

Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: January 26, 2015

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, , 2014 at :00 p.m. 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 Absent:

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the , 2014 meeting minutes. asked for a motion to of the minutes. Motion , second . Vote: Ayes;
Nays; Abstain; Absent;

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

6-Open Discussion

8- SCHEDULE NEXT MEETING

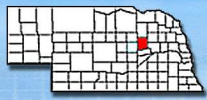
Chairman announced that the next monthly meeting of the Commission would be Monday, 2015 at :00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by at 9:00 p.m., second by . Vote: Ayes; Nays; Absent; Abstain; .

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: FEBRUARY 23, 2015

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Groeteke in the County Courtroom at the Boone County Courthouse in Albion Nebraska, Monday, February 23, 2015 at 7:08 p.m. Chairman 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 and posted on the Boone County Zoning bulletin board near the Boone County Zoning Office. All proceedings hereafter shown were held 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, Frey, Towey, Stephens, Mogensen, Groeteke, Stuhr, Wagner. Absent: Baum.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Groeteke asked for a motion to approve or disapprove the minutes from the November 24, 2014 meeting. Motion to approve as submitted by Frey, second by Jensen. Vote: Ayes; Frey, Wagner, Groeteke, Jensen, Stephens. Nays: None Abstain; Towey, Mogensen, Stuhr. Absent: Baum.

4-Introduction of new Commission member

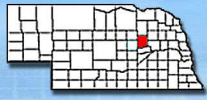
Clyde Stuhr was introduced to and was welcomed by the Planning Commission Board Members.

5 – Re-organizational meeting for 2015

Groeteke asked for nominations for the offices of the Planning Commission Board. Frey made a motion to maintain the current members of the Commission Board. Jensen second the motion and commented on the good job done by the current chair and vice-chair. Vote: Ayes: Frey, Jensen, Stuhr, Mogensen, Stephens, Groeteke, Towey, Wagner. Nays: None. Abstain: None. Absent: Baum. Motion carried to retain current officers = Chairman – Paul Groeteke. Vice-Chairman – Brad Stephens. Secretary/Treasurer – Mark Jensen.

6-Open Discussion

Groeteke asked for an update to the conditional use permit submitted by MSJM Properties, L.L.C. Ziembra stated a Class III Misdemeanor has been filed against the four (4) owners of this L.L.C. by the Boone County Attorney regarding the building of the hog unit without a zoning permit. The hearing is scheduled for March 5, 2015 in the Boone County Courtroom. The Commission discussed this issue further. Several members agreed there was not a choice in doing this filing by the Attorney. Members stated the zoning regulations are to be followed and enforced. There were also comments about the issue of the Deed agreement not being a zoning concern; the purchase of the land with the agreement should have been cleared up before applying for the permit. A general concern and discussion for an agreement, with an acceptable outcome between the MSJM Properties and the court, and that this situation does not become a criminal prosecution was held. Another concern given by several members was the time when this Board was threatened at a previous meeting, and



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also, that the L.L.C. had a plan and they were going through with it. A Board member asked why they would have started to build without a permit after having received a cease and desist order. A member stated that at a past commissioner meeting, the cooperation's lawyer stated they would not continue to build or continue to do anything more, then the corporation proceeded to continue building. Another point was brought up, due to the fact this corporation builds quite often, they are aware of the zoning rules. The question if the Commissioners still had this agenda item open was proposed. The agenda item is still open and is tabled and waiting for the results of all legal issues.

7 – Zoning Administrator Report

Ziemba reported the new regulations have been completed and approved. They are on the Zoning website available for the public. Ziemba noted being busy with numerous applications coming across the desk. The proposed construction of wind towers, to be located in the northern part of the county, is being reviewed by the Zoning Administrator and the Highway Superintendent. Ziemba plans to attend the March 2015 Planning and Zoning Conference in Kearney.

8- SCHEDULE NEXT MEETING

Chairman Groeteke announced the next monthly meeting of the Commission would be Monday, March 23, 2015 at 7:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by Frey, at 8:30 p.m., second by Towey. Vote: Ayes; Wagner, Mogensen, Stephens, Towey, Frey, Groeteke, Stuhr, Jensen. Nays; Non. Absent; Baum. Abstain; None.

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, , 2014 at :00 p.m. 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 Absent:

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the , 2014 meeting minutes. asked for a motion to of the minutes. Motion , second . Vote: Ayes;
Nays; Abstain; Absent;

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

6-Open Discussion

8- SCHEDULE NEXT MEETING

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

9 – ADJOURN

A motion to adjourn made by at 9:00 p.m., second by . Vote: Ayes; Nays; Absent; Abstain; .

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: APRIL 27, 2015

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Groeteke in the County Courtroom, Boone County Courthouse at Albion Nebraska, Monday, April 27, 2015 at 8:05 p.m. Chairman noted that a copy the Open Meetings Act is 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. All proceedings hereafter shown 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, Towey, Stephens, Groeteke, Stuhr, Wagner. Absent: Frey, Baum, Mogensen.

Public Attendance: Larry Gray, Jack Daily, Butch Gray, Ron Rutten, Norm Reynoldson.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the February 23, 2015 meeting minutes. Chairman asked for a motion to approve or deny the minutes. Motion by Jensen, second by Stephens. Vote: Ayes; Towey, Wagner, Groeteke, Stuhr, Jensen, Stephens. Nays; 0 Abstain; 0 Absent; Frey, Baum, Mogensen.

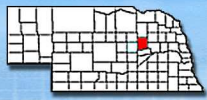
4-Public hearing to hear testimony in favor of, or opposition to, and answer questions in relation to

therefore: A conditional use permit submitted by Robert Gray St. Estate to divide three (3) acres from a tract of land located in a Fr. of the NE1/4 of Section 7, Township 20N, Range 6W of the 6th P.M., Boone County Nebraska for a house to be built. This property owned by Robert Gray St. Estate is located on 230th Street and 230th Avenue in Boone County Nebraska. Chair called for a motion, Stephens moved to go into the public hearing, second by Towey. Vote: Ayes; Jensen, Stuhr, Sephens, Groeteke, Towey, Wagner. Nays; 0, Abstain; 0, Absent; Frey, Mogensen, Baum. Discussion regarding this tract of land took place recognizing it to be in the Agricultural II Primary District. Distance from any livestock feeding operation is $\frac{3}{4}$ quarter of a mile. Larry Gray explained his reason for submitting this application, to move across the highway and build a new house. No further questions or comments Stephens motioned to close the public hearing, Stuhr second. Vote: Ayes; Towey, Stephens, Groeteke, Jensen, Stuhr, Wagner. Nays; 0. Abstain; 0. Absent; Baum, Frey, Mogensen. Chair asked for a motion to either approve as submitted or otherwise. Jensen moved to approve as submitted, Towey second the motion. Vote: Ayes; Groeteke, Stuhr, Towey, Stephens, Jensen, Wagner. Nays; 0. Abstain; 0, Absent; Mogensen, Frey, Baum.

Finding of facts: The $\frac{3}{4}$ mile setback within the A-2 District is met. All other density and sewage requirements are met.

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

therefore: 1). Re-Zone the Southeast Quarter in the Southeast Quarter (40 acres) Section 20, Township 20W, Range 8N Boone County Nebraska from A-1, Agricultural Primary District to I-2, Heavy Industrial District. 2). To amend Official Zoning Map: Southeast Quarter in the Southeast Quarter (40 acres) Section 20, township 20W, Range 8N in Boone County Nebraska from A-1, Agricultural Primary District to I-2, Heavy Industrial



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District. Chairman called for a motion to open the public meeting. Stephens motioned to open part 1 and 2; second by Stuhr. Vote: Ayes; Jensen, Groeteke, Wagner, Stephens, Stuhr, Towey. Nays; 0. Abstain: 0, Absent; Mogensen, Frey, Baum. Discussion took place. The 40 acre parcel was re-zoned in 2007, due to some oversights, this re-zoned area was not on the Official Zoning Map and the legal description was incorrect on the 2007 application. To correct this, a formal re-application is necessary. The original 40 acres stated on the permit was reduced to 25.428 acres as this is the exact acreage owned by Country Partners Cooperative. No further comments, Chair asked for a motion to close the public hearing. Stuhr motioned to close the public hearing, Jensen second the motion. Vote: Ayes; Stephens, Groeteke, Jensen, Stuhr, Wagner. Nays; 0. Abstain: Towey. Absent: Mogensen, Frey, Baum. Chair asked for a motion to approve or deny the permit with the change of 25.428 acres to A-1 Agricultural Primary District; to rezone the remaining 14.572 acres from I-2 to A-1; and to amend the Official Zoning Map with said changes and submit as such to the County Board. Motion by Stephens to approve as submitted to amend item #1 under public hearing #5, and to amend item #2, with said changes to the County Board, second by Jensen. Vote: Ayes; Wagner, Stuhr, Stephens, Jensen, Groeteke. Nays: 0. Abstain: Towey. Absent: Baum, Mogensen, Frey.
Finding of Facts: Legal change.

6-Open Discussion-Discussion was given by numerous public attendees regarding the rules and regulations for setbacks, the number of acres in these setbacks and how these affect the land values in the County, the cattle and crop producers and also the people who wish to live out of any city or town boundaries.

7-Correspondence/Zoning Administrators Report: Written report submitted to each Board member attending.

8- SCHEDULE NEXT MEETING

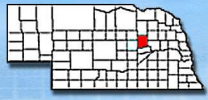
Chair announced that the next monthly meeting of the Commission would be Tuesday, May 26, 2015 at 8:00 p.m. in the Boone County Courthouse Albion Nebraska.

9 – ADJOURN

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

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: MAY 26, 2015

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission called to order by Vice-Chairman Stephens in the Multipurpose Room in the Boone County Courthouse at Albion Nebraska, Tuesday, May 26, 2015 at 8:00 p.m., Chair 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. All proceedings hereafter shown 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, Frey, Baum, Mogensen, Stephens, Stuhr, Wagner. Absent: Towey, Groeteke.

Public Attendance: Jack Daily, Jim Novacek.

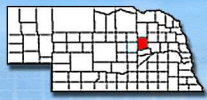
3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the April 27, 2015 meeting minutes. Chair asked for a motion to approve or deny the minutes. Motion by Jensen to approve the minutes as submitted, second by Stuhr. Vote: Ayes: Wagner, Stuhr, Jensen, Stephens. Nays; 0 Abstain; Frey, Baum, Mogensen. Absent; Towey, Groeteke.

A decision to begin with agenda number 5 approved by majority.

5-Public hearing to consider, discuss and take action on a conditional use permit submitted by Jim Novacek to construct a Class I Open Livestock Feeding Operation located in a Fr. of the SW ¼, SE ¼ of Section 35, Township 19N, Range 8W of the 6th P.M. Boone County Nebraska. This property owned by Jim Novacek is located on 340th Street and between 330th and 340th Avenue in Boone County Nebraska. Chair called for a motion, Jensen moved to open the public hearing, second by Baum. Vote: Ayes; Jensen, Stuhr, Stephens, Baum, Frey, Mogensen, Wagner. Nays; 0, Abstain; 0, Absent; Towey, Groeteke. Jim Novacek stated his plans to increase the number of head in the open lot. Discussion was held on this permit for increasing the open feeding lot to a Class I. No opposition to this permit was voiced. No further questions or comments Stephens asked for a motioned to close the public hearing. Frey motioned to close and Jensen second. Vote: Ayes: Frey, Mogensen, Baum, Wagner, Stuhr, Stephens, And Jensen. Nays; 0. Abstain; 0. Absent; Groeteke, Towey. Chair asked for a motion to a recommendation to the County Board to either approve or disapprove this permit as submitted. Baum moved to approve as submitted, Mogensen second the motion. Vote: Ayes; Wagner, Frey, Stephens, Stuhr, Jensen, Mogensen, Baum. Nays; 0. Abstain; 0, Absent; Towey, Groeteke. Finding of facts: The ¾-mile setback is within the A-2 District. DEQ standards met. No occupied residential house within the setback.

4-Public hearing to consider, discuss and take action on a Conditional Use Permit submitted by JSMM Farms, LLC to transport livestock waste and compost in and out of Boone County in a manner that runs current with the DEQ permitting manure management for JSMM Farms, LLC. Stephens asked for a motion to open the public hearing. Mogensen motion to open the public hearing, second motion by Jensen.



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Vote: Ayes; Stuhr, Wagner, Baum, Mogensen, Stephens, Frey, Jensen. Nays: 0. Absent: Towey, Groeteke. Abstain: 0. Jack Daily represented the JSMM Farms, LLC permit. Daily explained the concept of hauling the manure and or compost. A clarification given that a conditional use permit is required for the hauling of manure into the County. Stephens read a list of items to be an attachment to this permit. No objections to this permit were voiced. With no further comments, Stephens asked for a motion to close the public hearing. Jensen motioned to close the public hearing, Baum second the motion. Vote: Ayes; Mogensen, Wagner, Frey, Stuhr, Baum, Jensen, Stephens. Nays; 0. Abstain: 0. Absent: Groeteke, Towey. Chair asked for a motion, to approve or deny the recommendation to the County Board, this permit with attached conditions. Motion by Jensen to approve the permit with attached conditions, to the County Board. Second by Frey. Vote: Ayes; Baum, Stuhr, Mogensen, Stephens, Frey, Jensen, Wagner. Nays: 0. Abstain: 0. Absent: Groeteke, Towey. Finding of Facts: Meets DEQ regulations and standards. Meets County setbacks. Less dependency of chemical fertilizer is a factor for county producers.

6-Open Discussion-Discussion regarding the rules and regulations for setbacks and the number of acres with houses in the A-1 and A-2 areas. Concerns and reasons regarding the formation of zoning and keep to the original 10 and 20 acres setbacks were discussed. A decision to act on each application individually as related to each circumstance provided in each application.

7-Correspondence/Zoning Administrators Report: Written report submitted to each Board member attending.

8- SCHEDULE NEXT MEETING

Chair announced that the next monthly meeting of the Commission would be Monday, June 22, 2015 at 8:00 p.m. in the Boone County Courthouse Albion Nebraska.

9 – ADJOURN

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

SUBMITTED: _____ **COMMISSION SECRETARY**

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: AUGUST 24, 2015

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission called to order by Chairman Groeteke in the Multipurpose Room in the Boone County Courthouse at Albion Nebraska, Monday August 24, 2015 at 8:00 p.m., Chair 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. All proceedings hereafter shown taken while the convened meeting was open to the public.

2 – ROLL CALL

The following quorum of Commission Members was present and answered roll call: Present: Jensen, Frey, Towey, Mogensen, Stephens, Groeteke, Stuhr and Wagner. Absent Baum.

Public Attendance: Jim Dickerson, Ted Thiemann.

3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the May 26, 2015 meeting minutes. Chair asked for a motion to approve or deny the minutes. Motion by Jensen to approve the minutes as submitted, second by Frey. Vote: Ayes: Frey, Wagner, Stuhr, Jensen, Stephens and Mogensen. Nays; 0 Abstain; Groeteke, Towey. Absent; Baum.

4 – DISCUSS THE single-family dwellings regulations in the A-1 Agricultural-Primary District, the A-2 Agricultural-Secondary District and any recommended procedures to be able to return to the initial intent of these regulations: Discussion of stated agenda item among the Board and attending public took place. The consensus is to retain County regulations as written. At a future time, as new development and population occur, this matter may be re-visited. No action taken at this time.

6-Open Discussion- Zoning Administrator asked for discussion regarding Green Line Equipment permit application to place two oil storage tanks at their present location. A discussion about using a regular zoning permit, as regulations state in the A-2 Agricultural-Secondary District allows, verses a conditional use permit took place.

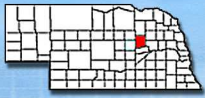
7-Correspondence/Zoning Administrators Report: Written report submitted to each Board member. Ziemba submitted and reviewed the Interlocal Agreement between the City of Albion and Boone County in reference to a fraction of the North and Northwest area in Section 16, Township 20 North, Range West of the 6th P.M., Boone County Nebraska.

8- SCHEDULE NEXT MEETING:

Chair announced that the next monthly meeting of the Commission would be Monday, September 28, 2015 at 8:00 p.m. in the Boone County Courthouse Albion Nebraska.

9 – ADJOURN

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



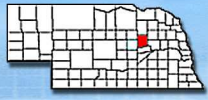
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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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 26, 2015

1 – CALL TO ORDER

The October monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the Multipurpose Room located in the Boone County Courthouse at Albion Nebraska, Monday, October 27, 2015 at 8:02 p.m., Groeteke noted that a copy the Open Meetings Act is posted and copies available for the public. The agenda for this meeting mailed 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, Frey, Baum, Towey, Groeteke, Stuhr, Wagner. Absent: 0. Stephens and Mogensen came late at 8:10 p.m.

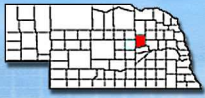
3 – APPROVAL/DISAPPROVAL OF THE MINUTES

Approval/Disapproval of the August 24, 2015 meeting minutes. Groeteke asked for a motion to approve the minutes. Motion by Jensen, second by Towey. Vote: Ayes; Frey, Towey, Wagner, Groeteke, Stuhr, Jensen. Nays; 0. Abstain; Baum. Absent; Mogensen, Stephens.

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

A Conditional Use Permit submitted by Andy and Sherri L. Zoucha to section off 3.25± acres located in a Fraction of the SW quarter of Section 14, Township 19 North, Range 5 West of the 6th P.M., Boone County Nebraska for personal use. This property owned by Andrew M. and Sherri L. Zoucha is located on 325th Avenue and between 305th and 310th Streets in Boone County Nebraska. Groeteke asked for a motion to open the public hearing. Motion by Jensen, second by Frey. Vote: Aye: Baum, Wagner, Stuhr, Stephens, Jensen, Groeteke, Towey, Frey, Mogensen. Nay: 0. Abstain: 0. Absent: 0. Jeff Jarecki presented the content and intention of the conditional use permit on behalf of the Zouchas. Groeteke stated the letter from the Boone County Attorney, Mr. James Ely be part of the record. Marvin Weeder, Ted Thiemann, and James Ely voiced opinions, comments and stated their points of view. Groeteke called for further comments, not hearing any, asked for a motion to close the public hearing. Motion by Frey, Second by Jensen. Vote: Aye: Towey, Groeteke, Mogensen, Jensen, Baum, Stuhr, Frey, Wagner, Stephens. Nay: 0. Abstain: 0. Absent: 0. After discussion among the Board members, Groeteke asked for a motion to approve or deny said permit. Motion by Frey to approve the conditional permit, second by Mogensen. Vote: Aye: Groeteke, Stuhr, Mogensen, Towey, Stephens, Frey, Jensen, Wagner, Baum. Nay: 0. Abstain: 0. Absent: 0. Finding of Facts: 3.25 is equal to or greater than the three (3) acres required minimum. The house creates the same land use. Groeteke recommended this approval be submitted to the Boone County Commissioners.

5- Jeff Jarecki discuss zoning regulations. Mr. Jarecki stated his opinion on the current zoning regulations and asked for a change to some of the current zoning regulations. Discussion by the members of the Board took place on this matter with no action taken.



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6-Open Discussion: Board discussed the process of getting information about land transfers performed prior to 1999. In addition, discussed better ways for the information about real estate transfers from the clerk and assessor offices is given to the zoning administrator.

7- Zoning administrator gave a report of the activities in the zoning department since the last Planning and Zoning Commission meeting.

8- SCHEDULE NEXT MEETING

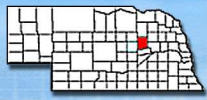
Chairman Groeteke announced the next monthly meeting of the Commission would be on Monday, November 23, 2015 at 7:00 p.m. in the Boone County Courthouse, Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by Jensen, Second by Mogensen at 9:20 p.m. Vote: Ayes; Wagner, Mogensen, Stephens, Towey, Frey, Groeteke, Baum, Stuhr, Jensen. Nay: 0. Absent: 0. 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 21, 2016

1 – CALL TO ORDER

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Groeteke in the Casey's Building located at the Boone County Fair Grounds in Albion Nebraska on Monday, November 21, 2016 at 8:00 p.m. Groeteke noted that a copy the Open Meetings Act is posted and copies are available for the public; also, 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, mail and posted on the bulletin board outside of the Zoning Administrator's office. All proceedings hereafter shown were taken while the convened meeting was open to the public.

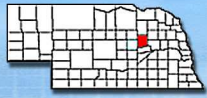
2 – ROLL CALL

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

Approval/Disapproval of the October 24, 2016 meeting minutes. Chairman asked for a motion to approve or disapprove the minutes. Motion by Stephens to approve the minutes as submitted, Towey second the motion. Vote: Ayes: Towey, Wagner, Groeteke, Stuhr and Stephens. Nay: None. Abstain; Frey and Jensen. Absent: Mogensen and Baum.

Before the public hearings, request by the Chair to combine agenda items number 4 and 5. Approval given. Also, the correction to the public hearing notice is the owner of the properties on the applications is James P. Majerus.

4 and 5 - Public hearing to hear testimony in favor of or opposition to and answer questions in relation to therefore: on a Conditional Use Permit application submitted by Oakland Farms L.L.C., located in a fraction of the Northwest part of the Southeast Quarter in Section 28, Township 22N, Range 7W of the 6th P.M., Boone County Nebraska to construct a Class I Livestock Feeding Operation, Swine Confinement Unit (300-1000 Animal Units) and on a Conditional Use Permit application submitted by Oakland Farms L.L.C. located in a fraction of the Southeast part of the Southwest Quarter in Section 34, Township 22N, Range 7W of the 6th P.M., Boone County Nebraska to construct a Class I Livestock Feeding Operation, Swine Confinement Unit (301-1000 Animal Units). Chairman asked for a motion to open the public hearing. Jensen motioned to open the public hearing to include both agenda items 4 and 5. Stuhr second the motion. Vote: Ayes: Frey, Groeteke, Stephens, Wagner, Towey, Jensen and Stuhr. Nays: None. Abstain: None. Absent: Baum and Mogensen. Zoning Board gave rules to follow for the public discussion. The applications were represented and the overall description and use of the proposed confined feeding units were stated for the record and as information for the public attendees. Discussion for and against took place from the public attendees. Chair called for further comments; having none voiced, Chair called for a motion to close the public hearing. Wagner motioned to close the public hearing with Towey second the motion. Vote: Ayes: Frey, Jensen, Stuhr, Stephens, Groeteke, Towey and Wagner. Nays: None. Abstain: None. Absent: Mogensen and Baum. The Planning Board discussed all details of the two (2) applications. With no further discussion, Chair asked for a motion to accept or to deny these applications. A Board member requested the two (2) applications be combined with one (1) vote; after discussion, Chair asked for a motion to combine one (1) vote for both applications. Wagner motioned to



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recommend denial for the two (2) applications due to environmental issues and the odor problem due to the close proximity near Petersburg. Stuhr second the motion. Vote: Ayes: Towey, Stephens, Jensen, Stuhr, Wagner. Nays: Groeteke, Frey. Abstain: None. Absent: Mogensen and Baum.

6-Correspondence/Zoning Administrator Report the November zoning report was passed out to the Board members. No discussion took place.

6-Open Discussion The upcoming January meeting; to begin the discussion regarding the setback and distances in the A-1 and A-2 zoned areas in Boone County. These discussions potentially will involve the Boone County Commissioners, Banking Loan Officers, Real Estate Agents to start off the concerns and ideas; then if warranted, at a later time, these discussions will be involved in a public hearing so the possibility of changing some Boone County zoning regulations could be considered and re-written.

8- SCHEDULE NEXT MEETING Chairman announced the next monthly meeting of the Planning and Zoning Commission would be Monday, December 19, 2016 at 7:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN Motion to adjourn made by Jensen and Stuhr second the motion at 10:20 p.m. Vote: Ayes: Wagner, Stephens, Towey, Frey, Groeteke, Stuhr and Jensen. Nays: None. Abstain: None. Absent: Baum and Mogensen.

SUBMITTED: _____ COMMISSION SECRETARY

AFFIRMED BY: _____ COMMISSION CHAIRPERSON