his farm feedlot into a commercial feedlot which would cause his odor footprint to overlap into his neighbor's property and the neighbor is willing to sign a waiver.

Jay Petersen spoke in favor of the waiver/easement. Minnie Sprague had a concern regarding how many feedlots this would allow to come into the county.

A motion was made by Ken Kozisek to approve the regulation wording and an addition of a Commercial Feeding Nuisance Easement requirement for A-1, A-2, and A-3 zoning districts. Jeff Christensen seconded the motion and the motion passed by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached). A motion was made by Jack Reimers to approve the Commercial Feeding Nuisance Easement. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

At 8:03 p.m. a discussion was held on the Livestock Friendly County Program. The Commissioners asked Cherri to send the necessary paperwork to the Nebraska Department of Agriculture (NDA) to see if Howard County would qualify as a Livestock Friendly County. Cherri received an e-mail from Steve Martin from the NDA which stated based on the information we sent them, there may be a couple items in our regulations that may be questioned. Steve asked why pit buildings and/or lagoons are 1.5 times greater than an open lot. Jack Reimers stated the regulations were worded that way due to certain animals having more concentrated odor than others. The board decided to table this item until the Commissioners ask them for a recommendation to apply to become a Livestock Friendly County.

At 8:14 p.m., a motion was made by Randy Kauk and seconded by Jeff Christensen to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for February 18, 2015.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING February 18, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of February, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:05 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith 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, Jeff Christensen, Ken Kozisek, Ron Kulwicki, Jack Reimers, and Terry Spilinek. Those absent were: Randy Kauk and Dave Sack. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Lonnie Dickson, Julie Wright, Cecil Kennedy, Wynona Kennedy and Tim Scheer.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jeff Christensen to approve the minutes of the January 21, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klingensmith provided the board the names of the individuals interested in being a board member. They are Chris Kosmicki, Carl Jorgensen, Ken Hirschman, and Caitlin Jerabek. These names will be presented to the Commissioners at the February 24 meeting. This person will fill the position vacated by Lauren Scarborough.

At 7:08 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan provided the board a copy of the draft 2015 Comprehensive Plan and the amended zoning and subdivision regulations. Mr. Dickson stated the difference between the old plan and the new plan is the incorporation of the zoning criteria for each of the Villages in the county. Lonnie also pointed out the energy component that was added to the regulations to include Net Metering. The special use provision regarding Net Metering will be added to the rural districts as well. The next meeting to discuss the Comprehensive Plan will be in March 2015.

At 8:00 p.m. the public hearing regarding the A-1, A-2, A-3 Zoning Regulation wording regarding Farm and Commercial Animal Feeding Operation distances from residences was opened. Cherri Klingensmith read the Notice of Hearing. Cherri presented the case and stated at the January 21, 2015 meeting an easement form was created to allow a waiver for accepting/approving a Conditional Use Permit which would be for residences and commercial feedlot owners to sign stating they are okay with their residence being within an Odor Footprint. After the meeting a couple people asked Cherri why farm feedlots were not included in the waiver. The purpose of this hearing is to include the word **farm** so any feedlot and/or any residence can apply for the easement.

A motion was made by Jeff Christensen to approve the changes regarding the A-1, A-2, A-3 zoning regulation wording to include farm and commercial animal feeding operations from residences. Jack Reimers seconded the motion and the motion passed by unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).



Howard Planning and Zoning Minutes



At 8:07 p.m. the public hearing regarding a Conditional Use Permit by Eagle Heart Ranch, Inc. to expand from a farm feedlot to a Class I feedlot was opened. Cherri Klinginsmith read the Notice of Hearing. Cherri stated she talked to Tamara Roth earlier in the day and their neighbors want to talk to their lawyer before they sign the easement form. Since the application was not completed the board was not able to act on this item.

At 8:15 p.m. a discussion was held regarding Cecil and Wynona Kennedy selling off a farmstead in A-3 zoned land. Cecil Kennedy stated that he and his wife would like to sell their house along with 7-10 acres of land. Regulations for land located in the A-3 Agriculture-Conservation District state that a minimum lot area of 80 acres can be sold. The land is also close to the floodplain but not in it. Chairman Spilinek stated if the floodplain moved the board may be able to rezone a strip of the Kennedy's land. If it did not move, then the Kennedy's next step would be to request a variance. Cherri stated she would check the floodplain and let the Kennedy's know what their next option would be.

At 8:25 p.m. a discussion was held regarding Julie Wright (TLC Livestock). Cherri stated that in June 2014, a variance was approved to allow Ms. Wright a reprieve of the Class I regulations for calendar year 2014 due to health reasons. Regulations state there has to be over 500 head for six months in a calendar year. Ms. Wright wanted to know if she has animals for less than 6 months, will she lose her permit. The board agreed that if her intent is to keep above the number of Animal Units (AU), Ms. Wright's Class I Odor Footprint will remain active. Administrator Klinginsmith will check on other counties provisions regarding time allowed in one calendar year for animals to be confined.

At 9:05 p.m. a discussion was held regarding a husband/wife taxidermy business. Someone was interested in buying a residence and running a taxidermy business in one of the outbuildings. Regulations currently state in order to have a home-based business it needs to be within the residence. Is this something we want to change in the regulations to include running a home-based business in an outbuilding and also adding a definition for Taxidermy? The board stated the regulations should be modified for home occupations.

At 9:15 p.m. a discussion was held on the Livestock Friendly County Program. Kathy Hirschman stated the Commissioners want to know with what we have in our regulations if we apply for the program without changing anything, would we be considered livestock friendly. With that, the Commissioners are asking for the Zoning Board's recommendation. Jeff Christensen stated the board would like to see a copy of LB106 for additional information on the program. A public hearing will be scheduled on this item at next month's meeting.

At 9:28 p.m., a motion was made by Jeff Christensen and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for March 18, 2015.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING March 18, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of March, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 p.m. The Open Meeting Act is posted in the rear of the room. 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, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers, Dave Sack, and Terry Spilinek. Those absent were: Randy Kauk and Jeff Christensen. Also present were Cherri KlinginSmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, Dave Schroeder, County Attorney, David Boehle, Commissioner, Rance Lierman, Commissioner, and members of the public including: Lonnie Dickson, Willow Holoubek, Alan Lewandowski, Leo Haggerty, Jim Olsen, Joan Christensen, Fred Meyer, Franz Trumler, Connie Thompson, Carol Schooley, John Dvorak, Carl Jerabek, Rose Dixson, Bill Dixson, Elizabeth Dixson, Brian Timmons, Aaron Rasmussen, and Crystal Rasmussen.

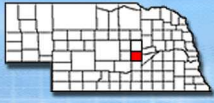
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the February 18, 2015 meeting. The motion carried on unanimous voice vote.

Chairman Spilinek commented on LB106 and urged the public to call their State Senator and express their concerns regarding the Bill. He also commented on LB175 to adopt the Livestock Growth Act. It's a revolving loan for livestock development.

At 7:05 p.m. a discussion was held regarding the update of the Howard County Comprehensive Plan. Lonnie Dickson from Hanna:Keelan answered questions regarding the amendments to the Howard County zoning regulations and the addition of the Villages in the county. Mr. Dickson asked the board if they are ready to hold a public hearing to approve the Comprehensive Plan and the amendments for the zoning regulations. Administrator KlinginSmith stated she wanted to wait another month so that the Villages have time to review the changes and discuss them at their next meeting. The next meeting to discuss the Comprehensive Plan will be in May 2015.

A discussion was held regarding the wording under A-3 Yard Regulations. A Commercial Feeding Nuisance Easement Waiver was adopted into the A-1, A-2 and A-3 regulations in previous meetings, but the wording in A-3 under yard regulations is repetitive. Administrator KlinginSmith suggested removing the wording and replacing it with the wording used in the A-1 and A-2 regulations. The change will be made and a public hearing will be scheduled at next month's meeting.

Administrator KlinginSmith stated the definition for Home Occupation will be changed to include an accessory building on the same zoning lot for business activities. Regulations will also be added for multi-family dwellings in the A-2 District. Both of these items will be on the agenda for the April meeting.



Howard Planning and Zoning Minutes



A discussion was held on LB106. This bill would allow the agriculture department to create a matrix of statewide standards to be used by a governor-appointed board in reviewing county decisions to grant or deny special use permits for livestock expansion. This is a serious concern because if adopted, this bill could supersede our county regulations. Anyone that has an interest in this bill should call their Senator and voice their concerns.

Dave Boehle, Commissioner, commented on the Livestock Friendly County Program (LFCP) and LB106. The Livestock Friendly County Program is an economic promotional program offered by the Department of Agriculture to counties in Nebraska. If a county does not want to belong, they don't have to. A county that has been designated also has the option of leaving the program at any time. LB106 is actual legislation. If adopted, a Matrix would be created that could supersede county regulations. The LFCP and LB106 are two separate issues. If LB106 is adopted it will affect all counties whether they are Livestock Friendly or not.

At 7:50 p.m. the public hearing regarding designation as Livestock Friendly County (LFC) was opened. Cherri Klinginsmith read the Notice of Hearing. Willow Holoubek, Alliance for the Future of Agriculture in Nebraska (A-FAN), explained what Livestock Friendly is. Livestock Friendly is a voluntary program that allows counties to become part of the livestock friendly designation across the state. There are currently 29 counties that are designated. What the program does is foster economic development and promote livestock in the community. Any potential livestock operation coming into the county would have to abide by Howard County zoning regulations; local control is upheld with the program. Discussion on this item was temporarily suspended in order to open the next public hearing on the agenda.

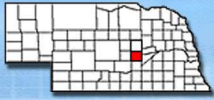
At 8:10 p.m. the public hearing regarding Paul Rasmussen's single lot subdivision application located in the N ½ NW ¼ of 22-13-11 was opened. Cherri Klinginsmith read the Notice of Hearing. Aaron and Crystal Rasmussen were present for the hearing. Aaron stated they want to build a house on approximately 9 acres. The subdivision will be called the Aaron & Crystal Rasmussen subdivision. All zoning regulations have been met. There was no testimony for or against the application. A motion was made by Ken Kozisek to approve the subdivision and seconded by Jack Reimers. The motion carried on unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

Chairman Spilinek again opened the public hearing regarding designation as Livestock Friendly County (LFC). Jim Kasson is concerned that the designation would allow extremely large livestock operations to come into the county. Ms. Holoubek stated a 40,000 plus operation will probably not happen in Nebraska because of the concern with disease control. Most feeding operations are 4,000 head or less.

Chairman Spilinek asked for testimony in favor of the designation. John Dvorak read a letter from Tim Scheer which stated he was in favor of the designation because it provides opportunity for economic development in the county. He stated the county has a process in place for responsible, well-placed livestock operations. He feels being designated a LFC would bring more jobs and tax base to our county. He said he can't guarantee any of these things will happen because of the designation but he is concerned that these opportunities will bypass us if we are not designated as livestock friendly.

John Dvorak, Jim Olson, Carl Jerabek, Ryan Timmons, and Fred Meyer agreed with the statements made by Tim Scheer and are in favor of the designation. Fred Meyer added he does not believe in the fallacy that an animal feeding operation hurts the value of property.

Chairman Spilinek then asked for testimony against the designation. Franz Trumler stated he is concerned with the Livestock Friendly laws regarding setbacks or separation distance because our setbacks are greater than the



Howard Planning and Zoning Minutes



law. Would we need to change our setback regulations? Dave Schroeder, County Attorney stated he believes the Department of Agriculture would accept our setbacks and odor footprints as reasonable and justifiable.

Joan Christensen stated she is opposed to the Livestock Friendly County Program because she feels Howard County is already livestock friendly without the designation. Minnie Sprague agreed with Ms. Christensen.

Carol Schooley stated she was neither for nor against the designation. She stated there are no statistics that show a LFC doing better than a county that is not designated. She feels this program is groomed towards LB106 and suggested our county wait to make a decision of becoming livestock friendly until the Bill passes or fails. Dave Boehle reiterated that the Livestock Friendly Program and LB106 are two separate items and are not related whatsoever. Rance Lierman, Commissioner again stated to those in attendance to contact their State Senator if they had any concerns regarding LB106.

Chairman Spilinek closed the public hearing. A motion was made by Ken Kozisek to apply for a Livestock Friendly designation and seconded by Daryl Anderson. The motion carried on unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding Chuck Helgoth wanting to bring in a hog confinement operation. Administrator Klingensmith let the board know that where he wants to build will not meet the current setback regulations of 1.5 times the Class I distance requirements. Mr. Helgoth wanted to be at the meeting to explain the new technology for confinement buildings as they have decreased the odor. He believes the setback requirement of 1.5 times could be removed from the regulations. Without his presence at the meeting the item was tabled until he can present the information.

Bill and Rose Dixson asked for clarification on rural residents being able to request a quarter setback from a manure application if their residence was in existence prior to November 2009. Administrator Klingensmith stated she interprets the regulations as any new resident living in an old existing home cannot request the setback. The Dixson's and the zoning board thought there was a timeline for those residences to request the setback if a home was built prior to November 2009. If so, that should be added to the regulations. Cherri will check the files and minutes to find what timeline was given. This item will be discussed at our next meeting.

At 9:45 p.m., a motion was made by Dave Sack and seconded by Chris Kosmicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for April 15, 2015.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING April 15, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th of April, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith 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, Chris Kosmicki, Ken Kozisek, Randy Kauk, Jack Reimers, Jeff Christensen, and Terry Spilinek. Those absent were: Dave Sack and Ron Kulwicki. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Lana Bushhousen, David Sprague, Reg Roth, and Tamara Roth.

The Agenda and Minutes were e-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 of the March 18, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klingensmith informed the board she sent in the application to become a Livestock Friendly County (LFC) to the Nebraska Department of Agriculture (NDA). Steve Martin from the NDA is reviewing the application and sent an e-mail to Klingensmith asking for further clarification regarding the setback distance regulations and the timeframe for scheduling a hearing when a Conditional Use Permit application is received. Cherri will respond to his e-mail. Mr. Martin stated the Governor won't have time for designations until June at the earliest.

At 8:05 p.m. the public hearing regarding the update of zoning regulations pertaining to the Matrix for Land Use, definitions for Home Occupations and A-2 (Agricultural-Transitional District) for multi-family and two-family dwellings, and A-3 (Agricultural Conservation District) wording for yard regulation setbacks for farm and Commercial Feeding Operations was opened. Administrator Klingensmith read the Notice of Hearing. Cherri stated she added the following to the Matrix and the A-2 regulations:

- Condominium – added C for Conditional Use under A-2
- Dwelling, multi-family – added C for Conditional Use under A-2
- Dwelling, two-family – added non-ag and C for Conditional Use under A-2

Additional wording was added to the Home Occupation definition to include an accessory building on the same zoning lot for business activities.

The last change was under A-3 Yard Regulations. A Commercial Feeding Nuisance Easement Waiver was adopted into the A-1, A-2 and A-3 regulations in previous meetings, but the wording under A-3 yard regulations was repetitive. The wording will be replaced with the wording used in the A-1 and A-2 regulations.



Howard Planning and Zoning Minutes



There was no testimony for or against the updates. A motion was made by Jeff Christensen to approve the updates to the zoning regulations and seconded by Randy Kauk. The motion carried on unanimous voice vote 7-0. A finding of Fact was completed (copy attached).

At 8:19 p.m. the public hearing regarding a Conditional Use Permit (CUP) application by Eagle Heart Ranch, Inc. (Reg and Tamara Roth), located in the E ½ SW ¼ of 27-16-9 and part of the SW ¼ of 26-16-9 and part of the NW ¼ of 35-16-9 and part of the NE ¼ of 34-16-9, was opened. Administrator Klinginsmith read the Notice of Hearing. Reg Roth stated he wants to move from a farm feedlot to a Class I feedlot. The Commercial Feedlot Nuisance Easement form has been signed by the Roth's and their neighbors.

David Sprague spoke in opposition stating he had concerns regarding quality of air and water concerns. He also stated the odor and flies are getting worse. He stated the Roth's were in violation of the county regulations. Administrator Klinginsmith stated as a rebuttal that the Roth's were not aware of the county regulations but are working with the Department of Environmental Quality (DEQ) and the Planning and Zoning Office and have rectified the situation. Lana Bushhousen spoke in favor of the application and disagreed with Mr. Sprague's comment regarding the odor and flies getting worse. She stated what the Roth's are trying to do is good for economic development.

A motion was made by Daryl Anderson to approve the CUP application by Eagle Heart Ranch. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

At 8:38 p.m. the public hearing regarding rezoning property from A-3 (Agricultural Conservation District) to A-1 (Agricultural District) north of Highway 58 northward following the Big Slough Floodplain due to floodplain changes was opened. Administrator Klinginsmith read the Notice of Hearing. Cherri stated when FEMA updated the floodplain area in July 2014, this included all the research completed regarding the Big Slough area. Therefore, the A-3 area should follow the floodplain line to be consistent with the other A-3 areas in the county.

A motion was made by Jeff Christensen to rezone said property from A-3 to A-1 to follow the floodplain map. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding Bill and Rose Dixson's request for clarification on rural residents being able to request a quarter mile setback from a manure application if their residence was in existence prior to November 2009. Administrator Klinginsmith checked with Dave Schroeder, County Attorney, and he is in agreement with the Zoning Board interpretation that only residents of homes prior to November 2009 (persons living in the home prior to 2009) will be able to ask for a quarter mile setback.

At 9:04 p.m., a motion was made by Jeff Christensen and seconded by Chris Kosmicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for May 20, 2015.



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING May 20, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of May, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:05 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 5 members present: Daryl Anderson, Ken Kozisek, Randy Kauk, Jack Reimers, and Terry Spilinek. Those absent were: Dave Sack, Chris Kosmicki, Jeff Christensen, and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Lonnie Dickson, Marty Petersen, and Alan Lewandowski.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Randy Kauk and seconded by Ken Kozisek to approve the minutes of the April 15, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board she has updated the "Who Needs a Building/Zoning Permit in Howard County" flyer. It will be included as an insert to the tax notices that are mailed to all residents of Howard County in November. Cherri also informed the board that the Commissioners want her to send a letter to all property owners that have built new houses when an existing house is still on the property to make sure the old house has been torn down.

At 8:12 p.m. the public hearing regarding a single lot subdivision application by Martin and Cynthia Petersen consisting of 10 +/- acres and will be named Lineshack Hill Subdivision located in the NE ¼ of Section 15-16-12 was opened. Cherri Klinginsmith read the Notice of Hearing. She stated this will be the first non-farming residence in the quarter. There was no testimony for or against the application. A motion was made by Daryl Anderson to approve the subdivision and seconded by Jack Reimers. The motion carried on unanimous voice vote 5-0. A Finding of Fact was completed (copy attached).

At 8:20 p.m. the public hearing regarding the adoption of the Howard County and Villages of Boelus, Cotesfield, Cushing, Dannebrog, Elba and Farwell Comprehensive Plan and the Howard County and Villages of Cotesfield, Cushing, Dannebrog, Elba, and Farwell Zoning Regulations and official zoning maps was opened. Cherri Klinginsmith read the Notice of Hearing. Lonnie Dickson from Hanna:Keelan stated the new Comprehensive Plan and Zoning Regulations were provided to our office. He stated the substantive changes were the addition of the Villages and the inclusion of the energy element. Administrator Klinginsmith reminded Lonnie that the floodplain map needs to be updated to include the changes that were made along the Big Slough area due to FEMA updating the floodplain area in July 2014. Alan Lewandowski from the Village of Farwell testified he was for the new comprehensive plan, zoning regulations, and the map of their Village. There was no testimony opposed.

Jack Reimers made a motion to approve the adoption of the Howard County and Villages of Boelus, Cotesfield, Cushing, Dannebrog, Elba and Farwell Comprehensive Plan and Zoning Regulations. Boelus is excluded from



Howard Planning and Zoning Minutes



the zoning regulations. The motion also includes the approval of the county future land use map, Village zoning map, and the adoption of Section 1, Item 6 of the Rules and Regulations. Ken Kozisek seconded the motion. The motion carried on unanimous voice vote 5-0. A Finding of Fact was completed (copy attached).

At 9:05 p.m., a motion was made by Jack Reimers and seconded by Randy Kauk to adjourn. The motion carried by unanimous voice vote. Administrator Klinginsmith noted there are no items on the agenda for the June meeting; therefore the next meeting may be July 15, 2015.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



**MINUTES
HOWARD COUNTY
VARIANCE BOARD OF ADJUSTMENT
May 20, 2015**

A meeting of the Howard County Variance Board of Adjustment was convened in open and public session on the 20st day of May, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Mike Nelson called the meeting to order at 7:30 p.m. Roll call showed 6 members present: Gary Craig, Fred Meyer, Mike Nelson, Terry Spilinek, Janet Thomsen and Chad Donscheski, Alternate. Also present were Cherri Klinginsmith, Howard County Zoning Administrator, and Molly Tebo, Secretary.

Zoning Administrator, Klinginsmith read the notice of the public meeting. An Affidavit was presented from the Phonograph-Herald dated the 6st day of May 2015 that this notice was published 10 days prior to the meeting. A proof of publication is filed in the Howard County Clerk's office.

The agenda and minutes were mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Fred Meyer and seconded by Janet Thomsen to approve the minutes of the January 21, 2015 meeting. The motion carried on unanimous voice vote.

At 7:33 p.m. the public hearing regarding Richard Pitcher to allow for an additional non-farming residence in the NW ¼ of Section 3-15-9 was open. Cherri Klinginsmith read the Notice of Hearing. Mr. Pitcher stated he built a house last year. When he applied for the building permit, Administrator Klinginsmith informed Mr. Pitcher that a non-farming residence already existed within the quarter section; therefore his residence could not be subdivided with less than 20 acres. Howard County regulations state that only one non-farming residence is permitted within a quarter. Administrator Klinginsmith documented this on the application when it was approved. Mr. Pitcher stated he has changed his mind because he has 476 acres and if he were to sell the house with 20+ acres, it would cause his pasture to be landlocked. He stated the house sits on the very northwest corner of the property and is surrounded by 60-80 foot canyons. He would like the house to sit on 3 acres so if he decides to sell it, he can sell it with 3 acres.

The board advised the applicant he could request an easement to get to/from the pasture. They also stated that if they allowed the variance it would undermine the zoning regulations. Janet Thomsen made a motion to deny the variance. Terry Spilinek seconded the motion and the motion carried by unanimous voice vote 5-0. A Finding of Fact was completed (copy attached).

At 8:02 p.m. Fred Meyer made a motion to adjourn the meeting and Gary Craig seconded the motion. The motion passed by unanimous voice vote.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING July 15, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th of July, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith 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, Jeff Christensen, Chris Kosmicki, Ken Kozisek, Jack Reimers, and Terry Spilinek. Those absent were: Randy Kauk, Ron Kulwicki, and Dave Sack. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including Damon and Jodi Obermiller.

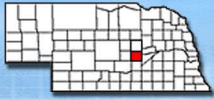
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jack Reimers to approve the minutes of the May 20, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klingensmith informed the board that no updates have been received on the Livestock Friendly County designation.

At 8:05 p.m. the public hearing regarding the update of the Howard County Zoning Regulations to add "Fireworks" to the Definition Section was opened. Cherri Klingensmith read the Notice of Hearing. The Commissioners asked Cherri to add the definition to the regulations due to someone wanting to put a fireworks stand in St. Libory. Nebraska State Fire Marshall guidelines prohibit firework stands that are **not** within the city limits of an incorporated city or village in the state. Jack Reimers suggested adding the word "stand" to the definition to read "Fireworks Stand". There was no testimony for or against the addition. A motion was made by Jeff Christensen to approve the addition of the definition to the regulations and seconded by Chris Kosmicki. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

Administrator Klingensmith provided the board with a copy of an insert titled "Who Needs a Building/Zoning Permit in Howard County?" Cherri stated since the Villages (except Boelus) are now included in the Howard County Comprehensive Plan and our office will be issuing zoning permits for the Villages, it will let them know what our regulations are. The insert will be included with the tax notices that will be mailed in November.

At 8:15 p.m. the public hearing regarding a single lot subdivision application by LaDonna Obermiller-Ruvalcaba, Daron Obermiller and Devin Obermiller was opened. The subdivision consists of 4.64 +/- acres and will be named DJM Acres located in the NW ¼ of Section 28, Township 14N, Range 12W. Damon and Jodi Obermiller were present for the hearing. Damon stated there are four children in the family and they want to subdivide and build a new house. The current house located on the acreage will not be allowed to subdivide in the future. There was no testimony for or against the application. A motion was made by Chris Kosmicki to approve the DJM Subdivision and seconded by Ken Kozisek. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).



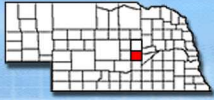
Howard Planning and Zoning Minutes



Administrator Klinginsmith informed the board that she mailed out letters to property owners that have built new houses when an existing house is still on the property and the old house has not been torn down. The letter states the owner has until June 30, 2016 to remove the old house. If the old house is not removed, the matter will be turned over to the County Attorney for prosecution.

At 8:30 p.m., a motion was made by Jack Reimers and seconded by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be August 19, 2015.

Molly Tebo, Secretary



Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING & ZONING

August 19, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 19th of August, 2015, in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8 p.m. The Open Meeting Act was posted in the rear of the room. Administrator Cherri Klinginsmith read the Notice of the Meeting. A proof of publication was filed at the Howard County Clerk's office.

Roll called showed eight members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Chris Kosmicki, Ken Kozisek, Ron Kulwicki, Jack Reimers and Terry Spilinek. Dave Sack was absent. Also present were Administrator Klinginsmith, Janet Thomsen, acting Zoning Secretary; and members of the public, Jennifer Smydra, Doug Voigt, Darla Voigt, and Richard Fishell.

The agenda and minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Kauk and seconded by Kulwicki to approve the minutes from the July 15, 2015, meeting. The motion carried with a unanimous voice vote.

Klinginsmith reminded the board members of the fall workshop in Kearney on Sept. 28-29. Two sessions of note are The Open Meetings Act and How to Manage Public Hearings. Those board members wishing to attend should let Klinginsmith know by Sept. 3.

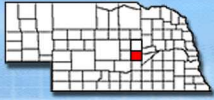
Klinginsmith also reminded the board members of the Livestock Friendly County designation with Governor Pete Ricketts on Thursday, Aug. 20. Additionally, she pointed out there were no changes to Howard County's Planning & Zoning rules and regulations for this designation.

At 8:05 p.m. the public hearing regarding a single lot subdivision application by Jennifer Smydra opened. The subdivision consists of 10.00 +/- acres and will be named North Hill Estates 2nd Addition located in the SW ¼ of Section 10, Township 15N, Range 10W. Smydra was present for the hearing. She stated that she plans to build a house in this single lot subdivision, south, across the driveway from three other lots. Doug and Darla Voigt had concerns about the driveway. There was no testimony in opposition to the application. The public hearing was closed at 8:10 p.m. Kosmicki moved to approve the North Hill Estates 2nd Subdivision. Kulwicki seconded the motion, which passed with a unanimous roll call vote of 8-0. A Finding of Facts was also completed (copy attached).

Discussion was held regarding the sign permit for Nathan Lutz in the Country Meadows Subdivision. After a lengthy discussion regarding the type of sign, placement, sizing, and business use, the board decided to have Klinginsmith inform Lutz that the sign must be removed for the present time.

Discussion of the county planning and zoning fees was also held. New fees include village fees, fence fees and demolition fees. Christensen stated that he felt some of the fines for not having permits was not high enough. Some of the fines are easier to pay than taking the time and effort to apply for a permit, especially at certain times of the year, he said. Klinginsmith reiterated that the villages are responsible for communicating the fees and necessary permits to their residents. (Recommended fee schedule attached.)

At 9:25 p.m., Christensen moved to adjourn the meeting. Reimers seconded the motion, which passed by unanimous voice vote. The next meeting is tentatively scheduled for September 16, 2015.



Howard Planning and Zoning Minutes



Janet Thomsen, Acting Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 16, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of September, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 8 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk, and Ron Kulwicki. Those absent were: Dave Sack. Also present were Cherri Klingensmith, Planning & Zoning Administrator, and members of the public including Nathan Lutz, Ron Dvorak, Barbara Nielsen, Terrance Nielsen, Justin Nielsen, Marvin Lutz, Brian Schlachter, J.R. Rother, Brian Timmons, Nathan and Nikki Timmons.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jack Reimers to approve the minutes of the August 19, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klingensmith informed the board that interviews have taken place for Zoning and the UNL Extension office secretary position. She hopes to have a secretary no later than October 1, 2015.

At 8:05 p.m. the public hearing regarding a single lot subdivision application by Terrance and Barbara Nielsons was opened. The subdivision consists of 3.05 +/- acres and will be named Nielsen subdivision located in the SE $\frac{1}{4}$ of Section 28, Township 13N, Range 9W. Terrance and Barbara Nielsen were present for the hearing, along with their son Justin Nielsen. Terrance stated he wanted to sell a single lot subdivision to his son so he could build a house. Administrator Klingensmith verified all zoning regulations have been met and this will be a farm residence as Justin is helping with the farm. Nathan Lutz spoke in favor for application and there was no testimony against the application. After some discussion by the board, a motion was made by Ken Kozisek to approve the subdivision and seconded by Ron Kulwicki. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

At 8:15 p.m. the public hearing regarding updating the Howard County Zoning Regulations pertaining to the Matrix of Land Use, specifically advertising displays and signs.

Chairman Spilinek asked for testimony in favor. Nathan Lutz stated he thought it was a great idea to just not distinguish between the commercial properties that we have in town, I understand there is a precedence for just that area and what it should be used for but also there is several home based business located inside Howard county that they also ought to be recognized for what they do whether they work directly out of their home or want to put up a sign so people can recognize who they are and what they do, even if they don't work directly out of that building or home. They should still be able to have a sign saying who they are and where they can be located at, so I am in favor of rezoning.



Howard Planning and Zoning Minutes



Ron Dvorak stated he was in favor of it, I mean to keep him from running his business and making money, the more money he makes the more you guys are going to get. It shouldn't be any different than somebody advertising in the paper for their home based business to list their phone number. It is not a retail business it's just working out of your home, just like I do.

Nathan added, it's mainly a premise sign saying this is who I am and what I do, more so than hey come on over to my house and I can fix your furnace, I don't do that.

There was no testimony against. Chairman Spilinek verified that this hearing is not about Lutz's sign, but to update our Matrix of land use regulations. A motion was made by Jeff Christensen to approve the update to the matrix of adding Advertising displays and signs for land use as a conditional use permit in A-1, A-2, A-3, C-S and permitted in I-1 and I-2, and seconded by Randy Kauk. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

At 8-25 p.m. the public hearing on a conditional use permit application by Nathan Lutz for applying for an advertising sign on his storage shed in A-2 district. Nathan Lutz was present for the hearing, Nathan stated it is mainly storage for me, I don't do any work out of the building, I don't have truck traffic in and out of there, and I do not serve clientele out of my building. I am a home based business, and that building is used for storage of my products. All my wholesalers are located in Grand Island, which currently I live in Grand Island, we bought the lot and my house will hopefully be done by end of October and we will be locating to St. Libory. I thought I went through all the proper steps with the state, I spoke to Frank Stepanek and he said as long as its connected to your building it doesn't require a state permit, and then I didn't go through the step with Cherri and the county. I have filled out one sign application and now we are on the conditional use application. I have tried to do everything I was supposed to do, but I obviously have missed a couple steps. I could have put in on a big trailer and parked it behind my building, but I thought that would look like crap. I gotta live out there and I don't want it to be an eyesore to the community out there in the subdivision. You see the sign for 5 seconds as you drive by the road, and I don't see the problem.

Chairman Spilinek asked for testimony in favor. J.R. Rother stated I live out there in the subdivision and we have the covenants that we all agreed to when we agreed to own a lot there and build residence there. One of the things in there is that we are not going to be running a business or enterprise out of the property there. And from the testimony I hear he is not actually running a business it's more of a an advertising sign and a Ron Dvorak is the head of our home owners association and if he gives his blessing to this as a resident there, that's one thing I agreed to abide by so if Ron says it's okay, it's okay by me. It looks like he did it professionally, and if he had traffic coming in and out of there it would be another thing and I would have some concerns with that, but I have no objections to how it is now.

Ron Dvorak stated, I think its fine myself to, it's not going to hurt the subdivision because nobody can see it from inside the subdivision. Basically just a sign on the road and I can't see where it would hurt the subdivision in anyway and I believe everybody in the subdivision is alright with it. If it was on the other side of the building we would have a problem with it, because everybody would have seen it. Nathan stated he got signatures from everybody that lives out there, that they are okay with it.

Chairman Spilinek asked for testimony in opposition. Administrator Klinginsmith stated she had two phone calls of opposition, which were within the one mile radius of notification letters to landowners, but none were from within the subdivision.



Howard Planning and Zoning Minutes



Chairman Spilinek closed the public hearing. Discussion by board members stated the size of the sign is larger than what we allow. Klinginsmith stated, currently we don't allow advertising signs in A-2, so we don't have a specific regulations for that type of sign. Jeff Christensen stated so where did we land with the state of Nebraska? Klinginsmith stated, if it is a on premise sign that advertised goods or services are available on your property it is allowed and so I'm not sure what Nathan is doing meets that definition. Christensen and Ken Kozisek agreed, that it does not because the services he provides are not on that property, so according to state regulations, he cannot have the sign. Klinginsmith read the advertising signs regulations: they are only allowed in commercial or industrial areas, (above read from "So you want a sign? A guide to Highway Signs by the NDR) which this land is not zoned commercial, but is zoned agricultural residential (A-2). Christensen stated if we issue a conditional use permit it will be against the state regulations. Klinginsmith stated, the state will back us up and they are waiting to hear what we decided at this meeting tonight. Ron Kulwicki asked if the state would put that in writing. Because it sounds like to us that with what we have heard tonight from Nathan, the sign does not meet their regulations, but if they are telling Nathan he doesn't need a permit we would like something in writing from them stating their decision. Christensen followed up with, it would be foolish of us to approve the CUP if it is against state regulations, until they give us clarification. The zoning board also thought it would be beneficial for our county attorney to be present at these meetings.

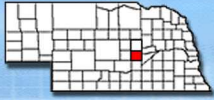
A motion was made by Jeff Christensen that we direct the planning and zoning administrator to investigate with the state to receive some written clarification of what appears to have been communicated verbally on this issue and seconded by Ken Kozisek. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

Discussion was held regarding a residence within Bunker Hill Odor Footprint. Brian Timmons and Nathan and Nikki Timmons were present. Administrator Klinginsmith stated Nikki had called her to ask if they could build a house just north of the feedlot, which is within the Bunker Hill Odor footprint. Klinginsmith wanted to verify with the zoning board that this is now allowed under our A-1 district conditional uses. After discussion it was confirmed that a Commercial feedlot nuisance easement form attached to a Conditional Use application would be needed.

Discussion was held regarding advertising sign for alfalfa located on the East side of HWY 281 and on Loup River Road, sign measures 32 square feet. Administrator verified that the sign is allowed by the state of Nebraska due to the alfalfa being advertised is on the premises to be sold, however a sign permit from Howard County would still be required. Klinginsmith will be in contact with the land owner.

Discussion was held regarding zoning sign regulations, it was agreed that our sign regulations need to be simplified and Cherri will be looking at other county regulations on this and see what can be done to simplify these regulations, and feels only advertising/Business signs should be regulated. This will be discussed at a later meeting.

At 9:50 p.m., a motion was made by Ron Kulwicki and seconded by Randy Kauk to adjourn. The motion carried by unanimous voice vote. The next meeting will be October 21, 2015.



Howard Planning and Zoning Minutes



MINUTES

HOWARD COUNTY PLANNING AND ZONING

October 21, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 21st of October, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:01 p.m. The Open Meeting Act is posted in the rear of the room. 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, Jeff Christensen, Chris Kosmicki, Ken Kozisek, Jack Reimers, and Terry Spilinek. Those absent were: Randy Kauk, Ron Kulwicki, and Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Lindsay Krzycki, Planning and Zoning Secretary, and members of the public including Marlene Niemoth.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Chris Kosmicki to approve the minutes of the September 16th, 2015 meeting. The motion carried on unanimous voice vote.

8:03 Administrator Klinginsmith stated that we will be updating our zoning regulations for possible adult entertainment and sign regulations within the next few months. Klinginsmith, also informed the Zoning board of the status of our new zoning regulation manuals to include the village regulations.

8:05 – Public hearing for Nathan Lutz advertising sign at a home based business. Klinginsmith read the notice of publication for public hearing. Administrator Klinginsmith stated we did try to call Nathan, and he said he would not be coming to the meeting and that he has contacted an attorney to deal with the matter. Klinginsmith informed the board, with a copy of what was received for clarification from the Nebraska State DOR prior to meeting. And read the following from their response. Jean Todd, Nebraska Department Highway Beautification Supervisor. Based on the information we have reviewed, this location (where this shed/building sets) does not qualify for a Class IID On – Premise sign under our Nebraska Administrative Code (NAC) Title 410, Chapter 3 --- Signs (aka our Rules and Regulations for Outdoor Advertising). Within the transcribed minutes of the Howard County Zoning meeting Mr. Lutz states that he does not operate PEK business from that location, and goods and services for PEK are not available at that location of the building and/or sign.

Since there is no Sign Permit required by NDOR for Class IID signs, we have never required that an application be submitted for any Class IID Sign Permit. In this instance we simply have determined that it does not qualify as a Class IID On-Premise Sign.



Howard Planning and Zoning Minutes



This sign would require a Class III Sign Permit from NDOR. Class III signs are also known as billboards --- for off-premise commercial advertising messages. Part of the criteria for Class III signs is that the sign's location must be on land that is properly zoned commercial or industrial. Since zoning implemented by Howard County at this location is NOT commercial or industrial, our office would have to deny any application that may be submitted for a Class III Sign Permit.

Klinginsmith spoke to Frank Stepanek in middle of October, 2015, Frank stated Mr. Lutz came into his office for a permit, he told Mr. Lutz what his supervising office (Jean Todd) said, and Mr. Lutz stated he would be contacting an attorney.

Chairman Spilinek asked if there were any testimony or opposition, Marlene Niemoth expressed her concern about the sign already being up, and what would be done with the sign if denied, and was present to hear about the outcome of the hearing. Chairman Spilinek asked if there were any other testimony of any kind. Therefore public hearing was closed at 8:14 p.m. Jeff Christensen motioned to approve the conditional use permit, Jack Reimers 2nd the motion. The motion was denied on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

Discussion was held regarding Sign and Adult Entertainment Regulations, Administrator Klinginsmith will be doing research on surrounding counties to see their regulations and will be making draft regulations to be discussed in upcoming meetings.

At 8:30 p.m., a motion was made by Jeff Christensen and seconded by Terry Spilinek to adjourn. The motion carried by unanimous voice vote. The next meeting will be November 18, 2015.

Lindsay Krzycki, Secretary



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING December 16, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of December, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klingensmith 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, Jeff Christensen, Jack Reimers, Randy Kauk, Ron Kulwicki and Terry Spilinek. Those absent were: Chris Kosmicki, Ken Kozisek and Dave Sack. Also present were Cherri Klingensmith, Planning & Zoning Administrator, Lindsay Kryzcki, Zoning Secretary, and no one from the public were in attendance.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jeff Christensen and seconded by Ron Kulwicki to approve the minutes of the October 21, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klingensmith informed the board that the Nathan Lutz sign conditional use permit has been handed over to the county attorney for prosecution as of December 1, 2015. Mr. Lutz did respond to the state of Nebraska on November 30th and stated he does provide goods and services from this location and so he is then meeting the NDOR regulations for the on premise sign. However it is the NDOR understanding that Howard County Regulations would not allow this PEK sign and additionally, Section 002.12B2(f) within our Rules and Regulations states as follows: 002.12B(f) Zoning Conflicts - The applicant shall furnish a copy of the approval from the local zoning authorities. In this situation, Mr. Lutz applied for the conditional use permit and it was denied by the zoning board and commissioners and needs to be removed or resized.

It was also mentioned that the zoning board misses having a county attorney at their meetings. The past attorney would attend all our meetings and involve himself in our discussions and that was nice and they miss having that legal advice when making decisions that will affect us as a county.

At 7:05 p.m. the public hearing regarding a single lot subdivision application by Ernest F. Anderson was opened. The subdivision consists of 4.7 +/- acres and will be named Cushing Country Club Subdivision and is located in the NE ¼ of the SW ¼ of Section 9, Township 15N, Range 9W. There was no one present for the meeting so administrator Klingensmith represented Mr. Anderson. She stated, Junior is subdividing this off for his son to build a house on, it is located within the 1 mile jurisdiction of Cushion and there is Zoned A-2 and is outside of the floodplain area. There was no testimony for or against the application. A motion was made by Jeff Christensen to approve the Cushing Country Club Subdivision and seconded by Randy Kauk. The motion carried on unanimous voice vote 6-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding sign regulations and continue the conversation of Nathan Lutz status. Klingensmith stated "The NDOR is okay with the sign as long as it meets the county's regulations. In this case, our zoning board and the county commissioners have both denied the application and I feel the sign needs to be



Howard Planning and Zoning Minutes



removed or resized”. What are your thoughts? Some of the conversation from board members included as follows.

1. He (Mr. Lutz) keeps changing what he is doing or not doing to try and make it fit, but regardless of what he says he does, it does not fit within in our guidelines.
2. Home occupations allow for a business sign 6 square feet, or Ag related 32 square feet, but also specify the residential character of the neighborhood cannot be altered. We have had complaints, (non- officially filed) about the sign size, not belonging in a residential district.
3. The part that is not debatable is the sign must be no larger than 32square feet and have a conditional use permit.
4. At our September meeting the members of the subdivision stated it was okay with them, but put the sign on the other side of the building. You haven’t really changed anything but now they (subdivision residences) have to look at it and that’s not right, okay then it is not okay on the side it is on now.

Administrator Klinginsmith informed the board she will relay this onto the County Attorney. Then discussion continued on our review of current sign regulations. Klinginsmith informed the board members that at her most recent NACO conference, signs were the discussed topic and it was relayed to administrators that the only major item counties, can inforce on signs are the size and location. Therefore, you all have a copy of the sample revision of our sign regulations. Items in red are new to regulation, crossed through items have been removed. There was lots of discussion and it was decided to have the changes discussed and revised with a have a public hearing on this in January.

A discussion on adult entertainment: Klinginsmith informed the board that she hopes to have regulations to present to the zoning board no later than February 2016 zoning meeting.

A discussion on Conditional uses in A-1 district: The question came up, if a hatchery would come to the Grand Island area, they would be looking for 7 to 10 growers in the area to supply eggs. Each may have 50,000 birds, do our A.U. (Animal Units) work for birds? Administrator informed them that, we do have A.U. in place for layers, broilers and pullets, this amount of layers would qualify for a Class I Odor footprint.

Administrator Klinginsmith informed the board that she mailed out letters to property owners that have built new houses when an existing house is still on the property and the old house has not been torn down. The letter states the owner has until June 30, 2016 to remove the old house. If the old house is not removed, the matter will be turned over to the County Attorney for prosecution.

At 8:30 p.m., a motion was made by Jeff Christensen and seconded by Ron Kulwicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be January 20, 2016.