

Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

December 12, 2012

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Member Brad Stephens in the County Courtroom, Boone County Courthouse, Albion, Nebraska, Monday, December 17, 2012 at 7:30 p.m. Stephens noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Groeteke, Frey, Maricle, Stephens, Jensen, Wagner.

Absent: Baum and Ketteler.

Others present: Roger Williams, Tom Schuele, Jeffrey C. Jarecki, John Groeteke.

3 – APPROVAL OF MINUTES

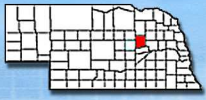
Copies of the November 26, 2012 meeting minutes were mailed to all Commission members prior to the current meeting. Stephens requested approval of the minutes. Jensen made a motion to approve, second by Frey. Vote: 5 Ayes, 0 Nays, 1 Abstain and 2 Absent.

Stephens let it be known to the record that Paul Groeteke will abstain himself from all discussion and vote from the public hearing #4 on the December 17, 2012 Agenda item.

4 – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY CEDAR RIVER FEEDERS, LLC, TO APPLY LIQUID MANURE THROUGH A CENTER PIVOT FROM AN EXISTING FEEDLOT LAGOON LOCATED IN THE SOUTH 1/2 OF SECTION 21, T18N, R7W OF THE 6TH P.M., BOONE COUNTY, NEBRASKA. THIS PIVOT IS LOCATED BETWEEN 370TH AND 380TH STREET AND BETWEEN 180TH AND 190TH AVENUE, BOONE COUNTY, NEBRASKA.

Motion was made by Jensen to open the public hearing. Second by Maricle. 5 Ayes, 0 Nays, 1 Abstain, 2 Absent.

Paul Groeteke, Cedar Rapids, Nebraska, member of the Cedar River Feeders, LLC gave his reasoning for this Conditional Use Permit. Groeteke stated that they are going to construct a pivot in the South location, on the south end of Section 21 to pump the lagoon water through the adjoining pivot. The new pivot will have the newest monitoring equipment, the panel boxes, it will have the Lindsay system tel. monitoring on it, and it will have Hot-Shot interlocking system on it between the pivot panel and the homing device to let it know if it shuts down. It will notify them by text message and it can be checked any time also. It will have barricades, stops and reverses to keep runaway things from happening. Down below a different pivot will be put in place and a will have the same interlocking system, monitoring system, barricades, basically duplicated in each locations and will be able to run either locations. It is a three stage lagoon that is pumped out of, and the final water has little smell coming out of it. Stephens questioned on the age of the new pivot to be constructed. Groeteke stated that it is an older model, a Generation used pivot. All new electronic components, monitors and sprinklers will be installed. The reason they went with used is because they were told that a replacement pivot would probably be necessary within the next 10 years, and that Groeteke felt it would be a good pivot for a few years. Discussion was held about the number of acres to be irrigated, Groeteke stated about 118 acres on the current location and the other



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location about 107 acres. Discussion was brought up about the abrasion from the water is rusting the pipe. Epoxy is in the old pivot and mild steel and the epoxy comes loose. The pivot has all new gear boxes, panel boxes, different tower boxes so it is updated parts for the original pivot. Groeteke stated that they are upgrading the pivot to give them a little more usage of the water that is there. There is a minimum maintenance road on the West side. Members looked at the map where the pivot is to be located and how it lays. Groeteke explained his reasoning why they want to put the pivot at this location is due to the low lying area and possible future flooding. A map of the phosphorus assessment of run off levels which incorporates a risk rating of phosphorous and nitrate which incorporates a no till, was given to the Board. It was decided that it materially changes the risk rating and that there is not much phosphate water coming out of the third lagoon.

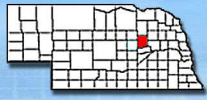
Frey motioned to close the public hearing. Second by Maricle. Vote: 5 Ayes, 0 Nays, 1 Abstain, 2 Absent.

Mark Jensen brought up the situation that James J. Vanderloop did not get a personal letter informing him about this meeting. Jensen started the discussion about the location of Vanderloop's residence, that it is straight east of the proposed pivot. He suggested a condition be put on the permit that if a 20 M.P.H. or greater straight West wind that the irrigation will not be allowed, because Vanderloop is straight East. Stephens stated that Vanderloop is within a mile of the pivot, and that Mary did not send Vanderloop a letter due to the fact that she measured the mile from the pivot base instead of the end of the pivot. Ziemba was unaware of the fact that the mile distance is to be measured from the end of the pivot. Stephens asked Jensen if he wanted to put the 20 mph straight West wind up for a motion. Again it was questioned about the mile notification, and every landowner and resident which would be Michael Nebel were notified. It was noted that Vanderloop should have been aware of the time and date of this meeting, and that Paul Groeteke had personally informed him of what the Cedar River Feeders intentions were, and that the Board should go ahead with this hearing. It was decided that Vanderloop will receive a notice letter for the Commissioners meeting and if he has any concerns that the Commissioners may have the conditional use permit be resubmitted to the Planning Commission at a later date. A motion was made, by Jensen to approve the Conditional Use Permit as submitted with the condition that when there is a straight West 25 M.P.H. wind or greater, that they will discontinue the application at that time and restart when the wind is appropriate. Second by Maricle. Ayes: 5, Nays 0, Abstain 1, Absent 2.

5 -TO CONSIDER AND DISCUSS CHANGING PERMITTING USE FROM C.U.P TO A PERMITTED PRINCIPLE USE, FOR SELLING SEED CORN AS A PRIMARY OCCUPATION IN CONJUNCTION WITH AN AGRICULTURAL OPERATION AND TO BE OPERATED ON THE PREMISES. (Article 12:A-1 AGRICULTURAL – PRIMARY DISTRICT. Section 2-2.16)

Paul Groeteke was invited to set back in for this #5 Agenda item and for the remaining meeting.

Brad Stephens asked Mary Ziemba how item #5 came about. Ziemba response was that Barb Hansen had been updating her on a few things, how different items were to be handled, etc. Ziemba had sent Dave Potter all of the new resolutions that had been approved for updating the Zoning Regulation Book. She stated that Barb had told her that this selling of seed corn had been brought up in the past, and Ziemba was wondering if it was to be changed and added to the new regulations before Potter had the book finished. Discussion was held that Byerman had to put a shed up to sell seed corn in the country and that he had to get a conditional use to do seed sells out there. Jensen stated that he had remembered talking about that. Stephens noted that the way seed is treated now and that was the only thing that he was concerned about, that the seed salesman is going to start treating the seeds more and more with hazardous items and it's nice to know where those places are and if they are selling, probable not. The current regulation was read and that discussion continued that it is Ag related only and usually not people's primary business and that it is not an issue. It was brought up when it is on the side and when is it a primary business, like when someone wants to make it a commercial business. They discussed and agreed that the Byerman situation did not cause a hardship and was not that big of a deal. This was the only concern at the time changing the permitting use was discussed. All agreed to keep the regulation as currently written in the Zoning Regulation Book.



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6 – OPEN DISCUSSION

None.

7 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported that the sign being put up in Loretto was being done by the Legion and that she had visited with two members. Mary explained to them that because the sign/memorial was within the 660 ft. from the highway, that they needed to get ahold of the Nebraska Department of Roads. This was done, and the NDOR responded that they would recommend the sign/memorial be classified as an historical site, since some of it contained history signs from old businesses in Loretto. So at this time, they did not need a permit. The permit fee for November permits is \$601.50. David Potter was emailed and he will let Mary know where he is with the regulation book. Several legal requirements were asked from several surveyors about splitting off land regulations and that this information for permit requests had not come across Mary's desk as of date. Mary brought up that John Csukker from Maschhoffs of NE Pork wanting to rebuild the existing unit and that he is aware of any increase in units would require a C.U.P., and that he understood. Csukker wanted a copy of the regulations. Bill Jones, from the Natural Resource District, is going to get in touch with us about the flood plain regarding the pipeline.

Mary was asked if Invenergy had contacted her, that they have started working in Antelope County. Ziemba replied that James Williams had been in earlier and got a permit for the met tower for northern Boone County. Then Mary was asked if she was aware that they were started in Antelope County, and Ziemba responded that she was aware of it.

Tom Schuele and Mary Ziemba brought up Livestock Friendly Counties that was presented at the NACO meeting last week. Schuele stated that the speaker was encouraging counties to consider this. Schuele passed out a brochure explaining Livestock Friendly Counties to the Committee. Schuele said he felt that this should be something we should think about.

7- SCHEDULE NEXT MEETING

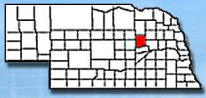
President Paul Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, January 28, 2013 at 7:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Frey at 8:10 p.m., second by Maricle. Vote: 6 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON



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February 25, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Member Brad Stephens in the County Courtroom, Boone County Courthouse, Albion, Nebraska, Monday, February 25, 2013 at 7:00 p.m. Stephens noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Frey, Stephens, Baum, Wagner, Ketteler.

Absent: Groeteke, Maricle, Jensen.

Others present: Steve Mogensen, Gina Geiser Fousek, Kurt Kruse.

3 – APPROVAL OF MINUTES

Copies of the December 26, 2012 meeting minutes were mailed to all Commission members prior to the current meeting. Stephens requested approval of the minutes. Frey made a motion to approve as submitted, second by Baum. Vote: 5 Ayes, 0 Nays, 3 Absent.

4 – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY ERIC AND JENNIFER BRAUN TO DIVIDE 3.44± ACRES FROM FARM GROUND LOCATED IN A TRACT OF LAND COMPRISING OF A PART OF THE W1/2 OF SECTION 3, T18N, R7W OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, TO CONSTRUCT A NEW HOME. THIS PROPERTY IS OWNED BY ERIC AND JENNIFER BRAUN AND IS LOCATED ON HWY 56 BETWEEN 350TH AND 340TH STREET, BOONE COUNTY, NEBRASKA.

DISCUSSION OF THIS APPLICATION WAS AS FOLLOWS:

Stephens asked that if anyone wants to testify or state anything, that you please state your name for the record. Stephens asked if there was any at the meeting to represent Eric or Jennifer. Ziemba stated no. Stephens recognized that no one was representing so he then asked Ziemba if she would represent them at this time, and fill us in on what she knows to date. Ziemba stated that they purchased this land before the New Year because they wanted to get the taxes in, so they had all of their paperwork pretty well done before the conditional use permit was filled out. So Ziemba had them go ahead and fill out the permit, they had a survey done. There was nobody against this use of land. Elizabeth Hunt had called and she was for it. The Nebraska Department of Roads, Dean Schwartz, the District Permit Officer of Nebraska Department of Roads, was concerned with the area and placement of where the driveway was going to be placed coming onto Hwy 56. He said that he will not give them a permit until the District Engineer for the NDOR come in and make sure that everything complies with the road department's standards and when a permit has been requested by Eric and Jennifer Braun. Ziemba did call Eric Braun today and forwarded this message to him. Braun stated that he had talked to Warren Facely, a NE Road Department Engineer from Columbus, and he had told Eric that a driveway at the designated location would be fine, Dean Swartz does not and did reply with the message that he needs to have a road engineer survey the situation and an application from Braun will be needed. So this is Braun's responsibility to get the driveway approved. Stephens then stated that the Commission has nothing to do with this. Stephens then stated that what we could do at this



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stage is to approve it with, or deny it whatever the Board decides. We could approve it with the State saying yeah that it's okay to put the driveway there, and that way we are not splitting 3.44± acres off and it is setting there, out in the middle of the land for no reason. Or we can deny, whatever you guys think. Wagner questioned if there was a reason they were not here. Stephens asked Ziemba if there was a reason they were not at the meeting. Ziemba stated that it was her fault, that earlier in the day we did not have a quorum, and Ziemba did not call Braun back. After talking to Stephens earlier in the day, Ziemba did not know if all of the agenda items were going to be discussed, due to one of the board members being ill and not knowing if he would be able to stay for more than one hearing. Stephens, at that time didn't know for sure either, because at that time we did not know if we had a quorum. A board member questioned the easement being part of the property, and it was purchased from Elizabeth Hunt for that purpose. The area is in the upper NW corner of the section, and that they look like they are back off of the highway according to the road that he purchased. Members discussed the problem may be that they won't give them access if the driveway is not perpendicular to the highway or that curves. The Google map did not include the area of concern and discussion, so it was difficult for the board members to get an accurate look at the proposed land. After no other comments, discussion was finished.

PUBLIC HEARING WAS NOT HELD DUE TO LACK OF A MOTION TO OPEN THE PUBLIC HEARING.

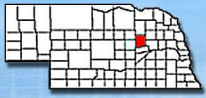
#4 IS TABLED FOR THE NEXT MEETING.

#5 –PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY KURT AND JERENE KRUSE TO DIVIDE 10.91± ACRE BUILDING SITE THAT THEY WISH TO SELL, FROM FARM GROUND LOCATED IN THE N1/2 OF SECTION 14, T19N, R7W OF THE 6TH P.M., BOONE COUNTY NEBRASKA. THIS PROPERTY IS OWNED BY KURT AND JERENE KRUSE AND IS LOCATED ON 300TH STREET BETWEEN 200TH AND 210TH AVENUE, BOONE COUNTY, NEBRASKA.

Stephens called for a motion to open the public hearing. Motion by Frey, second by Ketteler. Vote: 5 Ayes, 0 Nays, 3 Absent.

Stephens asked Kurt Kruse what is going on. Kurt Kruse stated his name for the record. Kruse stated that they are trying to sell this 10.91± acreage. They had somebody living in it for twenty some years and they built a house. There is a decent enough house with buildings on it. Kruse would rather sell it rather than rent it. People who are interested in it would probably build a house on it. Kruse stated that it is two corners that has quite a few trees on it. Stephen's asked Kruse if he had it sold or had anyone interested in buying it. Kruse stated it depends on what happens here. The loan and appraisal have gone through. Stephens questioned about any livestock feeding locations close. Kruse stated no, not really, whatever somebody signed down the road a bit, it had to be signed in the past, and there really isn't any livestock units. Just cows around area in the winter time, and Larry Beierman would be the next closest, which would be a mile and one-half. Ziemba was asked if anybody has objected. Ziemba responded no, and she stated that Dennis Bauer called and was for it. Kruse was asked if they were planning on building a second house on property and come back for a division again. Kruse, stated no, if they ever did decide to do something they would tear the current house down. Members stated that they would have to come back and get a permit, and that there could be only so many houses in that section. Kruse stated that they are renting now and only want a place of their own. Stephens questioned Ziemba if she notified everybody, and she responded that she had. Stephens asked Kruse if he understood why the Board fears doing anything like these permits out in the middle of the country, because if there are enough being split off it eventually affects our livestock and our setbacks. Kruse said he understood. Stephens noted that there weren't any in this area, that it was mostly farm ground. A board member brought up that there is already a house there and that it is already being used as such. A note was made that the map showed a dead end, which is not there, the road is straight through, from Primrose to Boone. No further discussion, Stephens asked for a motion to close the public hearing. Motion by Wagner, second by Baum. Vote: 5 Ayes; 0 Nays; 3 Absent.

Public hearing closed. Stephens asked for comments or questions. None were made. Motion by Frey to approve as submitted. Second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.



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6. – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR CONDITIONAL USE PERMIT BY BRAD AND SHAUNA BITTNER TO DIVIDE 5.54± ACRES FROM FARM GROUND LOCATED IN FR. OF THE SW1/4, SE SECTION 12, T19N, R6W OF THE 6TH P.M., BOONE COUNTY NEBRASKA TO CONSTRUCT A NEW HOME. THIS PROPERTY IS OWNED BY BRAD AND SHAUNA BITTNER AND IS LOCATED ON 300TH ST. BETWEEN 270TH AND 280TH AVENUE, BOONE COUNTY, NEBRASKA.

Stephens asked for a motion for a public hearing. Motioned by Baum. Second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

Public hearing opened and Stephens asked if anyone was here to represent this application. Ziemba stated no, being the same reason for the Braun hearing of not knowing if a quorum would be present. Discussion was held that there needed to be a livestock waiver, also that there were quite a few livestock operations in the immediate area. The closest livestock operations would be Molts dairy and Maricle farm. On the Google Map a place was noted ¼ mile west, and that was identified as Bob Bittner's building site. Keith Bittner lives south about one mile. East, 1¼ mile is highway 39 and 1½ mile west is highway 14. Stephens asked for questions or comments, there were none, then asked for the close of the public hearing. Motion by Frey, second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

After discussion regarding the numerous amount of livestock operations and farm sites, and that Brad and/or Shauna Bittner should be present, and so that they understand what the livestock waiver involves, and be present for questions or statements, the decision needs to be tabled. Stephens asked for a motion to table this decision, and at the next meeting, have the Bittners be present so that they would be able to talk to the Board about this and then the Board would be able to explain their position. **Motion by Frey to table any actions on Item #6. Second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.**

7. – PUBLIC HEARING TO APPROVE OR DENY AN AMENDMENT TO THE FUTURE LAND USE MAP FOR LAND LOCATED IN W ½ OF LOT 2, BLOCK 37, SECOND ADDITION, AND LOTS 1,2,3, BLOCK 38, AND THE WEST 59' OF LOT 4, BLOCK 38, SECOND ADDITION, EXCEPT THE RAILROAD RIGHT OF WAY LOCATED IN CEDAR RAPIDS, NEBRASKA FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "TA" TRANSITIONAL AGRICULTURE DISTRICT.

Stephens asked for a motion to go into the public hearing. Motion by Wagner, second by Ketteler. Vote: 5 Ayes, 0 Nays, 3 Absent.

Stephens announced the public hearing is now open and if a person wishes to testify, state name, address and the town you live in, for the record. Stephens then asked Steve Mogensen to tell the Board what is going on. Mogensen stated he was not on top of all of this irrigated acres and always had Steve Swerczek farm it and Mogensen was working for Charlie Krohn and Krohn told Mogensen that he should get this certified. When Mogensen bought this 2.4 acres or so, he understood it was for residential and didn't have a problem. Since around 2001, Steve Swerczek has been farming it, and Mogensen felt if he gets this rezoned, Mogensen thought he may be able to buy some water rights on it. Mogensen then said after talking to Zoning Administrator, she stated that it was already zoned for small garden and agriculture, so Mogensen felt he was misinformed over the years and Mogensen talked to Swerczek this morning, and he said that he cannot irrigate it unless I gets water rights for it. Stephens noted that it has been farmed for a lot of years and that it will probably stay farmed rather than anything else. Mogensen stated that he was hoping that he would be able to get irrigated acres because it is really good, productive dirt. Stephens stated that they really have never had anything like this come before the Board, and that this Board is the zoning board for Cedar Rapids, and that it still has to go in front of the Cedar Rapids Village Board for it to be approved, and all that this board does is to make a recommendation. Stephens asked Mogensen if he understood this, and Mogensen stated that he did. Question by a board member of whether the town board usually asks the zoning board about this first, Stephens replied that sometimes they do and other times they don't,



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also stated that he has been on both sides of this, and the one that Stephens recalled was the time of a garage being built west of the C-Store, the village board stayed completely out of it until the planning and zoning board made their recommendation, then they took it up. All this board will do is make a recommendation. A member asked the question of the road already being vacated. Ziemba replied that Peach Street was vacated. Then it was stated by board member that it was vacated in 2004 by the village of Cedar Rapids and that this is not a current motion by them, as it is not. Ziemba stated that Mogensen and she went to the Cedar Rapids Village Board meeting in January of 2013, and they said to take this to the Planning and Zoning Commission to get their recommendations on the rezoning of above said property. Stephens asked Mogensen is if the only reason you're doing this, you would just leave it the same, we wouldn't have to change anything, but you cannot get irrigated acres from the FSA Office or the NRD unless it is classified as ag. Mogensen answered that it has to have some kind of history of agriculture. A board member stated that it does, and Mogensen said that he found this out later, that it was told me when I bought it, it was residential and I had no idea, and I did not want to waste money getting it rezoned, because it has never been an issue. Mogensen continued, now this water right stuff is so ridiculous, you can't get it without going through the hoops. He continued, it was just 2.4 acres or so and Swerczek has always been renting it, I didn't want to mess with changing it, I might want to build a shop when I get big enough, but I have so many projects and things I am doing that this idea would be past my lifetime. I might have a grandkid that might want to do something with it, like sell farm produce or put in small food plots or something like that, and this way everything would be done for that time. Stephens then asked for any other comments from anybody. Gina Geiser Fousek took the floor and stated that the property is about in her back yard, on the other side of the tree line, and her two concerns are that there is going to a big shop there with a bunch of rusty farm equipment junking up the neighborhood basically and that it is going to change it to 2:00 or 3:00 in the morning, farming back and forth with trucks. Fousek stated that she knows that guys work late on a regular deal, and she is basically unaware of how things will change and that is reason she is here. Fousek stated that she talked to neighbors in this area and they all seemed to have the same, general concern, and that she is representing the neighborhood to see how it would affect them. Stephens stated that from what he understands, it's been farmed for almost 10 years, so he felt the farming practices probably would not change a whole lot. 2.4 acres are planted within an hour or so and harvested in less than an hour. Stephens stated that he can't speak for the people, but if it has not been bothering that way so far, it shouldn't change. Fousek stated that it hasn't been. Stephens said that it has also always been said that zoning, it gets back to communication and we are really glad that you came to express your concerns, because that is what it is all about. Stephens proceeded saying as far as the junk and the shop, the city has ordinances that take care of that for you, regardless if it's transitional ag or it's zoned residential. Stephens also stated that we also have residents that don't meet our standards but it's in the eye of the beholder. Then Fousek stated that even if there is a decent looking shop, the back and forth in the middle of the night might be an issue, that Steve Mogensen would be respectful towards that where his land is abutted up against a residential area. Fousek wanted to make sure that Mogensen knows that they are concerned but not against the idea of rezoning, just that he would be respectful of time issues and keeping the area nice looking. A board member stated that if it gets rezoned transitional ag, it would still have to come back and get a zoning permit to build a building on it. Stephens agreed with this statement and went on to say, while reading from the zoning regulation book for Cedar Rapids, what is permitted under transitional ag: Farm, farming, truck gardens, plant nurseries, green houses, grain storage facilities, and other agricultural uses, including the sale of distribution of agricultural products and produce excluding chemical sales; Farms for breeding, raising, and sale of wild game, livestock and fish but not including feed lot operations, as defined, Farmsteads and additional dwelling units occupied by tenants or employees of the farm owner or operator, roadside stands offering for sale agricultural products produced on the premises., fire stations, single-family dwellings, church, school or library, public park, playground or community center, private clubs not operated for profit or golf course located on more than ten acres, colleges, educational, religious, or philanthropic institutions, but not including penal or mental institutions located on more than ten acres. Self-storage garages. Stephens then said that you cannot build a shop there unless you go in front of the zoning board. Stephens asked if that is sort of what Fousek was asking and Fousek replied that it was and also she asked for grain storage, if he could put up a grain bin without going to the zoning board, and Stephens responded that he could. Again, Fousek wanted the board to know that they are not against this rezoning, that she was representing the neighbors and finding out as much as they can about this. Stephens said that the Board will make a recommendation and present it to the village of Cedar Rapids and invited Fousek to attend that meeting and state her concerns at their public



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hearing, and since Fousek is the liaison between her and the neighbors that she can tell the village board what she found out and let them know what our recommendation is and thanked Fousek. Stephens then asked for any other comments or questions. None were given, then proceeded to ask for a motion to close the public hearing. Motion by Baum, second by Frey. Vote: 5 Ayes, 0 Nays, 3 Absent.

8. - PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION BY STEVE AND APRIL MOGENSEN TO REZONE THE W ½ OF LOT 2, BLOCK 37, SECOND ADDITION, AND LOTS 1,2,3, BLOCK 38, AND THE WEST 59' OF LOT 4, BLOCK 38, SECOND ADDITION, EXCEPT THE RAILROAD RIGHT OF WAY LOCATED IN CEDAR RAPIDS, NEBRASKA FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "TA" TRANSITIONAL AGRICULTURE DISTRICT. THIS ACTION IF APPROVED WILL AMEND THE OFFICIAL ZONING MAP TO REFLECT SAID REZONING.

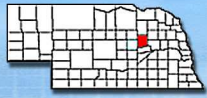
Stephens called for a motion to open the public meeting. Motion by Frey, second by Baum. Vote: 5 Ayes, 0 Nays, 3 Absent.

Stephens stated that if #8 is approved it will amend the map and change the little area being discussed into Transitional Agricultural from Residential 1.

Mogensen voiced his concern that if Steve Swerczek and himself have quite being rental/renting, that if he gets the water rights, could he dig a well. Stephens replied that Mogensen would have to talk to the city of Cedar Rapids and Stephens did not know if he would be in the well head protection area. This is a question that Mogensen has to ask the village board. A board member stated that if Mogensen is within that well head protection area, he will have trouble getting a well permit. Stephens asked for comments or questions on item #8, being none, he asked for a motion to close the public hearing. Motion by Frey, second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

Stephens stated if there were not any further questions or comments that he would ask for a recommendation to approve or deny item #7 to the Cedar Rapids Board, from R-1 Single Family Residential District to TA Transitional Agricultural District. A board member stated that we are not really changing anything as far as he could see, as the land just stays the same. Wagner asked Mogensen if he went up before the Cedar Rapids Board for the abandonment of Peach Street in 2004, or he asked if they did that for Mogensen. Mogensen said no, that the road was abandoned before he bought it. The Cedar Rapids Board made the official motion in 2004 but the road had been abandoned before that. Mogensen said that there was a street there before and Fousek said that there is a driveway is in back of her garage and asked if it was technically a street or not. A board member said that if it was abandoned then it would never be able to be used again and there would probably have no intention to develop that area, and the street cannot be put back in. A member stated that the main thing is the protection of the R1 resident's value around this and that would be up to the city board to protect their citizens, because actually it is out of compliance right now. If it was farmed when zoning came into effect, it would be grandfathered in as it is now. The problem is getting irrigated rights for R1 zoned property. All agreed. Frey moved to recommend approval item #7 changing R1 to Transitional Agriculture. Motion by Frey to recommend to the Cedar Rapids Village Board item #7 R1 Single Family Residential District to TA Transitional Agricultural District. Stephens then asked for a second motion, second by Baum. Stephens then asked for a vote. Vote: 5 Ayes, 0 Nays, 3 Absent. Motion carried. Wagner made a comment, that he recommends Gina Fousek to attend the village board hearing with her people because they can put a stipulation on this that they would probably have to come back before any building or anything was done on this property, to be re-approved if that is your concern, because I think the goal has to be to protect the R1 area. Stephens asked for an approval or denial of item #8 to change the official zoning map to the Cedar Rapids Village Board. Motion by Wagner to approve, second by Frey. Vote 5 Ayes, 0 Nays, 3 Absent.

9. – 2013 re-organizational meeting



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Stephens asked for a motion by Wagner to have officers remain the same for 2013, second by Baum. Stephens asked for roll call. Vote: 5 Ayes, 0 Nays, 3 Absent. Motion carried.

10. – OPEN DISCUSSION

Ziemba stated that we might have a new board member. Her name is Shelly Towey from Cedar Rapids. She had visited with the Commissioners this morning and handed in her application to serve on Planning and Zoning Board of Boone County. The Commissioners are probably going to appoint her, as she is the only person who came forward.

Wagner had three requests for the zoning administer to do for the board. Resend a copy of the minutes of the last meeting when any meeting is postponed, this will help with reviewing the upcoming meeting agenda and information. On the maps, especially the Google map, be sure to include the entire 1 mile area circle, and also cover the whole setback of the property. Be sure to inform all applicants when a meeting is being held so they may be in attendance and represent their application, make sure each application has a representative.

7 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported having numerous projects that she is working on.

8- SCHEDULE NEXT MEETING

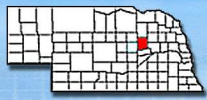
Brad Stephens announced that the next monthly meeting of the Commission is scheduled for Monday, March 25, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Frey at 8:10 p.m., second by Wagner. Vote: 5 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

March 25, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse, Albion, Nebraska, Monday, March 25, 2013 at 8:02 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Groeteke, Frey, Wagner, Towey, Maricle, Stephens, Jensen

Absent: Ketteler, Baum

Others present: Eric Braun, Jennifer Braun, Brad Bittner, Jim Dickerson.

Chairman Groeteke interrupted the agenda to welcome new member Shelley Towey to the Commission Board, then proceeded to introduce her to all of the members present.

3 – APPROVAL OF MINUTES

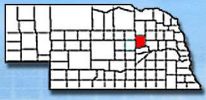
Copies of the February 25, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Frey made a motion to approve as submitted, second by Wagner. Vote: 4 Ayes, 0 Nays, 4 Abstain, 2 Absent.

4 – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY ERIC AND JENNIFER BRAUN TO DIVIDE 3.44± ACRES FROM FARM GROUND LOCATED IN A TRACT OF LAND COMPRISING OF A PART OF THE W1/2 OF SECTION 3, T18N, R7W OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, TO CONSTRUCT A NEW HOME. THIS PROPERTY IS OWNED BY ERIC AND JENNIFER BRAUN AND IS LOCATED ON HWY 56 BETWEEN 350TH AND 340TH STREET, BOONE COUNTY, NEBRASKA.

Groeteke called for a motion to open the public hearing. Stephens made the motion to open the hearing, second by Frey. Roll Call: 7 Ayes, 0 Nay, 0 Abstain, 2 Absent.

Groeteke asked if Eric or Jennifer were present, and Eric answered yes. Questioned by Groeteke if the application was to build a new home. Braun answered yes. Groeteke then asked if there were any other issues and Eric stated that a shop might be built at a later time. All requirements were met according to zoning regulations. No livestock facilities in the area. Nebraska Department of roads was notified and returned with the statement that they would go ahead and let a driveway be built using the specifications that they will present to Braun upon decision with the outcome of this hearing. A permit was already submitted to the Department of Roads by Braun. Groeteke then asked for any further questions from the Board. A question about the easement for the driveway, Braun stated that he had purchased it. There were no other questions or comments for or against, Groeteke asked for a roll call to close the open meeting. Motion by Wagner, second by Maricle. Ayes: 7, 0 Nay, 0 Abstain, 2 Absent. Groeteke asked for a motion to move to approve as submitted or with conditions. Motion by Jensen, second by Stephens to approve as submitted. Roll Call: Aye 7; Nay 0; Abstain 0; Absent 2.

5. – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR CONDITIONAL USE PERMIT BY BRAD AND SHAUNA BITTNER TO DIVIDE 5.54± ACRES FROM FARM GROUND LOCATED IN FR. OF



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

THE SW1/4, SE SECTION 12, T19N, R6W OF THE 6TH P.M., BOONE COUNTY NEBRASKA TO CONSTRUCT A NEW HOME. THIS PROPERTY IS OWNED BY BRAD AND SHAUNA BITTNER AND IS LOCATED ON 300TH ST. BETWEEN 270TH AND 280TH AVENUE, BOONE COUNTY, NEBRASKA.

Groeteke asked for a motion for a public hearing. Motioned by Stevens, second by Frey. Vote: Aye 7; Nay 0; Abstain 0; Absent 2.

Public hearing opened and Groeteke noted that Brad Bittner was present. Then he stated that a couple of livestock facilities were within the circle. Then Groeteke asked if the septic distance fits, and Ziemba replied that it does. Stephens asked Bittner if there is a driveway, and if not will have to ask Boone County Hwy Superintendent about a culvert. Bittner replied that there is one, but it may not be in the place that they need it to be. Stephens stated that would be one recommendation that Bittner would talk to Thorin before anything is started, just in case there is something that doesn't work out with the road department. Also a question about property line distances, that setbacks were correct, and Bittner answered that they were. Then it was noted by a board member that there would probably be plenty of room. Wagner stated that it looks alright, but just make sure that the feedlot operators signing the waiver of distance does not protect them from lawsuits. Maricle asked if Molts had any issue, and Ziemba stated that they had not. Wagner also stated that all this waiver does, is waive future expansion, nothing to do about smells or anything else that comes by them, that the people need to realize that they are not going to be protected, that nothing else is covered by the waiver. Groeteke asked if there were further questions. None were given, so then Groeteke asked for a motion to close public meeting. Motion by Stephens, second by Frey to close public meeting. Aye 7; Nay 0; Abstain 0; Absent 2.

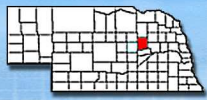
Groeteke asked for a motion to move to approve as submitted with a livestock distance waivers being included. Motion by Stephens, second by Jensen. Roll Call: Aye 6; Nay 0; Abstain 1 due to conflict of interest; Absent 2.

6-CONSIDER AND DISCUSS A RESOLUTION RECOMMENDING APPROVAL OF A RE-DEVELOPMENT PLAN FOR THE VILLAGE OF CEDAR RAPIDS.

Groeteke began with the tactical question that he and Ziemba has discussed before, that this item should have been published in the newspaper for a public hearing because it needs to have one before anything is voted one. Groeteke stated that it could be discussed tonight. Stephens stated that he would like to have someone from Cedar Rapids to be here to represent it. So discussion on it at this meeting would not be held. This agenda item will be postponed until the next meeting.

6 – OPEN DISCUSSION

Jensen had one comment: Tom Schuele came to the board at one time talking about the livestock friendly county that he seemed to be for it. Jensen stated that if we were really a livestock friendly county we would not have approved the two conditional permits voted on tonight. Because you are taking away land out in the Ag 1 district that someday down the road, could take away from livestock possibility. Wagner stated that the circles are being increased. Then Wagner stated that he had driven to the area south of Albion, and there are a lot more houses than animals in a quarter mile and that we are already in trouble. Maricle stated that it would be pretty hard to fight that spot. Then Wagner and Maricle both stated that we could have gotten by with denying the one in Cedar Rapids because that does move the circle out about a half of a mile from where the last existing resident is to the northwest. Wagner did not see anything to the east for quite away, so that it would be a big area where a livestock site could be put. Jensen stated that especially to the north side of the highway. Wagner stated so we just shrunk that area down. Maricle stated that she had talked to Steve Martin, from the Dept. of Ag. about the livestock friendly up at the dairy meeting and what they are doing with the livestock counties is the same as it has always been, but that they work with your zoning regulations, that it has become more of a marketing process than anything. Maricle continued so that we do have zoning in place, we do have a structure. Stephens stated that is what Schuele had mentioned that night that they are not going to change your zoning; they are going to try to work with what you have. Stephens continued, they might come into your area and say, okay, here's a map and looks right here that that something could be put in an area. Jensen continued that it is a mindset, that if you going to allow houses out there in



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

the Ag 1 district, you're not very livestock friendly, even though we do have a lot of livestock in Boone County. Members voiced agreement. Stephens stated that each time you do that out there you cutting out on possible livestock sites. Wagner brought up a point that Niewohner wanting to put their hog unit in and the worked a long time and found one place they thought they could get it in that would work in all of their holdings. Groeteke brought up that the NRD has the most restrictive stands on any livestock that we would want to put in the count anyway. This is forward and above zoning, members agreed on this statement. A point was brought up by several members that the breaking off any land has to do with the secondary loan process, and if a person has enough money to live out in the Ag 1 district, you will have to pay for it to be there. A point was made by a member that he would never break off a parcel to build a house. I'd just pay more interest to do it. The question was brought up, "Where do we stand on starting to deny those since we've approved so many", are we going to get sued by the applicant, the county commissioners are going to overturn us because it is more tax dollars for the county. Then it was stated that actually rural homes are a bigger liability for the county than it is an asset. It does not increase the tax value when it is on 3 or so small areas. Now all services have to be provided, such as roads. Actually the small acreage homes are more costly. A point was brought up, that if there is not existing residence and it is not by a highway, more discussion needs to be done. Another point brought up was that if there are young farm families that want to come back into the area, there should not be a problem, at least you would have a few years in which the landowner is in control; but when a parcel is broken off and then it is to be sold to somebody, and then what is done with it may be a problem, or when a realtor is standing with them and more houses are built. Then it becomes the location of the residents, the property, 10 acres, that was split off north of Albion, and it was that it would never be sold for a lot for a house, was in fact sold for that reason and that filled the land use up to the maximum of number of residents.

7 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported on the permits that have been working on. Reported on the upcoming C.U.P. to be reviewed at the next meeting. The Cedar Rapids TIFF financing project will also be reviewed at the next meeting.

8- SCHEDULE NEXT MEETING

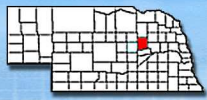
Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, April 22, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Stephens at 8:40 p.m., second by Frey. Vote: 7 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

April 29, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse, Albion, Nebraska, Monday, April 29, 2013 at 8:05 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Groeteke, Baum, Wagner, Towey, Stephens, Jensen

Absent: Ketteler, Frey, Maricle

Others present: Dr. Rick and Nikki Heideman, Ralph Pelster, Mike Sullivan, Jim Dickerson.

3 – APPROVAL OF MINUTES

Copies of the March 25, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Jensen made a motion to approve as submitted, second by Stephens. Vote: 6 Ayes, 0 Nays, 0 Abstain, 3 Absent.

Agenda items were conducted out of order to help with time management of meeting and were stated as such before the first item, the Cedar Rapids re-development plan, was heard.

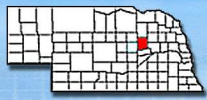
5 – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY DR. RICHARD AND NIKKI HEIDEMANN TO DIVIDE A FR. OF LAND 5.55± ACRES FROM FARM GROUND LOCATED IN THE SE CORNER OF THE NE 1/4 SECTION 33, T20N, R6W OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, TO CONSTRUCT A NEW HOME. THIS PROPERTY IS OWNED BY Dr. AND NIKKI HEIDEMANN AND IS LOCATED ON 250TH AVENUE BETWEEN 270TH AND 280TH STREET, BOONE COUNTY, NEBRASKA.

Groeteke called for a motion to open the public hearing. Stephens made the motion to open the hearing, second by Baum. Roll Call: 6 Ayes, 0 Nay, 0 Abstain, 3 Absent.

Groeteke noted that both Richard and Nikki Heidemann were present. Survey was noted. There was not any further discussion. The septic and sewer setbacks were noted to be correct. The location of the city of Albion line was asked by Wagner. The line is just north of the proposed property, so this places the Heidemann property in the A-2 district. The building being built in the NE corner of this section is within the city of Albion's jurisdiction, the Heidemann proposed building is in the County's jurisdiction. The waiver of distance forms were signed and sent out. Not all responded to the waiver of distance forms. No comments for or against the Heidemanns building a new home were received.

Motion by Stephens to close the public hearing, second by Towey. Ayes: 6, 0 Nay, 0 Abstain, 3 Absent. Groeteke asked for a motion to move to approve as submitted or with conditions. Motion by Stephens, second by Baum to approve as submitted. Roll Call: Aye 6; Nay 0; Abstain 0; Absent 3.

6. – PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR CONDITIONAL USE PERMIT BY RALPH I. AND DEBRA D. PELSTER TO DIVIDE 5.33± ACRES FROM FARM GROUND LOCATED IN FR.



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

OF THE SW1/4 SECTION 6, T22N, R6W OF THE 6TH P.M., BOONE COUNTY NEBRASKA. THIS PROPERTY IS OWNED BY JAMES AND JOAN SCHARAGE AND JOSEPH AND BETTE SCHRAGE AND IS LOCATED ON 220TH AVENUE BETWEEN 100TH AND 110TH AVENUE, BOONE COUNTY, NEBRASKA.

Groeteke asked for a motion to open public hearing. Motion by Wagner, second by Stephens. Vote: Aye 6; Nay 0; Abstain 0; Absent 3.

Public hearing opened and Groeteke noted that Ralph Pelster was present. A house is already on the property, Pelster just wants to buy the property and house. Groeteke asked if there were further questions. None were given, so then Groeteke asked for a motion to close public meeting. Motion by Baum, second by Towey to close the public meeting. Aye 6; Nay 0; Abstain 0; Absent 3.

Groeteke asked for a motion to move to approve as submitted. Motion by Baum to approve as submitted, second by Stephens. Roll Call: Aye 7; Nay 0; Abstain 0; Absent 3.

4-CONSIDER AND DISCUSS THE RESOLUTION RECOMMENDING APPROVAL OF A RE-DEVELOPMENT PLAN FOR THE VILLAGE OF CEDAR RAPIDS.

Groeteke asked for a motion to open public hearing. Motion by Stephens, second by Baum. Vote: Aye 6; Nay 0; Abstain 0; Absent 3.

Mike Sullivan represented the Cedar Rapids Village Board to explain the resolutions from the Cedar Rapids Board. Sullivan explained the TIFF process and this provides an opportunity for the Cedar Rapids Village to build new houses, tear down old ones and help with re-development and growth. Mike noted that there was positive feedback from the community. Stephens moved to approve the resolution of a re-development plan for the Village of Cedar Rapids, second by Towey. Aye 6; Nay 0; Abstain 0; Absent 3.

7 – OPEN DISCUSSION

Ziemba stated that she went to the Nebraska Planning and Zoning Association meeting, was elected to the board of that organization. Several NPZA meetings will be attended by Ziemba throughout the upcoming year. Ziemba discussed a zoning situation involving the flood plain elevation. Ziemba stated that FEMA is making the flood plain areas priority, that they are not going to pay out flood insurance to people not following the regulations, and also that FEMA could come into the entire county and call any mortgages, notes etc., making this a problem for each county resident. The end result of the entire flood plain regulations is that they need to be followed. The Board gave the Ziemba the go ahead to finish up the Zoning revisions, and use the current, approved resolutions to do this. Ziemba will be in contact with Dave Potter from JEO to get this revision finished. We will have one book that is current, and copies of the main Boone County Zoning Regulations for the board members.

The Akron Nursery Livestock Operation DEQ report was discussed. It is an older unit that the Maschhoff's want to redo. It is grandfathered for Boone Co. Zoning and are assumed to be within compliance. It was recommended to Ziemba by the board to make sure of the verbage with regard to tearing down one unit and rebuilding another. Ziemba was told to check that the number of head reported by the Maschhoff's operation matches with what the DEQ has for the number of head.

The DEQ recommendations for the Dave Primrose Cattle Operation of the NE1/4, Sec 8, T 19, R8, construction and operating permit for livestock waste water control facility for existing 999 head was discussed. Not expanding, just putting in a water waste control facility. The permit was already grandfathered in and the board does not have to do anything with this report. If the waste material is going to be put on the ground through a pivot, a conditional use permit will have to be in place and irrigated acres will also have to be involved. Dave Primrose will have to apply for this permit and go through the process. Ziemba was instructed to check into this and find out what Primrose plan is.

8 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported on the permits being worked on and handed out the written April, 2013 report.



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

9- SCHEDULE NEXT MEETING

Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, May 20, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

10 – ADJOURN

A motion to adjourn was made by Stephens at 9:15 p.m., second by Baum. Vote: 6 Ayes, 0 Nays, 3 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

May 20, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse, Albion, Nebraska, Monday, May 20, 2013 at 8:06 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Groeteke, Wagner, Towey, Stephens, Jensen, Ketteler, Frey, Maricle.

Absent: Baum

3 – APPROVAL OF MINUTES

Copies of the April 29, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Jensen made a motion to approve as submitted, second by Stephens. Vote: 5 Ayes, 0 Nays, 3 Abstain, 1 Absent.

4 – OPEN DISCUSSION

Ziemba reported on the answers to the inquiries that were to be done as recommended by the board from the April meeting. The proposed amendment change for the Petersburg TIFF was discussed. The recommendation for the proposed amendment change will be held at the June P&Z meeting. Also discussed the Paul Hosford conservation and preservation easement, in which the Farm Credit Service wants to mortgage 120 acres for a new pivot that Mr. Hosford wants to, put on this area. The board decided that it is not up to them, that it needs to be decided between the Nebraska Land Trust, the Conservative and NRD. Ziemba will notify the Farm Credit Service of this. Ziemba asked about the mileage for the board members, and it was suggested to put a mileage form into the next packet to be sent to all members, then they would fill this out and the members can get it back to Ziemba.

5 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported on the permits being worked on and handed out the written May, 2013 report.

6- SCHEDULE NEXT MEETING

Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, June 24, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

7 – ADJOURN

A motion to adjourn was made by Stephens at 9:15 p.m., second by Frey. Vote: 8 Ayes, 0 Nays, 1 Absent.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

June 24, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse, Albion Nebraska, Monday, June 24, 2013 at 8:00 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Present: Groeteke, Frey, Ketteler, Wagner, Towey, Maricle, and Jensen.

Absent: Baum, Stephens.

3 – APPROVAL OF MINUTES

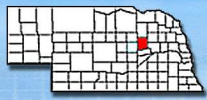
Copies of the May 20, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Jensen made a motion to approve as submitted, second by Frey. Vote: 5 Ayes, 0 Nays, 0 Abstain, 2 Absent.

4 – CONSIDER AND DISCUSS THE PROPOSED Redevelopment Plan for Petersburg CDA Area #1 and #2, 2013.

Jeanne Stokes, Petersburg City Clerk was present to deliver the reason for this plan. Stokes stated that they are just continuing with their redevelopment the plan because of the TIFF law; Petersburg has added houses so this will be added to the TIFF because there was improvement on those lots. This has to come before the county zoning board for a recommendation as this process is done every year when there is any improvement made to areas around the city. The Petersburg Town Board will have a hearing after tonight's meeting to decide where the money might be used. The Petersburg Board wish to install sidewalks in the downtown area, the businesses will do their portion and then the town board will do their part. Also the curve and gutters will be done. This will be the first major project they wish to do. Groeteke asked for any questions from the Board. A question was asked if there was to be a public hearing at tonight's and Stokes replied that this only needs to be an agenda item and that there is a resolution to be signed by the Planning and Zoning Board upon approval. Groeteke asked to confirm that this is only an update of the current plan and that there will not be any changes. Stokes stated that there are not any changes, just the improvements and that no public hearing is needed at this meeting, it was only needed at the first meeting where certain areas were blighted. Jensen made the motion to approve the Resolution 13-02 for Petersburg. Second by Frey. Vote: 7 Ayes, 0 Nays, 0 Abstain, 2 Absent.

5 – OPEN DISCUSSION

Chairman Groeteke started the discussion about several items that had come up during this past month regarding Koetter is moving house in on his property. Ziemba stated that since Koetter's daughter is going to work on the current farm with Koetter, they do not need a conditional use permit for putting this house down at this location, just a zoning permit for the cement foundation is sufficient according to the zoning regulations. No land is being split off and there is only one other house within this quarter of land which is permitted. Ziemba stated that the Dean Priester owner of Hiland Pork Confinement is selling this unit to James Pillen. Ziemba had been in contact with Gene Schumacher regarding this sale



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

over the past week. The buyer does not plan to expand and does not want to purchase the house on the property or the 160 acres, just purchase the hog confinement building and lagoon. Mark Jensen had asked Ziemba to get a current count of hogs in this facility to date, and Gene Schumacher replied to Ziemba that it was full, that they were working off of the 2104 number of head. Ziemba sent a copy of the zoning regulations for setbacks and Article 11 to Schumacher so they would be familiar with the regulations if any expansion was to be done. Discussion regarding this selling of the Hiland Pork Confinement took place. The final consensus was that this would not probably present any issue for the Board. If the house was to be bought by a different buyer, that buyer would have to go through the procedure of a conditional use permit.

Ziemba stated that she attended the Greeley County Commissioners meeting which addressed the Wolbach Foods near Wolbach, Nebraska, where the Pillen Family owns these units. The meeting addressed the situation of spreading the liquid from the lagoon in the air via a large, pressured water gun system and would evaporate. Much resistance was given by the citizens of Greeley County and Howard County. The Greeley Planning and Zoning Board denied this; however, the Greeley County Commissioners approved the application by a 2-1 vote. Reason for this approval vote, two of the Commissioners were afraid of losing a lawsuit between the county and the Pillen Corporation due to the zoning regulations were too vague. What Ziemba wanted to make sure that Boone County has all of the zoning regulations stated correctly to prevent any possible future problems that may happen.

Chairman Groetke asked Ziemba if anything was ever done about the composting situation with Jim Pillen. Ziemba stated that she had written a letter informing him about this, and no response has been received.

A board member asked about the Seda family splitting off a section of land. Ziemba stated that the intention is to sell this parcel, and that a conditional use permit has been submitted and will be brought before the Commission at the August meeting.

Chairman asked that the NRD be notified of our regulations regarding the site triangle so that when they plant trees, the trees will be put in the correct place. Some of the board members stated that the NRD planted quite a few trees too close to the roads.

6 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported on the permits being worked on and handed out the written May, 2013 report.

7- SCHEDULE NEXT MEETING

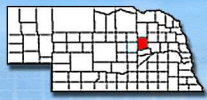
Chairman Groetke announced that the next monthly meeting of the Commission is scheduled for Monday, June 24, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Stephens at 9:15 p.m., second by Frey. Vote: 8 Ayes, 0 Nays, 1 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

July 22, 2013

1 – CALL TO ORDER

The regular monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, June 24, 2013 at 8:06 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Present: Groeteke, Frey, Wagner, Towey, Stephens and Jensen.

Absent: Baum, Ketteler, Maricle.

Others present: Roberta and Michael Seda

3 – APPROVAL OF MINUTES

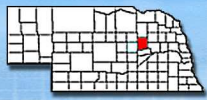
Copies of the June 24, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Jensen made a motion to approve as submitted, second by Wagner. Vote: 5 Ayes, 0 Nays, 1 Abstain, 3 Absent.

4 –PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY MICHAEL AND ROBERTA SEDA TO DIVIDE 3.27± ACRES FROM FARM GROUND LOCATED IN FR. OF THE SW CORNER OF THE NW ¼ SECTION 36, T19, R6W OF THE 6TH P.M., BOONE COUNTY NEBRASKA TO SELL. THIS PROPERTY IS OWNED BY MICHAEL AND ROBERTA SEDA AND IS LOCATED ON 270TH AVENUE BETWEEN 330TH AND 340TH STS., BOONE COUNTY NEBRASKA.

Motion to open the public hearing was made by Stephens. Second by Frey. 6 Ayes, 0 Nays, 0 Abstain, 3 Absent. All landowners in the two mile radius of this property of said application were notified of this application and of this hearing. President Groeteke recognized Michael and Roberta Seda present to present their application. This parcel to be split off has a house on it and will be lived in by the prospective buyers. The Seda family and the prospective buyers will share the driveway into the building site, as the Seda family is retaining the land around this parcel, and it has farming structures and equipment. A waiver of distance form, for Rex and Laura Horn, was signed by Michael and Roberta Seda due to the Horn residence and livestock feeding area is within the one-mile radius of this parcel to be divided off. Much discussion was given in regards to the fact that the buyers will need to be aware of the sounds of grain bin fans, machinery going in and out of the farm building site day and night during planting, field work and harvesting times. It was recommended by numerous members of the Board that the Seda family needs to protect themselves, their interests and their assets. Stephens made the motion to close the public meeting. Second by Towey. Vote: 6 Ayes, 0 Nays, 1 Abstain, 3 Absent.

Jensen made the motion to recommend approval as submitted with the signing and filing of the livestock waiver. Second by Frey. Vote: 6 Ayes, 0 Nays, 0 Abstain, 3 Absent.

5 – OPEN DISCUSSION



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President Groteke started out the discussion with the questions that were asked at the last meeting about whether Greg Koetter was notified about the waiver of distance needed from the Highland Pork Production due to his moving in a new house and is within the setback distance. Ziemba stated that she had visited with him, and also a letter informing Koetter of this matter had been sent out. Groeteke also asked if the Highland Pork expansion had been resolved or if it is still pending. Ziemba stated that she has not heard any more regarding this issue. Another question was asked; if the NRD had been notified of the setback distance for the planting of trees. Ziemba stated that she would notify the NRD within this upcoming week.

6 – CORRESPONDENCE/ZONING REPORT

Mary Ziemba reported on the permits being worked on and handed out the written July, 2013 report.

7- SCHEDULE NEXT MEETING

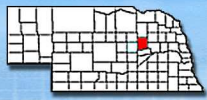
Chairman Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, August 26, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse, Albion, Nebraska.

8 – ADJOURN

A motion to adjourn was made by Wagner at 9:15 p.m., second by Towey. Vote: 6 Ayes, 0 Nays, 2 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

SEPTEMBER 28, 2013

1 – CALL TO ORDER

The August and September monthly meetings of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, September 28, 2013 at 8:05 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Present: Groeteke, Wagner, Towey, Stephens and Jensen.

Absent: Frey, Baum, Ketteler, and Maricle.

Others present: Barry Wallin

3 – APPROVAL OF MINUTES

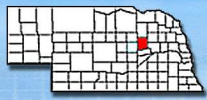
Copies of the July 22, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Groeteke requested approval of the minutes. Stephens made a motion to approve as submitted, second by Towey. Vote: 5 Ayes, 0 Nays, 0 Abstain, 4 Absent.

4 –PUBLIC HEARING TO APPROVE OR DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT BY BARRY AND JANE WALLIN TO DIVIDE 3.98± ACRES FROM FARM GROUND LOCATED IN FR. OF THE NE¼ SECTION 36, T22N, R7W OF THE 6TH P.M., BOONE COUNTY NEBRASKA TO SELL. THIS PROPERTY IS OWNED BY BARRY AND JANE WALLIN AND IS LOCATED ON 220TH AVENUE BETWEEN 1500TH AND 160TH STS., BOONE COUNTY NEBRASKA.

Motion to open the public hearing was made by Stephens. Second by Wagner. 5 Ayes, 0 Nays, 0 Abstain, 4 Absent. All landowners in the three mile radius of this property of said application were notified of this application and of this hearing.

Chairman Groeteke recognized Barry Wallin present to present their application. Wallin stated that this parcel to be split off has a house on it and will be lived in by Wallin daughter. That they had a survey done of the 3.98± acres and this parcel was appraised. Wallin was asked if all of the buildings to the west were split, and Wallin replied that all of the buildings on this site were split off. Wallin stated that they were giving this parcel of land to his daughter and son-in-law. The daughter and son-in-law want to add onto the existing house. Wallin proceeded to state that the trees on the east side were included in the parcel. A question pertaining to the trees to the west were going to be part of the parcel, and Wallin stated that they were not. A waiver of distance form from Bernard Kuhlman, Randall and Margo Ketteler, Theodore L. Ketteler, Dean G. and Michelle L. Pelster, Neil and Julie Baumgartner, Marilyn and Kent Ketteler were signed by Barry and Jane Wallin due to the above mentioned residences and livestock feeding areas are within the one-mile radius of this parcel to be divided off. Groeteke asked for any other questions by the public or by the Board, hearing none, Stephens made the motion to close the public meeting. Second by Jensen. Vote: 5 Ayes, 0 Nays, Abstain 0, Absent 4.

Chairman Groeteke asked for a motion to approve or deny stated conditional use permit and Stephens made the motion to recommend approval as submitted to the Petersburg Village Board with the signing and filing of the livestock waiver, second by Jensen. This conditional use permit will be presented to the Village of Petersburg Board to be heard and voted



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on by the Village Board to approve or disapprove this permit, since this parcel of land is within the Petersburg jurisdiction. Vote: Ayes 5, Nays 0, Absent 4. Vote: Ayes 5, Nays 0, Absent 4.

5 – OPEN DISCUSSION

Wagner brought up the discussion of splitting off small sections of land. The idea that if an existing home on a farm place or a family member moving back to work on the family farm to build a new house, is probably fine. Wagner stated that he disliked the idea of the zoning board continue to approve these small acreages where there is nothing existing there, that down the road, the board may need to change their prospective of how they are going to go about making decisions on these types of situations. Discussion pertaining to the A-1 zoning districts need to be reviewed and discussed more. Most agreed that this is a tough thing to do, with wanting our county to prosper, yet the use of the land should be considered and the existing residents and agriculture business needs to be considered. It was stated that the regulations do not have to be re-written, they need to be enforced. It was also brought up that the conditional use permit that was approved tonight didn't have to have been approved tonight, that the applicant would have had to go to ten acres and not had to go through the process, or he may have gone to the board and they would have approved it. It was stated that if the planning and zoning board turns down a acreage split, and it goes to the next board whether it be the county commissioners or a town board, that if they would approve it, at least it shows that the planning and zoning board is taking a stand to help protect the current farming residents. It was noted that all the planning and zoning board does is make the recommendation, and then the next board may approve or disapprove or send it to the board of adjustment, if it is less than 3 acres, depending on the zoned area in question. Planning and zoning board can approve anything down to 3 acres; this would need to be decided by the board of adjustment. Wagner noted that the 20 acre rule doesn't work with HUD anymore. That is too many acres for those loans to get resold. Jensen stated that Adams County went back to 20 acres. Wagner stated so if you want to live there, that's the way it is., that if you have 20 acres then you will not get the top preferred or cheapest rate on your financing because it is too big going into those government loans. Wagner stated that Lancaster County does that, and there are no variances in that county, if you're out in the county and you don't have 20 acres, you are not going to get it to occur unless there is an existing residence, even then you had a hard time getting a loan with less than 20 acres.

Ziemba stated that one of the commissioners had asked her if the livestock friendly would be brought up. The discussion on this was that a missing planning and zoning board member, who was absent from this meeting, needed to explain this and some of the changes to the board before any discussion.

Discussion was made about various types of permits that need to be issued and other situations that do not need a zoning permit. Just when there is a change in the land use or in the amount of footage changed on a property, a zoning permit would be necessary. Also, if a business were to be set up in a zoned area that does not permit a business, the re-zoning process needs to be done before any type of permit is issued.

6 – CORRESPONDENCE/ZONING REPORT

The financial report and information from the last part of August and from September were handed out to the board.

7- SCHEDULE NEXT MEETING

Chairman Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, October 28, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN



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A motion to adjourn was made by Stephens at 9:10 p.m., second by Jensen. Vote: 5 Ayes, 0 Nays, 4 Absent.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

OCTOBER 28, 2013

1 – CALL TO ORDER

The October monthly meetings of the Boone County Planning and Zoning Commission was called to order by Deputized Mark Wagner in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, October 28, 2013 at 8:08 p.m. Wagner noted that a copy the Open Meetings Act is posted and copies are available for the public. The agenda for this meeting was given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission members were present and answered roll call: Present: Wagner, Towey, Baum, Ketteler and Maricle.

Absent: Frey, Groetke, Stephens and Jensen.

Others present: Jessica and Pat Tisthammer, Douglas Koch.

3 – APPROVAL OF MINUTES

Copies of the September 22, 2013 meeting minutes were mailed to all Commission members prior to the current meeting. Wagner asked for approval of the minutes. Baum made a motion to approve as submitted, second by Towey. Vote: 2 Ayes, 0 Nays, 3 Abstain, 3 Absent. Due to a minority approval vote, the minutes of the September 22, 2013 meeting will be carried over to the next Planning and Zoning Commission meeting which will be held in November.

4. PUBLIC HEARING TO:

A). Approve or deny an Ordinance to the Future Land Use Map for Lots #21, 22, 23 and 24, Block 7, West Petersburg Addition in Petersburg Nebraska from R-1 Single Family Residential to R-2 Multiple family residential.

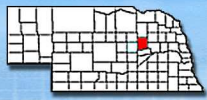
B). Approve or deny an application by the Petersburg Industrial Development Corporation to rezone Lots #21, 22, 23 and 24, Block 7, West Petersburg Addition in Petersburg Nebraska from R-1 Single Residential to R-2 Multiple Family Residential. This action, if approved, will amend the Official Zoning Map to reflect said zoning change.

Wagner asked for a motion to open the public hearing for an application for Rezoning West Petersburg. The purpose of this public hearing is to:

- A) Approve or deny an amendment to the Future Land Use Map for land located in Lots 21, 22, 21 and 24, Block 7, West Petersburg which is located in Petersburg Nebraska from “R-1”, Single Family Residential District to “R-2”, Multiple Family Residential. Maricle made the motion, second by Baum, **Vote: Ayes: 5, No: 0, Abstain: 0, Absent: 4.**

Wagner asked for testimony from a representative for the Petersburg Industrial Development Corporation. Doug Koch from the Corporation spoke to the Commission about the reasons this rezoning was asked for. Koch stated that the Corporation planned to build a duplex apartment building in this designated area. The need to have additional housing to help with getting new families in the village would be good for the community. It may help keep younger people and possible jobs in the village. Wagner asked for any more comments, none voiced, Wagner asked for the motion to close the public hearing. Baum made a motion, second by Maricle.

Vote: 5 Ayes: 5, No: 0, Abstain: 0, Absent: 4.



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Wagner asked for a motion to approve or deny the amendment as stated above in A). Motion by Baum. The ordinance as written was read by Baum, second by Maricle. **Vote: Aye: 5, No: 0, Abstain: 0, Absent: 4.**

Wagner asked for a motion to open the public hearing for an application for Rezoning West Petersburg. The purpose of this public hearing is to:

- A) Approve or deny an application by Petersburg Industrial Development Corporation to rezone Lots 21, 22, 23 and 24, Block 7, West Petersburg which is located in Petersburg Nebraska from “R-1” Single Family Residential District to “R-2” Multiple Family Residential. This action, if approved, will amend the Official Zoning Map to reflect said rezoning. Motion by Towey, second by Maricle. **Vote: Ayes: 5, No: 0, Abstain: 0, Absent: 4.**

Wagner asked for any comments. Towey asked if the Corporation is going to own this duplex. Koch replied that for now they would, and hoped to have a buyer in the near future after construction. Discussion followed about having room for this proposed building, and the conclusion was that there was. The area around the blocks stated on the application for rezoning is in the R2 district. Calling for more discussion, none was voiced, Wagner asked for a motion to close the public hearing. Maricle motioned, second by Ketteler. **Vote: Ayes: 4, Nay: 0, Abstain: 0, Absent: 4.**

Wagner asked for a motion to approve or deny an application by Petersburg Industrial Development Corporation to rezone Lots 21, 22, 23 and 24, Block 7, West Petersburg which is located in Petersburg Nebraska from “R-1” Single Family Residential District to “R-2” Multiple Family Residential. This action, if approved, will amend the Official Zoning Map to reflect said rezoning. Motion by Maricle, second by Towey. **Vote: Ayes: 5, No: 0, Abstain: 0, Absent: 4.**

Maricle made a motion to recommend the approval, second by Towey to approve the application, as submitted by Petersburg Industrial Development Corporation to rezone Lots 21, 22, 23 and 24, block 7, West Petersburg which is located in Petersburg Nebraska from “R-1” Single Family Residential District to “R-2” Multiple Family Residential. This action will amend the Official Zoning Map to reflect said rezoning. **Vote: Ayes: 5, Nay: 0, Abstain: 0, Absent: 4.**

The application for the rezoning of Lots 21, 22, 23 and 24, Block &, West Petersburg, in Petersburg, NE has been approved as submitted, by the Boone County Planning and Zoning Board.

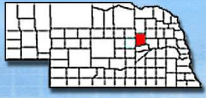
5 – OPEN DISCUSSION

Wagner asked for any discussion. None was voice.

6 – CORRESPONDENCE/ZONING REPORT

Ziamba handed out the report for the month of October. A question about the new regulations for the airport was given. Ziamba stated that Boone County had only one airport that would be involved, and this is the airport located at Albion, NE. Ziamba said that Dave Potter, with JEO, has put the regulations together for us. There is not a concern at this time. Building of any tall structure in the future will have to be monitored. Ziamba said that she will visit with Andy Divine, the administrator for the city of Albion, about any concerns and update him on this new legislation.

There was discussion regarding the application from Ross Nelson to build a new 40 A.U. swine nursery on a separate piece of property owned by Nelson. Ziamba stated that all was within the regulations and it should be approved without restrictions. Also, Ross Nelson applied for an extension of the building of the swine unit that was approved one year ago. This extension has been granted.



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7- SCHEDULE NEXT MEETING

Chairman Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, November 25, 2013 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN

A motion to adjourn was made by Stephens at 8:35 p.m., second by Jensen. Vote: 5 Ayes, 0 Nays, 4 Absent, 0 Abstain.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON