



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

FEBRUARY 24, 2014

1 – CALL TO ORDER

The February 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, February 24, 2013 at 7:15 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: Groeteke, Frey, Baum, Towey, Stephens and Jensen.
Absent: Baum, Wagner, Maricle

3 – APPROVAL OF MINUTES

Approval of the January 27, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, second by Stephens. Vote: 5 Ayes, 0 Nays, 0 Abstain, 3 Absent.

5 – OPEN DISCUSSION

Discussion was opened with the complaint against the Pillen Farm for not being in compliance with the conditional use permits on three farms west and southwest of Cedar Rapids. The Board reviewed and discussed all of the information that was presented by the zoning administrator, the complaint form, the original conditional permits, zoning regulations. After much discussion, the Board reached a unanimous decision that the Pillen Farm are in compliance with the regulations of Boone County.

Jensen brought to the Board information about a call he received from a Boone County resident that wishes to split off one and one-half acres of land to separate the house from the farmland. This resident has a section of land in which to choose from in splitting off a parcel. Discussion was held on this issue. Since the State regulations require 3 acres or more to split off a parcel of land, a hardship does not seem to be apparent in this case and according to Boone County Zoning regulations, a majority was in agreement that the sectioning off of less than 3 acres in this case would probably not be approved.

Discussion took place regarding two rows of trees in northern Boone County that are within the 63 feet setback and after reviewing and discussing this issue the Board came to a majority decision that the trees are placed incorrectly according to the Boone County zoning setback regulations and moving them would be encouraged.

6 - CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

No zoning permits for the month of January. Some applications were requested.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

7- SCHEDULE NEXT MEETING

Chairman Groeteke announced that the next monthly meeting of the Commission is scheduled for Monday, March 24, 2014 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 8:00 p.m., second by Frey. Vote: 5 Ayes, 0 Nays, 3 Absent, 0 Abstain.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

MARCH 24, 2014

1 – CALL TO ORDER

The March 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, March 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, Towey, Stephens, Wagner, Maricle, and Jensen.
Absent: Baum.

3 – APPROVAL OF MINUTES

Approval of the February 24, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, Second by Frey. Vote: 5 Ayes, 0 Nays, 2 Abstain, 1 Absent.

Proceeded with agenda item #5 due to late arrival of Jerry Niewohner for the #4 agenda item to be discussed.

5 – OPEN DISCUSSION

Discussion was opened with the issue of tree setback distances and county residents that are not following them. Jensen stated that there are a lot of trees that are planted right on fence lines, and that the landowners need to know that if the county has problems with snow removal, that the county has the right to remove them. Question of how much right the county has to go beyond 33 feet. The trees that are too close to the road are a problem because the ice builds up on the road and also the snow accumulation is more. It was noted by Groeteke that it is far better to have the cost of removal of trees up front than it is later when there is extra cost to come in later and clean them out. Ziemba brought up several areas that were mentioned in previous Board meetings, where trees are planted too close to the road. Ziemba stated that a person told her of another place where the trees are too close to the road and showed a picture of the trees. After looking over and discussing the placement of the trees, the Board agreed that they were too close to the road and needed to be removed. Ziemba stated that an employee of the NRD came to her office, and the employee said that she did not know of any setback for trees or zoning regulations. Ziemba stated that she had sent two letters previously informing the NRD of the setbacks, and some of the Board members stated that they knew of several times in the past, the previous Zoning Administrator had written and informed them of the setbacks. At a meeting in Ziemba's office, the NRD employee was informed of the setbacks.

Ziemba reported that she received the revised airport zoning map and a copy of regulations that could be used as reference by the Boone County Zoning Board to revise the current regulations. All counties in Nebraska need to be in compliance with the new Nebraska Law LB 140 regarding construction, of any type, near the new zoned area at the end of runway. Ziemba will get more information and bring it to the next meeting.

Ziemba stated that Mr. Pillen has sent his plan for animal composting, also he sent the measurements of all of the bunkers for this purpose. Mr. Vanderloop will be notified of this and that the 1999 complaint has been resolved.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

4 – JERRY NIEWOHNER

Discussion took place regarding the sandy soils in western Boone County and the regulations regarding animal units in this area verses in other clay-type soil. Regulations and soil areas were studied and discussed.

6 - CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

Ziamba reported on the zoning permits that were issued in March.

7- SCHEDULE NEXT MEETING

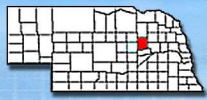
Chairman Groetke announced that the next monthly meeting of the Commission is scheduled for Monday, April 28, 2014 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN

A motion to adjourn was made by Stephens at 8:00 p.m., second by Frey. Vote: 8 Ayes, 0 Nays, 0 Absent, 0 Abstain.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

APRIL 28, 2014

1 – CALL TO ORDER

The April monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the Knights of Columbus meeting hall at Albion Nebraska, Monday, April 28, 2014 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, Frey, Baum, Towey, Stephens, Wagner and Jensen.
Late: Maricle came in at 8:15 p.m.

3 – APPROVAL OF MINUTES

Approval of the February 24, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, second by Towey. Vote: 7 Ayes, 0 Nays, 0 Abstain, 1 Absent.

4- DISCUSS, CONSIDER AND TAKE NECESSARY ACTION OF DARREL THORIN, BOONE COUNTY HIGHWAY SUPERINTENDENT. SET BACK REGULATIONS FOR TREES.

Thorin discussed the planting of trees too close to the road. Thorin stated that there were comments from some of the public that the Road Department should go out and remove trees that are too close to the county roads. Thorin stated that the County could not do this until the trees become a nuisance, that in 20-30 years when they become 40ft. tall they would become a nuisance. The process of removing trees has a process of contacting the landowner and the County Attorney. Thorin stated trees planted to close to the road now, need to be dealt with by going through the process stated above. Thorin stated that the planting distance of the trees is 73feet from the center of the road, but then after looking at the regulations, it actually states 40 feet from the property line. He stated that a 66 ft. road right of way, that would make 73 feet. Boone County has many roads have less than 66 feet right of way. Boone County has one road that is 20 feet, because it was 1903 when the Legislature passed a law saying that roads can be from 40 feet to 66 feet. Then in 1953, the Legislature passed a law saying that the roads can be any width that the Board deemed necessary. So Boone County's road vary anywhere between 20 feet to 66 feet. Therefore, Thorin stated an example that if the road were only 40 ft. right of way, you only would be 60 foot from the center of the road. Thorin stated that he would like to see the setback for trees clarified in the zoning regulations to keep the setback at that 73 feet from the center of the road, then just in case in the future, the trees grow up to 30 to 40 feet, especially on the north side of the roads, they would become a real issue. The other issue Thorin brought to the Board was a recent home was built near the city of Albion where the zoning was handled by the city because it was located in that mile area around the city, not knowing that he had to come to County zoning because his property borders a county road. The landowner placed his septic tank in an area where he now cannot plant his trees 73 feet from the centerline of the county road. Thorin said that it would be nice if we can have a little more communication between the different entities that control the same subject. The city-zoning ordinance allows trees planted closer to the road, where however, the county road has different setback distance. The conflicting regulations in this mile circumference of the city should be addressed. Andy Devine, City of Albion, stated that the state statute concerning zoning issues would always refer to the regulation that is most restricted. Thorin stated that this was correct, however, that



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

the landowner did not know the different regulations at the time of building his house. Thorin expressed concern for the zoning differences in the mile circle area around a city/town needs to be made known. Thorin stated that he would like to see the regulation for tree setback distance clarified, as there are so many different right of way widths in the County, because of this it also varies how far back the center of the road is.

The Board discussed among each other and decided that the wording in the regulation needs should be changed so that the tree setback should be 73 feet from the center of the county road. The Board asked to place this on the agenda for the May Planning and Zoning meeting to review a resolution for the re-wording of the tree setback distance. Stephens brought up the communication issue, as he stated that this issue is tough. Stephens stated that we do put a notice in the paper each year reminding County residents of the setbacks. Stephens stated that when the county road crews are out on the road and see anything built or planted, to let Zoning Administrator know, as this would help in all areas.

5-Discuss, consider and take necessary action with David Potter, Boone County Zoning consultant. New revised airport regulations and new required energy components.

Groeteke recognized that David Potter had not yet arrived at the meeting, so he suspended the above item until Potter arrived.

6-Public hearing to approve or deny an application for a Conditional Use Permit by JSMM Farms, LLC to build a Class I Livestock Feeding Operation, ECH Hog Confinement Unit (301-1000 Animal Unit) located in the SE corner of the NE Quarter of Section 5, T20N, R6W of the 6th PM., Boone County Nebraska. This property owned by Niewohner Brothers, Inc., is located on 240th Avenue and between 220th and 230th Streets, Boone County Nebraska.

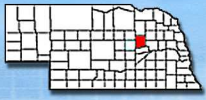
Groeteke stated that there was some discussion before the meeting and that there may be some plan changes. Jeff Jarecki spoke on behalf of Niewohner Brothers. Jarecki stated that there had been some discussions, here this evening, before the meeting, that they would like to pull the conditional use permit number 6 in the Niewohner Brother's name, 5-26 with the attempt of reapplying here in the future and then we could go through the process. Groeteke stated that we could pull both conditional use permits as well. This would also include item number **7-Public hearing to approve or deny an application for a Conditional Use Permit by JSMM Farms LLC to build a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Unit) located in the NW corner of the NW1/4 of Section 4, T20N, R7W of the 6th P.M., Boone County Nebraska This property owned by JSMM Farms LLC is located on 180th Avenue between 220th and 230th Streets, Boone County Nebraska.**

8-Open Discussion. Groeteke directed to the public attending this meeting that there was an election to pull the two proposed applications for conditional use permits item number 6 and item number 7 maybe with the intent of resubmitting in the future. However, now, there will be no discussion on any hog units as proposed at these locations for right now.

Jensen told the public attendees about the new regulations for zoning around the airport. Jensen stated that the building setback goes out ten miles. Jensen did not know what height restrictions would be in place, but it is something that everyone in this room would need to pay attention. Jensen said that was what Mr. Potter is going to explain at this meeting, and if we get him on this agenda again, Jensen hopes that all will attend that meeting. Groeteke reiterated that this is a long way back on these airport restrictions and that everybody need to be aware of what implications are as far as building and planting within those zones.

It is noted that these regulations were passed by the Legislature, Bill LB140. Stephens stated that the reason we are to adopt these new regulations for the airport is that the Legislature passed LB 140 mandates our County do this.

Upon David Porter's arrival, item number 5 on the agenda was opened by Chair Groeteke.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

5-Discuss, consider and take necessary action with David Potter, Boone County Zoning consultant. New revised airport regulations and new required energy components.

David Potter presented the Legislature Bill LB140 on airport regulations. "This went into effect in September 2013. Prior to LB 140, all airports in Nebraska were governed with a three mile jurisdiction around the protection zone for the approach of aircraft. LB 140 now has extended that to ten miles. A map has been generated by the Department of Aeronautics which identifies all of the Nebraska airports. All communities and counties affected by this bill are going through an update which are taking current zoning regulations of current airport overlay system and adding new language and new maps and appropriate regulations. There are some concerns how this bill is affecting us. It lists structures and it identifies even trees as being those structures. The legislation was passed to protect those airports from cell towers and from wind farms because of the size of those structures. The height is increased from distances of three miles to ten miles. The way it is measured is from the most outside part of the runway, ten miles out, and it increases a certain distance over area to a maximum height of 900 feet. The problem comes when your airport is in a low area and when you measure from the outside of that runway, and you are surrounded by hills all of the way around, 900 feet seems like a lot, but it is based on that ground elevation, not on the terrain surrounding that airport. For instance you could have a 15 foot structure up on top of a hill that may all of a sudden create a problem. The adjustments are somewhat minor in the zoning regulations if there are airport overlay districts already in place. Adding a new lane which is adding a new map in making the adjustments. My recommendation is that even if you have other regulations in place, you have zoning administrator, planning commission, I would still with any potential developments for zoning application that falls within that area, simply send it on to the Aeronautics and have them review it". Stephens made a comment that he had read a little about this bill and that the Legislature has gotten some backlash from this bill, are they looking at changing it or are they just going to leave it. Potter replied that as far as he knows there are certain airports and pilots that need this type of approach zone. Potter stated that there are a lot of details that need to be worked out. Stephens stated that we are taking in a lot of area here, and that it could affect a machine shed, grain bin and legs, tree planting. Groetke asked for an explanation of function. Potter responded that there are certain space or protection zones around that airport with different tiers and is graduated up as you get to the ten-mile mark at the end of the runway. The map shows the areas that have instrumented and non-instrument landing capability. Potter stated that he would assist the county with writing and implementing the needed language in the airport zoning regulations.

"The other item dealing with energy components was given by Potter. Potter stated that particular bill was passed about a year and one-half ago. That is the one that said that you have some time in order to get that adopted. This is dealing with your comprehensive plan and not necessarily with your zoning regulations. I believe it was Senator Mellow that championed that particular bill and it started really from the energy push within the State of Nebraska. Whether it be wind, solar, hydro, whatever the case may be. The city of Omaha was the first to do that energy component and thus it became a requirement that every city and every county within Nebraska that has a comprehensive plan must have an energy policy within that comprehensive plan. That can be a small and/or as detailed as the county chooses, but there are some minimum requirements the League of Municipalities put out, some sort of a template, and it really hits upon the bare minimum as they see it. But in essence it is recognizing the availability and the usage of energy within that appropriate jurisdiction and to identify some goals that would help reduce that energy use and maybe to look at an alternative type uses. An example would be that the county automobiles would get onto a flex fuel or something else that you would start conserving energy in that respect. Maybe looking at ways of converting some county buildings to use solar power. It is looking at areas and getting it down in writing. No rules or regulations stem from that where it is in the comprehensive plan, we have either addressed it an addendum to the comp plan, amended a certain section or created a whole new section". Potter said to get information from contacting utility and other energy sources to record the different types energy use, the amounts of energy usage and then go from there to write a plan. If there would be any changes, this would be done only when the comp plan is reviewed for updating. Potter said that he would work with Boone County and propose a contract to update the airport regulations and also the energy component. The energy component needs adopted as part of the comprehensive plan by January 1, 2015.

Ted Thiemann spoke and questioned Potter where the updated zoning regulations were and asked about an updated zoning manual. Potter stated that he is in the process of doing that and will add these new regulations to the manual and have the



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

county adopted the new regulations. Potter stated that he is searching for the resolutions to match the regulations to be adopted. Potter said that he would update the complete set with the changes. Towey questioned when Potter thought he would have this update done. Potter responded those were in the works and he will continue working on them. Potter also agreed that the regulations need to be online and was surprised they were not submitted to Boone County Zoning in an electronic copy. Maricle and Groeteke stated that they would like to have Boone County Zoning revised regulations put on top of Mr. Potter's to do list. Stephens asked if there were any other upcoming new regulations or items. Potter said there was not and if any, it would be any changes needed for Boone County Zoning regulations. Potter stated that in the future, the comprehensive plan, land maps, demographics or census might be looked at and updated. In addition, if there were any re-wording and changes identified by the zoning administrator, this would also be looked into and updated. Potter stated that the only two requirements that are needed for an update are the airport regulation and the energy component.

Chairman Groeteke re-opened ITEM NUMBER 8-OPEN DISCUSSION.

Ted Thiemann stated a request in regard to conditional use permits, as scheduled for tonight, to the Board that when these type of permits from applicants come in, that they get presented and heard at one meeting, with the permit in hand and you listen to their proponent's testimony at that hearing and then continue the hearing until the next month's meeting for the public to respond. Thiemann stated that the problem we have is that the permit that was pulled tonight, that it was only hearsay that brought this crowd to this meeting. Thiemann stated that they had nothing to go on except that he talked to the zoning administrator and looked at maps and that it was only talked about at the last meeting. Thiemann stated that they have nothing to look, that they have to come and respond to an application we never seen or had a seconds time to look at. Thiemann felt that it only makes sense for the permit applicant come in, present the presentation and continue the hearing and public's response at the next meeting. Groeteke addressed this, stating, the permits were on the agenda the month before, and nobody watched the agenda, so you missed it. They did come in and presented their plan and their idea, but you guys were not here. So now, there are here tonight to do the work. Groeteke reiterated that we do not have two hearings, that we have only one public hearing. Wagner stated that the applications were in the zoning administrator's office as public record from the initial submitting of the application, and that they were public record as of 4-2-14. Wagner also stated that anyone can go the zoning administrator to look at or get a copy of an application, because the minute it is filed, it becomes public record. Stephens questioned Thiemann about knowing when the public hearing was to be held and that he had time to get all of the information needed to respond at the said meeting. Thiemann stated that the public was given no information about this application. Groeteke responded that it was published in the paper two weeks before said meeting and that was sufficient notification. Thiemann replied that he did not receive a letter that the area people received. Ziemba, zoning administrator, replied that he was not within the 3-mile circle of the legal descriptions submitted on each permits. Jensen added that there are two public hearings, one with this Board and one with the Commissioners. Jensen also stated that people get involved with County Government and that it's good to see so many people at this meeting and that there are one of two seats available on this Board. Ziemba said that there is a vacancy now on this Board and also on the Board of Adjustment. Groeteke asked for any other discussion for open discussion, hearing no further items, Groeteke closed the open discussion.

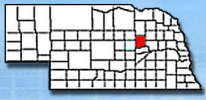
9 - CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

No report given at this meeting.

7- SCHEDULE NEXT MEETING

Chairman Groeteke announced that the next monthly meeting of the Commission will be scheduled for Monday, May 19, 2014 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN



Boone County Planning and Zoning Minutes

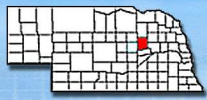


BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

A motion to adjourn was made by Stephens at 9:10 p.m., second by Frey. Vote: 8 Ayes, 0 Nays, 0 Absent, 0 Abstain.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

MAY 19, 2014

1 – CALL TO ORDER

The May monthly meeting of the Boone County Planning and Zoning Commission called to order by Chairman Paul Groeteke in the Knights of Columbus meeting hall at Albion Nebraska, Monday, May 19, 2014 at 8:05 p.m. Groeteke noted that a copy the Open Meetings Act 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, Maricle, Towey, Baum, Wagner and Jensen.
Late: Stephens came in at 8:15 p.m.

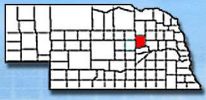
3 – APPROVAL OF MINUTES

Approval of the March 28 24, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, second by Maricle. Vote: 7 Ayes, 0 Nays, 0 Abstain, 1 Absent.

4- Discuss, consider and take necessary action on the first public hearing for the proposed resolution to amend the Boone County Zoning Regulations regarding the change of language in Article 21: Supplementary District Regulations, Section 18; 18.2 for the tree setback distance. Mark Jensen had comments to share with the rest of the Board. He stated that the Board of Adjustment meeting held last week was about trees and setbacks. Jensen noted that the language in our books is confusing to some people because there are different setbacks concerning different right of ways for the county. Jensen then proposed that the same setback would be for all uses, structures and trees. The measurement from the center of the road to the proposed site would be sixty-three (63) feet. He stated this way it does not make any difference what size any road would be. Jensen used the length of the meeting room, which is 63 feet as a visual example of the distance in which he was referring. Discussion on the setback included enough area to push snow, enough room for tree growth and space to build a house behind the tree setback. After much discussion, a decision to change the regulation to have the setback distance for all buildings, uses and trees sixty-three (63) feet from the existing, visual center of all Boone County roads. This proposal makes the regulation easier to understand and in a cleaner manner of wording. Jensen stated that we would have another public meeting to discuss and finalize this revised regulation; it will be submitted to the Commissioners for their consideration. Chairman Groeteke asked for any additional comments, none heard, he then asked for a public hearing to be scheduled.

5-Public hearing to approve or deny an application for a Conditional Use Permit by JSMM Farms, LLC to build a Class I Livestock Feeding Operation, ECH Hog Confinement Unit (301-1000 Animal Unit) located in the SE corner of the NE Quarter of Section 5, T20N, R6W of the 6th PM., Boone County Nebraska. This property owned by Niewohner Brothers, Inc., is located on 240th Avenue and between 220th and 230th Streets, Boone County Nebraska. Groeteke asked to combine the two public hearings Item number 5 and Item number 6.

6-Public hearing to approve or deny an application for a Conditional Use Permit by JSMM Farms LLC to build a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-100 Animal Unit) located in the NW corner of the NW ¼ of Section 5, T20N, R7W of the 6th P.M., Boone County Nebraska. This property owned by JSMM Farms LLC is located on 180th Avenue between 220th and 230th Streets, Boone County Nebraska. Stephens moved to open the public hearing, Towey second the motion. Vote: Ayes: 8, Nays: 0, Absent: 0, Abstain 0.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

After opening public meeting and a brief discussion, it was brought to the attention of the Board by Jeff Atkinson the legal description on Item #6 was incorrect. Due to the significance for this legal description to be correct, Groeteke called for the close of this public hearing. Stephens motioned to closed, Second by Maricle. Vote: Ayes 8; Nays: 0; Absent: 0; Abstain 0.

A decision to consider and discuss only Item #5 in a public meeting was agreed on. Chair Groeteke called for a motion to open the public meeting for Item #5 **Public hearing to approve or deny an application for a Conditional Use Permit by JSMM Farms, LLC to build a Class I Livestock Feeding Operation, ECH Hog Confinement Unit (301-1000 Animal Unit) located in the SE corner of the NE Quarter of Section 5, T20N, R6W of the 6th PM., Boone County Nebraska. This property owned by Niewohner Brothers, Inc., is located on 240th Avenue and between 220th and 230th Streets, Boone County Nebraska.** Towey motioned to open the public hearing, Second by Maricle. Vote: Ayes: 8; Nays: 0; Abstain 0; Absent 0. Chair Groeteke opened the meeting to the floor. Ted Thiemann requested that the proponents talk first. Jerry Niewohner stated the intention of the conditional use permits is to build one unit on two locations. Each unit could house up to 2499 head of finisher pigs. Niewohner stated they had a need and could do a better job of feeding and finishing the pigs than sending them out somewhere else. Niewohner stated that the manure from the sites be put on their farm ground by way of knifing it into the soil on various fields around the confinements. Niewohner stated that procedure is generally done twice a year, in the fall and in the spring. Jim Dickerson questioned the setback for this type of unit. Niewohner replied that it is one-half mile setback and stated that there were no other structures in this one-half mile setback at both sites. Mark Niewohner stated the company who handles the manure hired a new manager; they are more conscientious of handling it and keeping the ground water safer. Niewohner stated he felt this way of handling the manure is no different from the way CO-OP handles the spraying of their chemicals on any given field. Groeteke said that he had a citizen call him with concerns of hauling out both cattle and hog manure out. Niewohner stated that just hog manure hauled on these locations. Niewohner said that it takes 80 acres to have this manure spread on, they would knife it in. Ted Thiemann asked if there was an inventory of the soil types for the facility and the manure handling sites. Jerry Niewohner answered that it usually is in the soil type book where a listing of every county soil type listed. Ted Thiemann voiced concerns in this soil type animal confinements and spreading of manure not allowed. Ted Thiemann also voiced concern with the water quality remaining safe. Jerry Niewohner responded that he had approached the Board at an earlier date and gave approval to build at these two locations, as the soil type would allow it. Ted Thiemann brought up the Comprehensive Plan that is the first part of the Boone County Zoning regulation book. Thiemann went into detail of areas in the Comprehensive Plan that affects the citizens of Boone County from different types of zoning applications. Thiemann reviewed the land use not specifically allowed other than general farming. Thiemann also reviewed the Comprehensive Plan where it protects the health, safety, morals and general welfare of the citizens in Boone County. Harry Jordan gave an explanation about an alternative to manure management other than the usual. Jordan explained the process in North Carolina of turning manure into methane gas and then used for fuel for motor vehicles. Stephens moved to close the public hearing, second by Frey. Vote: Ayes: 8; Nays: 0; Abstain: 0; Absent: 0.

Chair Groeteke presented a question of concern of a document filed with the deed. Groeteke asked if that issue had been addressed. Jeff Jarecki stated that the issue was resolved and there will be a document brought into the Clerk's office the next day. Groeteke asked the Board for any more comments or questions they might have. From the public, Jordan stated that he did not want to be out of order, but he asked if there was an excess amount of tax revenue from Boone County in the last year and wanted to know how much. No Board member knew, so the Board asked Tom Schuele. Schuele did not know the exact amount and did not want to give an incorrect amount. Jordan asked this question to find out if there was enough County money to start a processing plant for methane gas production plant to give an alternative use for the manure. Schuele stated this was not the time for this discussion, however, he is willing to discuss this issue at a later date. Jensen recommended approval on Item #5 with the condition the waiver on the building site be attached to Commissioners. Groeteke stated before any approval subject to the stay of the deed. Jensen agreed with Groeteke clarification. Motion by Jensen, second by Frey. Vote: Ayes: 7; Nays: 0; Abstain 1; Absent 0. Chair Groeteke stated approval of Item #5 and will go to the Commissioners hearing. On Item #6 due to the miscommunication of the legal description, it will be re-published and re-heard at next month's meeting.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

7-Open Discussion. Chair Groeteke asked for any comments or questions. Ziemba reported on the recommendation from the Board of Adjustment regarding changing the zoning application for better understanding of setbacks. Ziemba stated that she had been working on this several months ago, and will complete the final details after the approval of the proposed setback changes to the regulations.

Chair Groeteke apologized as a board for any miscommunication with the legal description being wrong.

Jensen asked if there was any progress of getting the new regulations up to date. Ziemba stated that she was in contact with David Potter about this. Towey questioned how much obligation we have for him. Ziemba stated that it was set up years ago. Chair Groeteke requested that Ziemba contact Potter again and ask him how soon this update will be ready.

9 - CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

None given at this time.

7- SCHEDULE NEXT MEETING

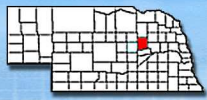
Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, JUNE 23, 2014 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN

A motion to adjourn made by Stephens at 9:35 p.m., second by Towey. Vote: 8 Ayes, 0 Nays, 0 Absent, 0 Abstain.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

JUNE 23, 2014

1 – CALL TO ORDER

The June monthly meeting of the Boone County Planning and Zoning Commission called to order by Chairman Paul Groeteke in the Boone County Courtroom located in the Boone County Courthouse at Albion Nebraska, Monday, May 19, 2014 at 8:09 p.m. Groeteke noted that a copy the Open Meetings Act posted and copies are available for the public. The agenda for this meeting given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication and mailings. All proceedings hereafter shown were taken while the convened meeting was open to the public.

2 – ROLL CALL

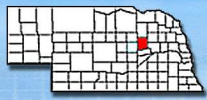
The following quorum of Commission members were present and answered roll call: Present Groeteke, Frey, Maricle, Baum, Wagner and Jensen. Absent: Stephens and Towey.

3 – APPROVAL OF MINUTES

Approval of the May 19, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, second by Wagner. Vote: 6 Ayes, 0 Nays, 0 Abstain, 2 Absent.

4-Public hearing to approve or deny an application for a Conditional Use Permit by MSJM Properties LLC to build a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Unit) located in a Fr. of the NE ¼ of Section 5, T20N, R7W of the 6th P.M., Boone County Nebraska. This property owned by MSJM Properties LLC is located between 170th and 180th Avenue and between 220th and 230th Streets, Boone County Nebraska. Chairman Groeteke asked for a motion to open the public hearing. Jensen moved to open the public hearing, Maricle second the motion. Vote: Ayes: 6, Nays: 0, Absent: 2, Abstain 0.

Chairman Groeteke asked for public comment for this motion for a conditional use permit applied for by MSJM Properties LLC. Groeteke asked for any comments in favor of, then the board will hear opposition to said application. Chairman stated that the comments be limited to ten (10) minutes due to the request from the last hearing on this application. Chairman reviewed the size of the proposed facility, which will be just under one thousand (1000) animal units – about twenty-four ninety-nine (2499); the manure to be knifed on about (approximately) a quarter to eighty (80) acres twice per year, so this would probably in the spring and in the fall of each year. Chairman then asked for any comments on this. None was given. Chairman asked for comments of support to be given. Jerry Niewohner, owner and one of the partners of this company applying for the permit to build this building. Niewohner stated that they are currently going out of the county for this part of their program and wish to get this closer to their home-based operation. Niewohner commented that they would use the fertilizer rather than giving it to someone else and utilize that value on their own property. Niewohner said this would help provide jobs for this county, also would increase the tax base for the county. Niewohner stated that their corporation would do a better job and take better care of everything overall than letting some other feeder who would be in charge of feeding their animals. Chairman asked for any additional in favor comments. Hearing no other request for in favor of, Chairman asked for any opposing comments. Jim Atkinson started the opposing comments. Atkinson main concerns are the following: His son's and his own property is within one (1) mile from the area that this unit is to be built and where the exact spot that the unit is to be built; the possibility of the ground water would be contaminated due to the sandy soil; where the manure would be applied; the high nitrogen level and the antibiotics from the hogs get into in the ground and then into our water; the odor that will come from the unit. Atkinson stated that he asked that the unit be built west about two (2) miles from where the suggested spot currently is. Atkinson

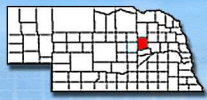


Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

stated that he is in opposition of this permit. Jensen stated that there are four (4) other units in this area and asked Mr. Atkinson if he had ever driven by any of these units, and if so, how close to them did he get before he could smell them. Mr. Atkinson stated that he did not have to get very close before he could smell them. Mr. Atkinson stated that this would make five (5) units out in that area and the ground is sandy, and the line from Wheeler County to this site runs down this ridge and runs parallel to Beaver Creek and it is all in sandy soil. Atkinson asked when are we going to have enough so our ground water and soil cannot be more contaminated. Jensen stated that the earlier units had lagoons and did agree with Mr. Atkinson on that are quite a few units along that sandy ridge. Jensen said that what they are doing now is putting the pit underneath the building and then pumping it out and injecting it into the ground. Atkinson questions if they would guarantee that they would be leak-proof. Jensen replied that nothing is a guarantee. Ted Thiemann stated his opposition and concerns which are the following: Thiemann agreed with the question about the leak-proof guarantee, stating that no one will ever prove that concrete is leak-proof; he sees no information about what type of soil that the concrete will be in; he sees no information where the manure will be knifed in, whether it is sandy or not; he stated that the zoning regulations have been changed for three (3) classifications which prohibit these things, he stated that a fraction of the quarter is given but still do not know which or where it is at and the sand type varies a lot out there, he referred to the decommissioning of use for the wind turbines and being able to remove them after they were no longer in use and this needs to be put on all confined units in the same way for the protection the landowners and the land/soil; the condition of the quality of the groundwater related to the sandy soil area; the comprehensive plan and not just the mechanical regulations be considered in any decision made by the board and support the decision with a factual finding statement; the concentration of manure from all of the animal units is a problem and the zoning board needs to take an inventory of the number of cattle and hog feeding units in northwest Boone County, he stated that there are a number of units that are not accounted for and that many were there pre-zoning, and that the big picture should be looked at when is enough, enough, in one area and when it is a danger for the health, safety and well-fare of our citizens, the future of Boone County and for our grandkids; this unit being too close to the well-head protection for the city of Albion which predicts when and where there was a contamination, so if there was a spill in the northwest corner of the protection area it could affect the water for Albion and could reach Albion's water in twenty (20) years; air quality for the neighbors and the future of Boone County, if nobody wants to live here the economics of Boone County is very important, "there are no jobs on a dead planet"; the planning board will look at the future and what effects would be detrimental from more confined animal units built in this area. Jensen noted he did agree with some aspects of the groundwater, but he stated that there is a lot of corn being grown out there and that corn is going to be fertilized, so Jensen proposed the question if Mr. Thiemann would rather have that corn be fertilized by all anhydrous or anhydrous with organic fertilizer mix of some dry anhydrous and organic fertilizer. Jensen stated that he liked the mix and Jensen does not agree with Jim Pillen where he knifes in a lot of hog manure and grow crops in two years, even if he is doing it in hard ground where he does not have the leaching there that it would be up in the sandier soils, Jensen does not agree with. Jensen likes the idea of putting a little of the manure on and move it around to the different areas that surround the unit and they (Niewohner Farms, Inc.) recognize the importance of organic fertilizer. Thiemann stated that he was not opposed to organic fertilizer for the crops, but that the timing of fertilizer application in the sandy areas is important because of the issue of helping the crops or runoff from the fall rains. Thiemann stated that whatever the type of fertilizer used it is still nitrates going into the water. Jensen stated that organic fertilizer takes longer to breakdown but the commercial fertilizer is more readily available. Groeteke responded that a lot of units this size were around in the 1960's and 1970's and a lot of them have been pushed in and removed, and he cannot find much evidence of water contamination, and we are talking forty (40) plus years ago and no evidence of that problem. Groeteke stated agreeing with Mr. Thiemann's concerns and that they are valid concerns, but the statements from Mr. Thiemann about poisoning the water, in around twenty (20) plus years, of the town of Albion, Groeteke does not believe it. Thiemann responded with there was a chance and the board needs to be asking the questions about this. Groeteke agreed that they do need to be asking questions and that also there is evidence for the other way also. Thiemann replied that when the evidence of the contamination is in, it will be too late, that the problem will be there for another 100 years. The growing of row crops and fertilizing in the sand is a fairly, new thing, that there has not been enough studies on the result of this. Groeteke stated that the University studies have shown the crop removal rates are fairly equal to the application rates, this information has been documented and been around for some time. Thiemann stated that in the long-run, knifing in of manure is a problem for the environment because it is underground, gets very little air and is out of



Boone County Planning and Zoning Minutes

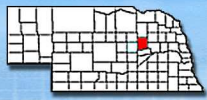


BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

sunlight, stored and then it goes through pipes through knives into the ground. The medications, the antibiotics and pathogens go right into the ground and there are some studies that show this stuff is getting into our crops then into the food. Groeteke stated that there are also studies and evidence that show the soil profile is the best bio digester that we have; it is the most active amount of microorganisms, moisture and air that help digest the pathogens, this is the best place. Chairman Groeteke asked for any further comments opposing the project. No other requests for comments, Chairman moved on to any questions or rebuttal. Jeff Jarecke stated that everything is regulated by the NDEQ and Niewohner Farms do not have to keep track of issues such as the concentration of nitrates being too high, and feels that the NDEQ is the most appropriate body to regulate issues like this. Jarecke stated that this is a subjective decision on the board's part and that they need to take the information that is in front of the board and also from the board's personal knowledge on these issues in making the decision. Jarecke stated that if the board takes Thiemann's reasoning on these issues, his argument basically says that there should be no fertilization in Boone County; then stated that we make our living off the land and if Thiemann's argument and don't allow any fertilization, that would significantly impact our economy. It will impact the farmers and business economy. Jarecke stated that Thiemann brought wellhead protection and being in the outskirts of the protection, Jarecke pointed out Wolf's feedlot that is very close to Albion and other hog confinements that are closer to Albion's water supply. A Board member voiced that there is also city sewage and water near the town. Jarecke continued to comment on all of these confinements within this area, that this argument does not hold up. Thiemann responded by asking Jarecke if he had seen the picture of the well-head protection re-map and stated that he is not against all fertilizing in the county, that Thiemann felt the statement was a misrepresentation of his statements. Chairman Groeteke asked for any questions for the board. Wagner conversed with Ziemba about the circles on the plat map, the correct section and placement of the unit was identified. Wagner asked about the changes of the regulations handed out in the minutes in motion form, and Ziemba stated that the regulations did come from these motions and were put in the regulations and are current, and that the regulations dealt with the overlapping of circles and not the prohibiting of new development for confined units. Jarecke requested to have the handed out document clarified. The handout was a copy of the minutes of the meeting that updated some regulations regarding the circle overlap and setbacks for confined feeding units. On this document there were also some opinions and are not to be confused with the motions for the revised regulations and are current, standing regulations. Thiemann asked if the regulations addressed soil types. Wagner stated that they do address soil types and they address the circle overlap in that you cannot overlap circles in those soil types, that it does not prohibit development in those soil types, it prohibits the overlap of the setbacks. Jarecke asked that the statement from Mr. Thiemann in the minutes form a previous county commissioner meeting (meeting date: Monday, July 14, 2008 at 1:00 p.m. held in the Boone County Courthouse Courtroom) that Thiemann feels that all nine (9) Planning Commission Board Members have conflict of interest due to livestock connections, and also that Thiemann stated he felt that corporate ownership is driving land prices up, and to protect the county from large corporations. Jarecke question whether or not an appropriate due diligence stop to determine whether or not there was an actual conflict of interest of the Planning and Zoning Board and whether or not any of these rules were appropriately adopted and a due diligence stop to determine whether or not there was any conflict with the Zoning Board since you are the appropriate board make changes to the planning and zoning rules and regulations. Jarecke continued that he also wanted to state that there is an issue with whether or not these zoning rules and regulations were adopted for discriminatory purposes. The board replied that this was just testimony with opinions stated; to reassure Mr. Jarecke that these are the minutes from the meeting in which these new regulations were implemented. The whole process of this regulation revision had gone through appropriate procedures and were voted on and adopted per state regulations. Mr. Jarecke stated that he wanted this issue to be addressed in case it would come up later on. Mr. Thiemann asked Mr. Jarecke if he was suggesting that he needs to do due diligence to bring his opinion to testimony? No comment from the attending public was made. Chair Groeteke said that this is where we locate the facts. Chairman Groeteke called for any other questions for or from the board. None was given. Jensen moved to close the public hearing, second by Frey. Vote: 6 Ayes, 0 Nays, 0 Abstain, 2 Absent.

Chairman called for a motion for finding of facts to approve or disapprove the application. Jensen moved to recommend approval as submitted. Second by Maricle. Vote: Ayes 5; Nays 0, Abstain 1, Absent 2.

The Finding of Facts for support: 1. The one-half mile setback from residence is met; 2. The lack of overlapping circles is met; 3. It is committed by the NDEQ to put on only Agronomic rates of nutrients. 4. Animal husbandry is a permitted use



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

of Agricultural 1 district and permitted with conditions. Those conditions can be added or subtracted: mostly added. Groeteke stated that if there are certain conditions that the residents want added, now is the time to add them. Mrs. Atkinson asked a question, that in the proposal the manure can be knifed in from the hog confinement, can they also double with cattle? Groeteke responded that they will not be able to double; that NDEQ will not allow this because it can only be done to agronomic rates which basically what the crop can use during the growing season. Groeteke asked for any other finding of facts to be submitted, hearing none, Groeteke instructed Ziemba to present these finding of facts to the County Commissioners along with the minutes.

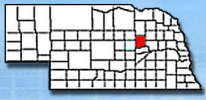
5. Aubrey Pals Economic Development Coordinator-discuss Livestock Friendly for Boone County. Aubrey introduced herself with a brief background history and becoming the Economic Development Coordinator for Boone County. She stated that her board wishes to have Boone County become Livestock Friendly because of the awareness and appreciation of the positive economic income that the livestock, agricultural industry has in Boone County and it shows our livestock producers that we have a long-time commitment to help keep them in Boone County. Promotion for livestock in our county by having signs posted around the edge of the county with the title of being livestock friendly county. There were questions from the board whether any of the regulations would be changed, Pals replied that the Nebraska Department of Agriculture will send a representative out to review our policies and regulations to determine if we are indeed livestock friendly, then go from there. Some of the board members voiced that they would like to have the Dept. of Ag review our regulations to see how we do compare to other counties in the state regarding our agricultural areas of the current regulations. Pals stated that the NE Dept. of Ag will not be able to change our regulations, that is done only by Boone County Planning and Zoning Board and the Commissioners. Jensen stated that this is the very point of being negative against this livestock friendly because having someone else come in and look at our rules and regulations. Jensen continued that he has always maintained, from day one, that if it wasn't for people outside of Boone County, and money outside of Boone County, we would not have zoning. Jensen stated that we are able to regulate our own needs within the county for all of the citizens. Jensen questioned whose agenda this review of regulations is on; who is going to look at our zoning regulations. Pals responded that the State Dept. of Agriculture would do this. Jensen said that he feels there is a hidened agenda somewhere in the State, that they would love to have State zoning regulations and that he does not want anything to do with them. Maricle asked that Pals return with more information and will have further review and discussion after the revision of the new regulations have gone through the process, with the final update approval and written.

7-Open Discussion – Discussion continued on livestock in Boone County. Baum talked about the heavy metals that are distributed in the United States through fertilizer. Baum stated that he is not saying commercial or organic fertilizer is in question, but if that is the way the government way of getting rid of heavy metals through the fertilizers, this is more dangerous than anything. Baum went on stating that if farmers put fertilizer down at a rate of 200 lbs per acre, what about those folks in the city fertilizing their lawns with 50 lbs. on a 1000 square feet, 5 times a year on their lawn. Some board members responded that is the worst contamination plus the golf courses are more heavily fertilized than what farmers plant. Jensen asked Ziemba about the setback for trees not being on this month's agenda. Ziemba responded that this will be put on in the upcoming meeting as a public hearing with a resolution for approval or denial and include the final update with David Potter concerning the updated regulations that the board has been waiting for. The proposed schedule for this meeting will be in July as this was the recent time frame that would work for Mr. Potter to attend the meeting.

9 - CORRESPONDENCE/ZONING ADMINISTRATORS REPORT

A written copy of the report was given to the Commission. Chairman Groeteke asked for any questions on the written report. None was given.

7- SCHEDULE NEXT MEETING



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

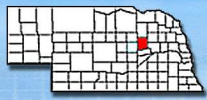
Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, JULY 28, 2014 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

8 – ADJOURN

A motion to adjourn made by Jensen at 9:15 p.m., second by Frey. Vote: 6 Ayes, 0 Nays, 2 Absent, 0 Abstain.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

AUGUST 25, 2014

1 – CALL TO ORDER

The August monthly meeting of the Boone County Planning and Zoning Commission called to order by Chairman Paul Groeteke in the Boone County Courtroom located in the Boone County Courthouse at Albion Nebraska, Monday, August 25, 2014 at 7:07 p.m. Groeteke noted that a copy the Open Meetings Act posted and copies are available for the public. The agenda for this meeting given in advance to all members of the Commission. Notices for this meeting and public hearings were given in advance by publication and mailings. 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: Maricle (came later due to another meeting at same time), Baum.

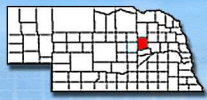
3 – APPROVAL OF MINUTES

Approval of the June 23, 2014 meeting minutes was the next item. Groeteke asked for approval of the minutes. Motion by Jensen, second by Frey. Vote: Ayes: Frey, Jensen, Groeteke, Wagner; Nays: 0; Abstain: Stephens, Towey; Absent: Maricle, Baum.

Item#7 Correspondence/Zoning Administrators Report: Zoning Administrator correspondence and report was discussed due to David Potter and a Murray representative not being at meeting. Ziemba stated being busy with the numerous permits being applied for., including several conditional use permits for the September meeting. Chair Groeteke then asked for open discussion be opened and then closed later in the meeting. Chair asked if any applicants that came forward for the open position on the Planning and Zoning Board and/or the Board of Adjustment. Ziemba stated that she had not received any to date. Two Board members voiced some discussion of needing to fill the position, the name of an interested person considering the upcoming vacancy of Hilary Maricle and an additional person who stated an interest in a position. Jensen mentioned there was some information from the Board of Adjustment. Ziemba told the Board members that the variance for the setback for a building submitted by Frank Jasa was approved as submitted. Groeteke asked if any progress had been made on the electronic publications. Ziemba replied she would have this up and running then when the proposed updates to the regulations are approved, these would be put on the website. Chair asked if the issues of the potential Hog confinement north of Albion have been resolved. Ziemba stated not being informed of any updates at this time; the attorneys were still in discussion regarding the issue.

4-Public hearing to hear testimony in favor of, or opposition to, and answer questions in relation to therefore:

- 4.1 An application for a Conditional Use Permit by Branden and Abbie Murray to divide a Fraction of land 3.00± acres from this parcel located in the SE ¼ of Section 2, T21N, R5W of the 6th P.M., Boone County Nebraska;
- 4.2 The proposed amendment to the Boone County Comprehensive Plan to include the energy element;



Boone County Planning and Zoning Minutes



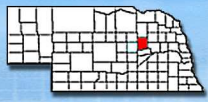
BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

4.3 The proposed update and amendments to the Boone County Zoning Regulations involving previous zoning amendments and new airport regulations;

4.4 The revised and updated Official Zoning Map. Stephens moved to open the public hearing for 4.2, 4.3 and 4.4., Towey seconded the motion. Vote: Ayes: Wagner, Groeteke, Towey, Jensen, Frey, Stephens. Nays: 0. Absent: Maricle, Baum. Abstain: 0

Discussion regarding the energy element began with the arrival of David Potter. Item 4.1 was tabled until the arrival of a representative for the Murray application.

Item 4.2: 4.3: 4.4: Discussion regarding other counties that do not have zoning; what is their plan of action. Potter responded the counties go in with cities within those counties and develop a plan to be followed by both parties. Potter presented copies of the airport overlay, energy element and revised planning and zoning regulations and the zoning map to the Board. Potter explained the energy element component Bill LB-997 had passed giving Nebraska counties until January 1, 2015 to adopt an energy element component. Potter stated he has contacted the City of Albion; they have completed and adopted their energy element component when they updated their comprehensive plan. Potter reminded the Board that Bill LB-997 was a Senator Mellow's priority bill and deals with recesses and the awareness of the energy consumption within the State of Nebraska. This Bill asks all counties and municipalities to look at the energy consumption within their appropriate jurisdiction and tells them what they can or cannot do to alleviate that some. The proposed energy component identifies the different sources of energy used, contacted a number of different companies, provide the information and goals that the State of Nebraska is trying to strive for and then ultimately develop some generalized goals at the end. The component is generalized to make it applicable to needed areas and situations. When you develop something into the comprehensive plan, it becomes a matter of policy. Wagner stated it seems more like a building code issue rather than a planning issue, that it is just a mandate from the State and something that we cannot do anything about. Wagner went on to say all codes are from the State, such as the electric code, the building code and Boone County does not have a building inspector, so some the items in the energy code will not be enforced. Potter commented it is not necessarily an enforcement, it is not a regulation, and it is more of an analysis and a snapshot of what is going on within the county. Potter reiterated that it is part of the comprehensive plan which separate from the zoning regulations, This energy component gives a look at what is being done throughout the county and State and provides information to the public where they may look at some alternatives to conserving energy. Towey questioned if the county or community does not adopt an energy code of the energy office, which will enforce theirs and what is the difference. Potter responded the State of Nebraska enforces the codes, and Boone County being without a building inspector and building codes, this would fall within the State electrical inspector, building codes would be followed by the contractors. Frey stated, making sure, that we are not adopting energy codes that we are adopting generalized goals and objectives. Stephens stated there is an energy code that would be adopted if approved. Different members replied the State of Nebraska Energy Office would enforce the codes. Wagner and Stephens voiced this is what a State Senator thinks we need and the code applies to all new buildings which include renovations and additions to any existing buildings. Towey questioned what are they about and how are they found about. Potter replied that State agencies would provide them. Frey stated by passing an energy element and adopting, then, saying that we will abide by the Energy Office codes? Potter replied that this is what we will end up having to do anyway. Chair Groeteke asked if there is a penalty process if we do not approve this. Potter replied if it is mandated by State Statute to be part of the comprehensive plan, and the zoning regulations must conform to the comprehensive plan, therefore the comprehensive plan could be deemed invalid and therefore making the zoning regulations invalid. Hearing no more discussion, Potter began presenting the airport regulations. The



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

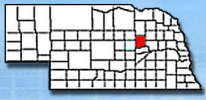
overlay district will be included with the zoning regulations. Potter explained the airport regulations we have are in our zoning regulations, as part of the supplemental regulations. These regulations were deleted and Potter incorporated the overlay district as part of the new regulation. The overlay district corresponds to the zoning map with the identified three (3) mile range and the ten (10) mile extension of runway. Potter continued: the LB140 states the public airport expands from three (3) miles to ten (10) miles. It is measured from the most outside point of the runway ten (10) miles out to exceed or to elevate up to a 900 (nine hundred) foot elevation. The graphic within the airport overlay helps identify that area. If you are in a flat area or up on a hill, it will probably not affect anything. But if you are an airport that is located in a bowl or a basin, surrounded by hills, it could affect something located on top of a hill: example: cell towers, wind towers. Discussion continued with any current structure is grandfathered in; any modification or new structure, whether being torn down and rebuild will follow these new guidelines. If a variance would be applied for, the Nebraska Department of Aeronautics would need to be involved. Even with these regulations being in place, Potter recommends any zoning permit application that falls within this identified area needs to be forwarded on to the Nebraska Department of Aeronautics for their review. Anything within a 150 (one hundred-fifty) feet of the 3 (three) mile area needs to be reviews by the NE Dept. of Aeronautics to be reviewed.

Chair Groeteke called for a recess from Item 4.2, 4.3, 4.4.

Item 4.1: to open public meeting, motion by Jensen, seconded by Frey. Ayes: Stephens, Frey, Towey, Jensen, Wagner, Groeteke; Nays: 0; Absent: Maricle, Baum; Abstain: 0. Chair Groeteke announced the conditional use permit hearing is now open for permit by Branden and Abbie Murray to divide a Fraction of land 3.00± acres from this parcel located in the SE ¼ of Section 2, T21N, R5W of the 6th P.M., Boone County Nebraska. This property owned by Branden and Abbie Murray located on 330th Avenue between 160th and 170th Streets Boone County Nebraska. Chair asked for comments from representative for the Murray permit. Abbie Murray, representing application, stated a house had been moved there over a year ago, had it surveyed off and needed this parcel to for a personal loan on the house itself. Stephens question if another house had been on this building site. Murray stated there was a house in the same area. Wagner asked if there were one or two houses on this acreage. Murray stated one on the three acres; another house next to it is not being used and will be torn down. Groeteke asked about the septic, Murray stated having put in a new septic system. No other questions or comments were given, Chair Groeteke called to close open discussion. Stephens moved to close public hearing, second by Towey. Vote: Ayes: Towey, Stephens, Groeteke, Jensen, Frey, Wagner; Nays 0; Absent: Baum; Abstain: Maricle. Motion to approve as submitted, given by Frey, second by Stephens. Vote: Ayes: Frey, Jensen, Stephens, Groeteke, Towey, Wagner; Nay: 0; Absent: Baum; Abstain: Maricle.

Actual findings and supporting facts: The applicant owns the quarter of the ground; the reason for dividing acreage is for financial request; meets the minimum three (3) acre requirement.

Potter then continued with the airport-zoning overlay. The proposed regulations do meet the requirements of the LB140 and provides more direction as to where anything falls within the particular area designated on the map. Potter stated the overlay district is treated similar to Flood Plain regulations. Comments from the Board were given: Wagner stated it affected the north part of the County regarding the wind development that rights were being taken away, ten miles out. Stephens added: looking at the cross-section; it gives the lay of the land, the elevation of the runway; then continued: Ten miles out, we cannot be over, basically, 890 foot. Potter answered – right. Stephens continued with asking that where the Albion airport sits in a little bowl and then go up to the Petersburg, Primrose and Cedar area, then the elevation itself is over the regulation height; so if a grain bin or other tall structure is to be built, what would happen. Potter responded that it even affects trees if this was the case. Potter stated that some communities cannot even put up flags on business because of the regulations. This regulation was not thought out properly due to the numerous questions being asked. Potter said being a State



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

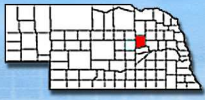
Law, we are forced to do this; in a few years' time, it all may change where some of the issues are worked out and corrected; the reason for this bill was for the protection of certain aircraft and certain airports and for the protection of airports that have plans of expanding because of certain towers, wind generators, etc., have limited the plans for extension and expansion of those airports. Potter continued to explain that every current structure has been grandfathered in at this time. Potter explained that dealing with the issue of elevation, it is not based on the elevation of the topography, it is based on the elevation at the edge of the runway, that this is the big problem. The proposed rules and regulations will be a guideline to help direct the property owners, developers and farmers on what needs to be done. Stephens questioned the growing of trees in roadways and volunteer ones in pastures; the raising of crops is not in this proposal. Potter replied there are some allowance and some regulatory issues with volunteer trees, that the regulations do mention trees specifically. Stephens stated that listing the growing of crops would be acceptable. Groeteke stated that in certain proximity of an airport, it could not be a tall crop. Potter agreed this was the case. Stephens stated this should be in the regulations. Groeteke stated there would be quite a serious penalty; it would revoke all of the funding for the airport. Potter agreed, stating not only violating zoning regulations, but also violations through the Dept. of Aeronautics. Wagner pointed out a part of the proposed regulation there is a restriction no tree and then it says nor shall any tree or other object of natural growth be allowed to grow. Stephens questioned who sponsored this bill. Potter replied that it originated from Blair because of the problems at that particular airport. The Board discussed the excessiveness of this legislation; restricting growth of wind towers and other expansions. Potter replied there maybe legislation in coming years addressing these issues, however, if it is being said that this legislation does not fit our needs and do not adopt it before the deadline of January 1, 2015, someone will come back and say that you need this as a part of your zoning regulations, so therefore, you do not need a planning commission if you are not enforcing your regulations.

Potter said the third item on the agenda is the total look at the updated zoning regulations and zoning map. Potter stated that there have many changes over the course of the past four to five years, some have been caught which were approved by resolution; some were recommended by the Planning Commission and did not go further; some were not recorded at all; some were mistakes that were caught through the process. Potter continued to explain instead of going through the regulations one-by-one, adoption of the entire set would get us up to speed. Potter did not change anything that was not changed; with the exception of a discussion, we had with the location of trees from the centerline of the road. All other items were either discussed previously or discussed recently. Potter then went through all of the changes with the Board and the Board made comments and concerns. Much discussion followed. The Board requested all of the correct wording sent back to us, so it is correct when a motion is made. Potter requested that Barb Hanson, since she held the Zoning Administrator position during the time when most of these changes were being considered, to review all of the updates and the Matrix so nothing was missed. The Board chose to table the voting on the above agenda items until the next meeting.

Agenda Items 4.2; 4.3; 4.4 public hearing, of said agenda, will remain open until the next Planning and Zoning Board Meeting as motioned by Jensen, Second by Maricle. Vote: Ayes: Wagner, Frey, Stephens, Maricle, Towey, Jensen, Groeteke; Nays 0; Absent: Baum; Abstain: 0.

6-Open Discussion Hilary Maricle discussed a meeting, regarding Livestock Friendly counties and what is involved, to be held on Wednesday, September 4, 2014 at the Albion Legion Club building. Board Members held discussion, which contained pros and cons for being a Livestock Friendly county.

8- SCHEDULE NEXT MEETING



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

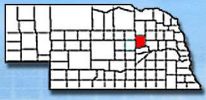
Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, September 22, 2014 at 7:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by Stephens at 9:00 p.m., second by Frey. Vote: Ayes: Maricle, Stephens, Frey, Towey, Jensen, Wagner, Groeteke; Nays: 0; Absent: Baum; Abstain: 0.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: SEPTEMBER 22, 2014

1 – CALL TO ORDER

Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska called the September monthly meeting of the Boone County Planning and Zoning Commission to order, Monday, September 22, 2014 at 7:06 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 by publication and 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, Baum, Wagner, Maricle, Jensen. Absent: Frey, Towey, Stephens.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES:

Approval/Disapproval of the August 25, 2014 meeting minutes. Groeteke asked for a motion to approve as mailed out with corrections. Motion by Jensen to approve as submitted, second by Maricle. Vote: Ayes; Jensen, Maricle, Groeteke, Wagner. Nays; 0. Abstain; Baum. Absent; Frey, Towey.

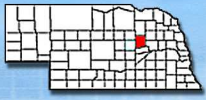
4 - CONTINUATION OF THE Public hearing to hear testimony in favor of, or opposition to, and answer questions in relation to therefore:

- 4.1 The proposed amendment to the Boone County Comprehensive Plan to include the energy element;
- 4.2 The proposed update and amendments to the Boone County Zoning Regulations involving previous zoning amendments and new airport regulations;
- 4.3 The revised and updated Official Zoning Map.

Mark Jensen called for change in the Agenda. Groeteke asked for a motion to suspend Agenda Item #4, then go on to the public hearings on the agenda. Jensen motioned for suspending Item #4, second by Baum. Vote: Ayes; Maricle, Jensen, Wagner, Groeteke, Baum. Nays; 0. Absent; Frey, Towey, Stephens. Abstain: 0.

5 - Public hearing to hear testimony in favor of, or opposition to and to answer questions in relation thereto: A Conditional Use Permit submitted by Daniel Olson to divide 3.00± acres from a Fraction of the NW ¼ of Section 25, Township 20N Range 6W of the 6th P.M., in Boone County Nebraska. This property is owned by Daniel Olson and Christopher Olson and located near 270th Avenue between 260th and 270th streets, Boone County Nebraska. Groeteke called for a motion to open this public hearing. Motion by Wagner, Second by Maricle. Vote: Ayes; Jensen, Maricle, Groeteke, Wagner, Baum. Nays; 0. Absent; Frey, Towey, Stephens. Abstain: 0.

Groeteke asked for any issues pertaining to this permit. Jean Olson stated the parcel is to be split off due to financial issues and to make it legal for the house and surrounding living area. Chair asked for any more comments or questions from the public, or by the Board. Hearing no other questions or comments, chair asked for a motion to close the public hearing. Jensen moved to close the hearing, second by Baum. Vote: Ayes; Groeteke, Jensen, Maricle, Baum, Wagner. Nays; 0. Absent; Towey, Stephens, Frey. Abstain; 0.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

Groeteke asked for a motion as submitted or with conditions. Jensen motioned to approve as submitted, second by Wagner. Vote: Ayes; Groeteke, Maricle, Jensen, Wagner, Baum. Nays; 0. Absent; Towey, Stephens, Frey. Abstain; 0. Motion carried. Finding of facts; all zoning regulations are followed.

6 - Public hearing to hear testimony in favor of, or opposition to and to answer questions in relation thereto: A Conditional Use Permit submitted by Stephen J. and Gloria J. Lordemann to divide 5.62±

acres from a Fraction of the NE ¼ of Section 6, Township 22N, Range 6W of the 6th P.M., in Boone County Nebraska. This property owned by Stephen J. and Gloria J. Lordemann is located on 230th Avenue, between 100th and 110th streets in Boone County Nebraska. Chair asked for a motion to open the public hearing. Motion by Baum, second by Wagner. Vote: Ayes; Maricle, Groeteke, Wagner, Baum, Jensen. Nays; 0. Absent; Stephens, Towey, Frey. Abstain; 0.

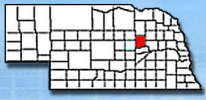
Chair asked for comments or questions from the public, the applicant and from the Board. Jensen asked if a house is going near the existing house. Lordemann replied yes, his daughter is moving back to area. Wagner asked if Lordemann owned the rest of the quarter, reply was yes. The new house will be inside of the current building site. No further questions or comments, Baum motioned to close the public hearing, Wagner second. Vote: Ayes; Jensen, Groeteke, Wagner, Baum, Maricle. Nays; 0. Absent; Frey, Stephens, Towey. Abstain; 0. Chair asked for a motion to approve as submitted or with conditions. Maricle moved to approve as submitted, second by Jensen. Vote: Ayes; Groeteke, Jensen, Maricle, Wagner, Baum. Nays; 0. Absent; Stephens, Towey, Frey. Motion carried as submitted. Finding of facts; all zoning regulations are followed

7. - Public hearing to hear testimony in favor of, or opposition to and to answer questions in relation thereto: A Conditional Use Permit submitted by Diane M. Reikofski, Personal Representative, for the Alvin L. Luettel Estate to divide 5± acres from a Fraction of the SE 1/4 of Section 23, Township 22N, Range 7W of the 6th P.M., Boone County Nebraska. This property owned by the Alvin L. Luettel Estate is located on 210th Avenue between 130th and 140th Streets in Boone County Nebraska. Chair asked for a

motion to open the public hearing. Motion by Wagner, Second by Maricle. Vote: Ayes; Wagner, Maricle, Jensen, Groeteke, Baum. Nays; 0. Absent; Towey, Stephens, Frey. Chair asked for comments or questions from the public and the Board to the applicant. Diane Reikofski stated the Estate wishes to sell this parcel of land that it needs to be separate from the farmland property. Discussion took place: parcel of land is out of the Petersburg city limits, the continuation for livestock to be on this parcel per Petersburg zoning regulations regarding it being in the transitional agricultural zone. Chair asked for motion to vote. Baum motioned to approve as submitted with noting the fact of Section 6; 6.1 permits the livestock uses; second by Maricle to approve as submitted. Vote: Ayes; Maricle, Groeteke, Wagner, Baum, Stephens (Stephens joined the meeting after the motion for the public hearing took place), Jensen. Nays: 0. Absent; Frey, Towey. Abstain; 0. Motion carried. Finding of facts, all zoning regulations are followed.

8. - Public hearing to hear testimony in favor of, or opposition to and to answer questions in relation thereto: A Conditional Use Permit submitted by John and Laurene Veik to divide 3± acres from a Fraction of the NW ¼ in Section 29, Township 22N, Range 6 W of the 6th P.M., Boone County Nebraska.

This property owned by John and Laurene Veik is located on 230th Avenue and 140th Street Boone County Nebraska. Chair asked for a motion to open the public hearing. Baum motioned, second by Stephens. Vote: Ayes; Wagner, Maricle, Baum, Jensen, Groeteke, Stephens. Nays; 0. Absent; Towey, Frey. Abstain; 0. Chair asked for comments or questions from the public and the Board. It was noted John and Laurene Veik were not present. Discussion regarding the location of the site stated in the application. It has an old building site on it and it is in the same location stated in the permit. Discussion was held regarding the road. The



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

driveway/road situation will be discussed with the Boone County Highway Superintendent to determine the outcome. The Board requested that the applicants for any application for a conditional use permit be at the public hearing to answer questions and comment on any concerns. Being no further discussion, Chairman asked for a motion to close the public hearing. Motion by Stephens, Second by Baum. Vote: Ayes; Baum, Maricle, Stephens, Jensen, Wagner, Groeteke. Nays; 0. Absent; Towey, Frey. Abstain; 0. Chair asked for a motion for a vote. Jensen motioned to approve as submitted with the following factual findings that the Kuhlman's have livestock, the County may have to build a road from the information, the Veiks do own a quarter of land which meets the stipulations; Second by Baum. Vote: Ayes; Wagner, Maricle, Groeteke, Baum, Jensen, Stephens. Nay; 0. Absent; Frey, Towey. Abstain; 0.

Chairman Groeteke asked for a motion to reinstate Agenda Item #4. Jensen moved to reinstate Item #4, Stephens second the motion. Vote: Ayes; Jensen, Maricle, Stephens, Groeteke, Wagner, Baum. Nays; 0. Absent; Towey, Frey. Abstain; 0.

4 - CONTINUATION OF THE Public hearing to hear testimony in favor of, or opposition to, and answer questions in relation to therefore:

4.1 The proposed amendment to the Boone County Comprehensive Plan to include the energy element;

4.2 The proposed update and amendments to the Boone County Zoning Regulations involving previous zoning amendments and new airport regulations;

4.3 The revised and updated Official Zoning Map.

Chairman ask for a motion to reconvene Agenda Item #4. Stephens motioned to reconvene, Second by Maricle. Vote: Ayes; Groeteke, Baum, Wagner, Maricle, Stephens, Jensen. Nays; 0. Absent; Frey, Towey. Abstain; 0. Chairman Groeteke requested to leave the meeting for a short time, asking Board Member Stephens to take over Agenda Item #4. Stephens asked for continuation of comments, questions and concerns. Discussion: The main concern is the energy element code; most of agriculture is exempt unless there is a complaint, then the State is brought into the issue. The airport issue was something the Legislature passed and probably needs to be considered to be in our zoning regulations; The airport issue needs to be watched and if brought back to Legislature, we then can amend the regulations accordingly. Groeteke stated that a significant amount of money has been contributed for and by the airport. Stephens asked for a motion to close the public hearing. Motion by Jensen, Second by Maricle. Vote: Ayes; Baum, Maricle, Jensen, Stephens, Wagner. Nays; 0. Absent: Groeteke, Frey, Towey. Abstain; 0.

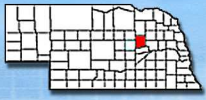
Stephens asked for any further discussion on items 4.1, 4.2, 4.3. Members of the Board gave discussion explaining the energy element and the new airport regulations to the attending public.

Stephens asked for separate motions on the three items in Agenda Item #4 and each item to be voted on separately.

Stephens asked for a motion for a vote on Agenda Item #4; 4.1. Jensen motioned to approve #4.1, Second by Baum. Vote: Ayes; Stephens, Baum. Nays; Groeteke, Wagner, Jensen, Maricle. Absent; Towey, Frey. Abstain; 0. Item #4.1 was not approved.

Stephens asked for a motion to approve or disapprove to pass onto the County Commissioners. Vote on Agenda Item #4; 4.2. Groeteke made a motion to approve #4; 4.2; Second by Jensen. Vote: Ayes; Jensen, Maricle, Stephens, Groeteke, Wagner, Baum. Nays; 0. Absent; Frey, Towey. Abstain; 0. Motion approved.

Stephens asked for a motion for vote on Agenda Item #4; 4.3. Jensen motioned to approve the revised, updated Official Zoning Map, Second by Wagner. Vote: Ayes; Stephens, Groeteke, Jensen, Maricle, Baum, Wagner. Nays; 0. Absent; Frey, Towey. Abstain; 0. Motion approved.



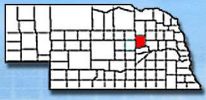
Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

9 - Public hearing to hear testimony in favor of, or opposition to and to answer questions in relation thereto: A Conditional Use Permit submitted by MSJM PROPERTIES LLC to construct a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Units) located in a Fraction of the SE corner of the NE ¼ in Section 5, Township 20N, Range 6W of the 6th P.M., Boone County Nebraska. This property owned by Niewohner Bros., Inc. located on 240th Avenue between 220th and 230th Streets Boone County Nebraska.

Stephens asked for a motion to open the public hearing. Jensen motioned to open the public hearing, Maricle second. Vote: Ayes; Jensen, Maricle, Stephens, Baum, Wagner, Groeteke. Nays; 0. Absent: Towey, Frey. Abstain; 0. Groeteke stated he had visited with the Boone county attorney on his interpretation of why this permit was stopped at the previous level. Groeteke said that the opinion of Attorney John Morgan, it is Marcia Seiers' possession of that easement. Groeteke said he asked Morgan if she is in possession of it, at her death does it cease to exist, because did it go with the land or did it not go with the land. Groeteke said Morgan's response was that Marcia is in possession of it. Groeteke asked the Board if they had seen the Ptak letter, all agreed they had. Groeteke went on saying how he read what Ptak was saying, was that he is in agreement, but Groeteke stated he does not think that Mr. Morgan properly presented the facts of who has possession of the land. Groeteke said, if you read in his papers, and how some of the attorneys responded back to it, Groeteke questioned whether that is right. Groeteke went on, that Morgan got support from the returned emails, and Groeteke felt this interpretation looks different than what Morgan's is. Groeteke read the way he responded to the facts is "a covenant to run with the land which would make it binding on the future owners of the property". Groeteke stated that he did not understand how this works, he went on; "to me it looks like, unless Ptak thinks that she can be in possession it and control the other (future) people's things". Groeteke questions whether he got the right presentation. Wagner stated based on what he has run across in Columbus, when she is gone, there is no other option to get a waiver of it that it will run with the land forever and this would be Wagner's non-legal opinion when he read the email. Wagner continued; "during her lifetime, she could waive it, once she is deceased, I don't think the option exists anymore for a new owner to get a waiver, unless you can do it in District Court". Groeteke asked--Then if she does not exercise the waiver, it would pretty much be over with then. Jensen responded, "That is not what he is saying, he's saying it'll go with the land. Groeteke argued that if she didn't exercise it, it would pretty well be over with then, correct? Wagner and Jensen both returned, no that it goes with the land, which it will go on forever. Groeteke stated again "if she exercises it, if she chooses not to exercise it, it would be over. Wagner disagreed again stating, "No, if she exercises her power to make it go away, then it would be gone". Stephens stated that is has already been filed and runs with the land. Wagner stated it is with the land now and stays with the land. Stephens said it stays with the land until she waives it, and if she passes on, Wagner and Stephens both said that it would have to have some type of a court action. Ted Thiemann reiterated that it goes with the land. Stephens went on to state that we could talk about it all that we want here, but it is not up to us. Jensen stated that it would be District Court to decide. Groeteke then said that Morgan led him to believe that it would be Seier's responsibility to exercise it, not the County's or this Board. Consensus is that we (the Board) do not have control over this. Thiemann asked about all of the other deeds that have similar conditions attached to them and a neighbor has agreed not to complain if somebody builds a feedlot, that the Commission puts the conditions on. Board agreed. Stephens responded that again would go to District Court if somebody wants to change the deed or permit. Stephens said that we recommended it; it is attached to some of those deeds when they were signed off on, and if someone wants to change it, it is out of our hands. Wagner and Maricle stated that it would go to District Court to challenge it. Thiemann said that the Board taking action of approval, that it applies that very thing. The approval for this application was with the condition to clear this up first, before the Board would recommend it is valid and the Board has a right to do

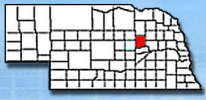


Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

that. Wagner stated that he does not know if the Board has the power to say it needs to be cleared up; that Wagner questions the applicant has thought process as to why they would put something before us that was not cleared up before the application is submitted. Wagner said his question is whether it is a legal if not cleared up, or if whether we have the authority to enforce or do anything about it, and why would it be re-submitted until it was cleared up. Groeteke stated that one of the reasons is so they have something to clear up, because now they do not have anything. Wagner stated if it were he, he would have gone to Marcia Seier and got it cleared up before ever submitting the application. Groeteke continued, it was approve once, but now since it was not approved the second time, they have to start over. Jensen stated that they meet all of the stipulations in the regulations; we have been trying to promote Class I livestock facilities verses Class II and III. Groeteke stated it is the same set of facts as we approved for the first application, it is that they don't have a permit or application to go to the next level to take care of it either in court or wherever it needs to be taken care of. Groeteke said it is not our responsibility, Jensen agreed. Baum questioned if there are other cases that set precedence on this. Jarecki stated that there are other cases and he will go through the explanation of them. Jeff Jarecki submitted a Memorandum to the Board for review of the issue pertaining to the document labeled Agreement signed on May 25, 1999 by Marcia Seier and Jerry Niewohner. Discussion by Jarecki and Jerry Niewohner regarding the right to a fair hearing, reasoning and approval of this application as submitted. Jarecki explained how they got to where they are today, to explain the whole picture of how they got to this point. Jarecki stated it is their position the permit should not be denied and it should not have any sort of condition placed upon any sort of passage from planning and zoning commission, or any sort of condition or denial of the permit from the county commissioners. This is Jarecki explanation: What happened in this situation, was, the Niewohners, if you can picture, a section with four (4) boxes, the Niewohners own all of that except for in the southeast quarter, there is approximately 30 acres. There is a total of 17.78 acres there that was sold from Marcia Seier to Niewohner Brothers, Inc. and that was on April 13, 1999. Marcia retained the 12.22 acres and sold the 17.78 acres in the southeast corner to Niewohner Bros. Then an Agreement was filed on May 27, 1999, there are several issues with this document. One thing that it does say is that it prevents a livestock facility from being placed on the property. Now it says the restriction runs with the land. Jarecki continued: There are two different avenues that you can go down, in Jarecki's opinion, in relation to this document. One can be that this restriction runs with the land that was sold to the Niewohners, the 17.78 acres, and in Jarecki's opinion if that document creates anything, it creates some sort of covenant or restriction on the land, if it creates anything at all. Jarecki stated: not saying that it does, but if it creates anything, it creates some sort of restriction on the property. Jarecki reiterated that you could say that the restriction runs with the land the Niewohners purchased and then Niewohners would just have to sign a release to release that covenant. Niewohner continued; that the other avenue you could go down is that the covenant ran with those 12.22 acres that Marcia Seier owns, and that is a restriction that has been placed on the remaining portion of the section. After that document was filed, with the agreement, Marcia then transferred her 12.22 acres into a Trust of her own. That deed defines real estate as it is defined in Neb.RevStat. § 76-201. Under this term real estate is construed as coextensive in meaning with lands, tenements, and hereditaments, and as embracing all chattels real, except leases for a term not exceeding one year. Jarecki stated; what is important, is that it is basically saying that all transferred, any sort of restrictions or encumbrances against the property. So when she transferred that into her trust, she transferred everything that she owned for that real estate. After she transferred it into her trust, she transferred it out to Joan Majerus when she sold it. Jarecki continued; now in that deed, it states all hereditaments and appurtenances travel with that property, an appurtenance, by definition, is something that belongs or is attached to something else. So if that covenant is in place it transferred to Joan Majerus. Next Joan Majerus transfers it to Gregory and Renee Christo on March 1, 2013.,this again in compliance with the Neb. Rev. Stat. § 76-201. And with that, the Christo signed a release of the covenant. Jarecki continued; in either path you go down, in our opinion, the private covenant



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

has been released or will be released. Jarecki continued; the big issue is that it is a private covenant, it's not anything the County has jurisdiction over is the main thing. If someone has an issue with it, it should be handled privately in a court of law. So, if the County places too restrictive of regulation or denies this permit, our case says that arbitrarily or unreasonably denies a permit. The County does not have jurisdiction over trying to enforce a private covenant, so Jarecki thinks if you place a condition on this permit, or deny it, you arbitrarily or unreasonably denying their permit, that is essentially taking of someone's property and there is a lawsuit against the County, Jarecki stated that he believes Niewohner Bros. have a solid case for a lawsuit against this County for taking Niewohner's property because they are not allowing the Niewohners to use their property for a purpose in which they desire and in which they have the right to use it for. Jarecki is asking for the permit to be approved by the Board without any restrictions. Stephens asked for any other comments from the public. Ted Thiemann addressed the Chairman stating that he felt it would be appropriate to ask the Attorney what the word mean when it says according to this purchase, it agrees that Niewohner Bros. Inc. will not use any interest it owns in Section 5 for hog confinement operations or as a commercial feedlot operation without the written consent of Marcia A. Seier. Thiemann stated that this is about Section 5 as a whole, so Thiemann feels this would be an appropriate question for the applicant. Stephens asked Jarecki if he would like to address this statement. Jarecki stated he did not necessarily understand the question, he continued to state that it is a covenant. Jarecki stated that covenant has been released or will be released, and again Jarecki said that it is a private matter and if anyone believes they have any sort of lawsuit against anyone, it needs to be handled in a court of law; the County is not here to enforce any type of private agreement or private covenant. Jarecki continued to say, this is on two separate tracks; private and county. Stated again this is a private issue, not a county issue. Jarecki continued with stating the Niewohners are in complying with all zoning regulations and it would be an unreasonable denial of their permit if it was denied or any sort of condition placed on it. Jerry Niewohner addressed the Board stating the Niewohner Bros realize there is a covenant on it, they realized it moved with the landowners that now own the land, Niewohner Bros have worked out an agreement with them satisfactory to both parties. Niewohner stated he did not know what more they could do that they are abiding by the covenant anyway. Thiemann responded "that's a third track, thinking that a subsequent owner of a piece of Section 5 could release the covenant with Marcia Seier of all Section 5 is really a stretch and since Jerry nor I, that neither one of us are lawyers, I guess that's a fair thing to say, it surely is not as simple as that. The County Board has the right to put any type of conditions on any permit. Thiemann continued that it is not true, if they meet all of the specifications in the regulations then all they have to do is recommend approval, that is simply not true. If the citizens of Boone County decided if it is not in the interest of the health, safety and welfare, they can say they don't want it. It is possible that conditions can be put on, such as clear up this covenant before recommending approval. Jarecki replied that this is a private matter, and if the Board does not approve it or put a condition on it, it is an unreasonable denial, the Niewohners have a case against Boone County for taking of their property, they can seek damages, even though it is only a partial taking of their property. Wagner stated he hears a lot of threats, but he does not hear many answers to what he reads on this paper. Wagner continued he had already voted to approve the application but Wagner does not understand why they did not get this clear up before you come back and start threaten us, so perhaps now, we deny it. Wagner said you come back with this not cleared up and threaten the County with a lawsuit and then you will deal with this later, this reasoning is not understood. Jarecki stated that this does not have to be cleared up with the compliance for zoning, or dictating any sort of conditional use permit from the county. Jarecki went on saying because it is not a county matter. Jarecki said if later on someone wants to bring something up, they can do that. If they do not file something and move forward with it, that is not an issue we have to deal with, that is why we are coming to you, that may not be the issue we have to deal with later one and we can save money and attorney fees through that process by going about it this way because it is not a county issue. Wagner stated that it is an issue that goes with the land.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

Jarecki stated in our opinion it has been released, that it ran with the land. Jensen said it looked to him that the seventeen (17) acres and the rest of the section were bought at the same time. Jarecki replied they were not, the rest of the section was owned by Niewohner Bros., and the seventeen (17) acres were purchased by Marcia Seier. Niewohner stated the land was bought from Bernard (Marcia's Father-in-Law) first, then Marcia sold the rest of the seventeen (17) acres, that it was sold at a different time, that Jerry (Marcia's Husband) and Marcia owned that 30 acre tract, they started to transfer it to Jerry and that is how far it got. Niewohner stated he feels this situation has already been resolved between them and Marcia Seier. Stephens asked if this has been brought up with a title company where it has changed so many hands. Response was no. Niewohner explained Marcia never had control of the land where the proposed site is, that when she was living in that house, she did not want livestock around her, she moved away, and this whole issue has been resolved because it stayed with the land and goes with the next owner. Thiemann stated that Jerry Niewohner gave Marcia Seier jurisdiction over any feedlots, that it specifically says Section 5. Jarecki responded by saying that document may not even be enforceable, that there are several issues with the document. Again, Jarecki stated this is a private matter, not a County's issue, that if someone wants to privately take action against this issue with the Niewohners, it should be done in that manner. Wagner asked what the County Attorney's opinion was on this. Groeteke stated the County Attorney reply was the same, this is not the County's responsibility. Stephens asked for any other discussion. Not hearing none, Stephens called for a motion to close the public hearing. Jensen motioned to close the public hearing, Second by Groeteke. Vote: Ayes; Wagner, Stephens, Maricle, Jensen, Baum, Groeteke. Nays; 0. Absent; Frey, Towey. Abstain; 0. Stephens asked for any discussion among the Board. Jensen moved to approve the application as submitted. Second by Groeteke. Vote: Ayes; Maricle, Groeteke, Wagner, Baum, Stephens, Jensen. Nays; 0. Absent; Frey, Towey. Abstain; 0. Motion approved.

10-Open Discussion Wagner stated he would like any hearing tabled to the next month if the applicant is absent from their scheduled hearing. Baum asked if it would be possible to have the county attorney attend meetings such as the one held this evening. A consensus that the Board does not have legal authority to decide on these types of situations, the county attorney needs to attend meetings.

8- SCHEDULE NEXT MEETING

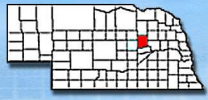
Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, October 27, 2014 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn at 9:15 p.m. made by Jensen, Second by Maricle. Vote: Ayes; Maricle, Stephens, Jensen, Wagner, Groeteke, Baum. Nays: 0; Absent; Towey, Frey. Abstain; 0.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: October 27, 2014

1 – CALL TO ORDER

Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska called the monthly meeting of the Boone County Planning and Zoning Commission to order, Monday, October 27, 2014 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-Jensen; Maricle; Mogensen; Groeteke; Towey; Wagner. Absent: Frey; Stephens; Baum.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Chair Groeteke called for the approval and/or disapproval of the September 22, 2014 meeting minutes, with or without correction. Jensen noted a correction on item number three (3); Jensen is to be strike from the absent call. Wagner made a motion to approve the minutes with the correction. Second by Jensen. Vote: Yea: Jensen, Wagner, Groeteke, Maricle. Nay: 0; Abstain: Towey, Mogensen. Absent: Frey, Baum, Stephens.

4- Introduction of the new Planning and Zoning Board Member – Morgan Mogensen. Groeteke introduced Mogensen, as the new Board Member, to replace a former member, to the Commission. Mogensen was welcomed and appreciated for becoming a member.

5-Public hearing to hear testimony in favor of, or opposition to, and answer questions in relation to thereto: A Conditional Use Permit submitted by Loran Johnson to divide 3± acres from farmland located in a Fraction of the NW1/4 of Section 28, Township 20N, Range 5W of the 6th P.M., Boone County Nebraska. This land is owned by Loran Johnson located on 260th Street and 300th Avenue in Boone County Nebraska. Groeteke asked for a motion to open the public hearing. Wagner motioned, second by Maricle. Vote: Yea: Jensen, Maricle, Mogensen, Groeteke, Towey, Wagner. Nay: 0. Absent: Stephens, Baum, Frey. Abstain: 0. Loran Johnson and Nicki Stephens were present to represent the permit. Discussion about the location of the property and the Loran Johnson family will live in the new house was held. A question of having enough room for the house on this parcel was a concern, because the site of the proposed house is just within the sixty-three (63) feet setback. There will not be any room for trees on the north or the west sides of this house. This house is located in the northwest corner of the parcel. The Highland Pork confinement is out of the one (1) mile distance, as it is a Class II confined feeding operation. Groeteke asked for further comments or questions from the Board or from the public. Hearing no comments or questions, Groeteke asked for a motion to close the public hearing. Towey motioned, second by Mogensen. Vote: Yea: Towey, Groeteke, Jensen, Maricle, Mogensen, Wagner. Nay: 0. Absent: Stephens, Baum, Frey. Abstain: 0. Groeteke asked for a motion to approve or deny as submitted or with conditions. Jensen motioned to approve as submitted, second by Towey. Vote: Yea: Groeteke, Maricle, Mogensen, Towey, Jensen, Wagner. Nay: 0. Absent: Frey, Stephens, Baum. Abstain: 0. The Conditional Permit approved as submitted and without conditions.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

6-Open Discussion

Groeteke opened the discussion asking for the information from the Commissioner meeting held on October 14, 2014. Wagner stated he was called to represent the Planning and Zoning Board. Wagner stated MSJM Properties had started construction of the hog confinement before the October 14 meeting unknown to this Board. Wagner questioned if there are fines that go with this type of action. Wagner asked how the Commissioners could save face on this, that this is a problem. A court hearing is set for November 4, 2014 where the District Court will decide whether to grant an injunction or not. Wagner continued, the Commissioners stated that this construction will be stopped until the ruling comes through regarding the Seier-Niewohner case.

Ziamba stated she sent out a cease and desist order on October 2, 2014 and was received by MSJM Properties on October 3, 2014, the construction continued until October 14, 2014. Ziamba stated she had no other choice due to the fact that this conditional use permit was not finalized and construction was being done. Ziamba stated she notified MSJM Properties' Lawyer about not beginning any construction before the final hearing of the Commissioners, also there was no support from the Boone County Attorney to enforce a Class III Misdemeanor which includes a daily fine until any construction is discontinued. Groeteke questioned how the cease and desist order was given. Ziamba replied she followed the zoning regulations and sent it by certified mail. Ziamba continued that she had issued a cease and desist on a previous situation, about two years ago, regarding building in a flood zone area. Wagner stated the Commissioners questioned what the Planning Commission discussion was about. Wagner continued this had already been approved once or twice before, that most of the discussion was about the agreement between Seier and Niewohner Brothers. Ziamba stated Mark Niewohner agreed the construction would be stopped until the decision from the court comes back. Maricle asked if our County Attorney can still enforce the fines for the days that were already out of compliance of the regulations, or who would enforce them. Discussion took place and summed up that the court case will probably go into January and maybe the new attorney would do something about it if the County Board would want to do something about it. Towey asked what the regulations say about enforcement. After discussion, it was concluded that the County Attorney would do the enforcement. Wagner stated he felt if MSJM Properties had not begun construction, the County Board might have approved it following the October 14th meeting.

Groeteke asked about the Heying Conditional Use Permit. Ziamba replied it had been postponed due to not having adequate information. Ziamba also said it was agreed upon, with consent, by Chuck Heying to postpone it to the November meeting.

7-CORRESPONDENCE/ZONING ADMINISTRATOR REPORT

Ziamba reported the Energy Element, the Airport Overlay and updates to the Zoning Regulations along with the revised Official Zoning Map were unanimously approved by the Commissioners this morning at their weekly meeting. Ziamba stated the Commissioners were not concerned about the Energy Element as they were about the ten (10) mile approach distance the Airport Overlay has for height of buildings to be constructed. Two of the Commissioners did not believe there are two runways at the Albion Airport. Ziamba stated they are recognized by the Nebraska Department of Aeronautics and Wagner stated the two runways are in the books. Ziamba said Commissioner Luettel had reserved feelings about passing the Airport updates, as he said he felt this ten (10) mile approach was a little extreme with regard to the size of the airport, and may have a negative effect on economic development.

Ziamba reported that when the new regulations are received, she will put them on the Zoning Website.



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

Char Carpenter, from Antelope County, who is the Secretary for the Nebraska Planning and Zoning Association, presented a plaque to Boone County. This recognition is for the writing of the format for the wind energy regulations for Boone County were the first set of regulations for wind energy in the State. Our regulations have been the format from which the majority of the Counties in Nebraska followed. John Johnson, from Madison County, submitted our County to the NPZA Board for this recognition.

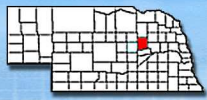
7- SCHEDULE NEXT MEETING-Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, November 27, 2014 at 7:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn at 9:00 p.m., was made by Jensen, second by Maricle. Vote: Yeas: Wagner, Mogensen, Towey, Groeteke, Maricle, Jensen. Nays: 0. Absent: Stephens, Baum, Frey. Abstain: 0.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: November 24, 2014

1 – CALL TO ORDER

Chairman Paul Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska called the monthly meeting of the Boone County Planning and Zoning Commission to order, Monday, November 24, 2014 at 7:00 p.m., Groeteke noted that a copy the Open Meetings Act 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

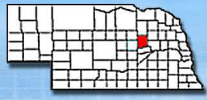
The following quorum of Commission members were present and answered roll call: Present-Wagner, Jensen, Frey, Baum, Stephens, Groeteke. Absent: Towey, Mogensen, Maricle.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Chair Groeteke called for the approval and/or disapproval of the October 27, 2014 meeting minutes, with or without correction. Jensen made a motion to approve the minutes as submitted. Second by Wagner. Vote: Yea-Jensen, Wagner, Groeteke. Nay: 0. Abstain: Frey, Baum, Stephens. Absent: Mogensen, Maricle, Towey.

4-Public hearing to hear testimony in favor of, or opposition to, and to answer questions in relation thereto: A Conditional Use Permit submitted by Chuck Heying Feedlot to expand the current Class IIA (1001 to 2500 A.U.) to a Class IIB (2501 to 5000 A.U.) Open Livestock Feeding Operation located in a Fraction of the SE1/4 of Section 16, Township 22N, Range 7W of the 6th P.M., Boone County Nebraska. This land is owned by Chuck Heying located on 130th Street and 190th Avenue in Boone County Nebraska. Groeteke asked for a motion to open the public hearing. Stephens motioned to open the public meeting, Frey second the motion. Vote-Yea: Jensen, Groeteke, Frey, Wagner, Baum, Stephens. Nay-0. Absent: Maricle, Towey, Mogensen. Abstain: 0. Chuck Heying was present to represent this application. Heying stated he is currently DEQ approved to have 4000 head of cattle in the current livestock feedlot, and is asking to add more yards for this purpose. Groeteke reaffirmed the needed waiver of distance was signed and accepted by the Zoning Administrator. The setbacks for the proposed permit were confirmed and met, which are three-quarter of a mile. Stephens asked Heying if the lagoon was pumped, Heying replied he does not because of the current dry conditions for the past few years. Jensen questioned Heying about the future, total head of cattle. Heying responded he is DEQ allowed for 4000 head at this current spot and nothing further has to be done at 4000 head. Groeteke asked for further comments or questions from the Board or from the public. Hearing no comments or questions, Groeteke asked for a motion to close the public hearing. Baum motioned to close the public hearing, second by Stephens. Vote-Yea: Stephens, Groeteke, Jensen, Wagner, Frey, Baum. Nay: 0. Absent: Towey, Maricle, Mogensen. Abstain: 0. Groeteke asked for a motion to approve or deny as submitted or with conditions. Stephens motioned to make the recommendation to approve as submitted and submit to the County Commissioners with the finding of the facts; 1. All documents submitted are within the Boone County Zoning regulations. 2. DEQ approved. 3. Waiver of distance, signed and submitted. 4. The lagoons conform to Boone County Zoning and DEQ regulations. Second by Baum. Vote-Yea: Stephens, Frey, Jensen, Groeteke, Baum. Absent-Maricle, Mogensen, Towey. Abstain-Wagner. The Conditional Permit approved as submitted.

5-Open Discussion



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

Groeteke asked for any discussion. Tom Schuele reported on the status of the Niewohner conditional use permit and the current Seier/Niewohner case in the District Court. Discussion regarding the regulations for reconstructing an existing hog unit under new ownership. The revised airport regulations were discussed.

7-CORRESPONDENCE/ZONING ADMINISTRATOR REPORT

Ziemba reported working on regular zoning permits.

7- SCHEDULE NEXT MEETING-Chairman Groeteke announced that the next monthly meeting of the Commission would be Monday, December 22, 2014 at 7:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn at 7:50 p.m., was made by Wagner, second by Stephens. Vote-Yea: Wagner, Stephens, Frey, Groeteke, Baum, Jensen. Nays: 0. Absent: Towey, Maricle, Mogensen. Abstain: 0.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON