

# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**DATE: FEBRUARY, 2016**

### **1 – CALL TO ORDER**

The February monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice Chairman Stephens in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska on Monday, February 29, 2016 at 7:00 p.m. Vice Chairman noted 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**

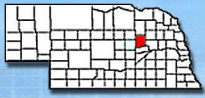
The following quorum of Commission members were present and answered roll call. Present: Jensen, Frey, Towey, Stephens, Mogensen, Stuhr, Wagner. Absent: Baum, Groeteke.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the February 8, 2016 meeting minutes (for the January 2016 meeting). Stephens asked for a motion to approve or disapprove the minutes. Motion by Jensen to approve the minutes as written, second motion by Frey to approve the minutes as written. Vote: Ayes; Frey, Wagner, Mogensen, Stuhr, Jensen, Stephens. Nays; None. Abstain; Towey. Absent; Baum, Groeteke.

**4-Discuss and take action to develop a plan for the enforcement of the Boone County Zoning Conditional Uses and Procedures and the process for the notification of the general public in regards to the enforcement of the Boone County Zoning Conditional Uses and Procedures for all Districts.** Discussion on this issue included questions in which the County Clerk would look over documents given to be recorded for accurate land divisions. The Zoning Administer sent regulations of the correct land divisions to various Title Companies, Banks and Attorneys. Notices for the county newspapers be published various times during the year for public information, also Article 28 to be put on the Zoning County Web site.

**5. Discussion on regulating shipping containers** took place. General consensus was to look into this matter some more. Potentially the villages in Boone County may have to implement



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regulations for their specific needs in their village. More information is needed to make a decision for this type of regulation.

**6- Discussion on updating Boone County's Zoning Comprehensive Plan** took place. The comprehensive plan has not been updated since zoning was implemented in Boone County. Ziemba will make inquiries about this issue as to updating the entire plan or update pertinent parts to it.

**7-Open Discussion:** None given.

### **8- SCHEDULE NEXT MEETING**

Stephens announced that the next monthly meeting of the Commission would be Monday, March 28, 2016 at 7:30 p.m. in the All Purpose Room in the Boone County Courthouse, Albion Nebraska.

### **9 – ADJOURN**

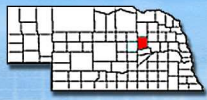
A motion to adjourn this meeting made by Towey at 8:00 p.m., second motion to adjourn this meeting by Wagner. Vote: Ayes; Wagner, Mogensen, Stephens, Towey, Frey, Stuhr, Jensen. Nays; None. Absent; Groeteke, Baum. Abstain; None.

**SUBMITTED:** \_\_\_\_\_

**COMMISSION SECRETARY**

**AFFIRMED BY:** \_\_\_\_\_

**COMMISSION CHAIRPERSON**



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**DATE: FEBRUARY 8, 2016**

### **1 – CALL TO ORDER**

The January monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, February 8, 2016 at 7:00 p.m. due to the cancellation of this meeting which was scheduled for January 25, 2016. Chairman 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: Jensen, Frey, Stephens, Mogensen, Groeteke, Stuhr, Wagner. Absent: Towey, Baum.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

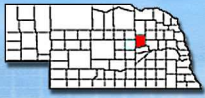
Chair Groeteke asked for a motion to approve or disapprove the minutes from the October 26, 2015 Planning and Zoning Board meeting. Motion to approve the minutes given by Jensen, second given by Stuhr. Vote: Ayes: Frey, Wagner, Mogensen, Groeteke, Stuhr, Jensen, Stephens.  
Nays: None. Abstain: None. Absent: Baum. Towey.

**4-Re-organization meeting for 2016.** Chair Groeteke asked for nominations, from the existing Board Members, to be voted on for an officer position for the upcoming 2016 year. Mogensen called for the office positions to remain the same as were in 2015. No further nominations were presented. Chair Groeteke called for vote for no change in officers for the upcoming 2016 year. Vote: Ayes: Wagner, Stuhr, Mogensen, Stephens, Frey, Jensen, Groeteke. Nays: None. Absent: Towey, Baum. Abstain: None.

**5-Open Discussion:** Discussion was held about land being divided without obtaining a conditional use permit and the construction of buildings without a permit. A suggestion was given; if someone in the Clerk's office could hand out an information sheet to any party requesting a document to be filed, in which that action should have needed a conditional use permit, before breaking off a smaller parcel from a large parcel intended to be given or sold. Also discussed was giving a fine of a monetary fee to any party who does not follow the Boone County regulations regarding parcel division and the construction without a zoning permit. There was also discussion about the Development Committee to create a Livestock Development Matrix. This committee, from various entities in the State, meets at the Capital Building in Lincoln Nebraska.

**6-Correspondence/Zoning Administrator Report:** Ziembra updated the Board of the various permits that have been submitted to her; the development of a new zoning permit; new flood plain information and forms to be used; the report from David Potter.

### **8- SCHEDULE NEXT MEETING**



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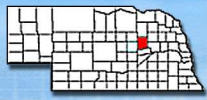
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### **9 – ADJOURN**

A motion to adjourn made by Stephens, second by Groeteke at 8:50 p.m Vote: Ayes: Wagner, Mogensen, Stephens, Frey, Groeteke, Stuhr, Jensen. Nays: None. Absent: Baum, Towey. 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

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**DATE: FEBRUARY 8, 2016**

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### **2 – ROLL CALL**

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

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

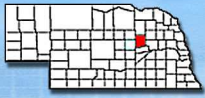
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Nays: None. Abstain: None. Absent: Baum. Towey.

**4-Re-organization meeting for 2016.** Chair Groeteke asked for nominations, from the existing Board Members, to be voted on for an officer position for the upcoming 2016 year. Mogensen called for the office positions to remain the same as were in 2015. No further nominations were presented. Chair Groeteke called for vote for no change in officers for the upcoming 2016 year. Vote: Ayes: Wagner, Stuhr, Mogensen, Stephens, Frey, Jensen, Groeteke. Nays: None. Absent: Towey, Baum. Abstain: None.

**5-Open Discussion:** Discussion was held about land being divided without obtaining a conditional use permit and the construction of buildings without a permit. A suggestion was given; if someone in the Clerk's office could hand out an information sheet to any party requesting a document to be filed, in which that action should have needed a conditional use permit, before breaking off a smaller parcel from a large parcel intended to be given or sold. Also discussed was giving a fine of a monetary fee to any party who does not follow the Boone County regulations regarding parcel division and the construction without a zoning permit. There was also discussion about the Development Committee to create a Livestock Development Matrix. This committee, from various entities in the State, meets at the Capital Building in Lincoln Nebraska.

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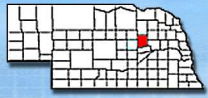
### **9 – ADJOURN**

A motion to adjourn made by Stephens, second by Groeteke at 8:50 p.m Vote: Ayes: Wagner, Mogensen, Stephens, Frey, Groeteke, Stuhr, Jensen. Nays: None. Absent: Baum, Towey. 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

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**DATE: FEBRUARY 29, 2016**

### **1 – CALL TO ORDER**

The February monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice Chairman Stephens in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska on Monday, February 29, 2016 at 7:00 p.m. Vice Chairman noted 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, Frey, Towey, Stephens, Mogensen, Stuhr, Wagner. Absent: Baum, Groeteke.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the February 8, 2016 meeting minutes (for the January 2016 meeting). Stephens asked for a motion to approve or disapprove the minutes. Motion by Jensen to approve the minutes as written, second motion by Frey to approve the minutes as written. Vote: Ayes; Frey, Wagner, Mogensen, Stuhr, Jensen, Stephens. Nays; None. Abstain; Towey. Absent; Baum, Groeteke.

**4-Discuss and take action to develop a plan for the enforcement of the Boone County Zoning Conditional Uses and Procedures and the process for the notification of the general public in regards to the enforcement of the Boone County Zoning Conditional Uses and Procedures for all Districts.** Discussion on this issue included questions in which the County Clerk would look over documents given to be recorded for accurate land divisions. The Zoning Administer sent regulations of the correct land divisions to various Title Companies, Banks and Attorneys. Notices for the county newspapers be published various times during the year for public information, also Article 28 to be put on the Zoning County Web site.

**5. Discussion on regulating shipping containers** took place. General consensus was to look into this matter some more. Potentially the villages in Boone County may have to implement



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regulations for their specific needs in their village. More information is needed to make a decision for this type of regulation.

**6- Discussion on updating Boone County's Zoning Comprehensive Plan** took place. The comprehensive plan has not been updated since zoning was implemented in Boone County. Ziemba will make inquiries about this issue as to updating the entire plan or update pertinent parts to it.

**7-Open Discussion:** None given.

### **8- SCHEDULE NEXT MEETING**

Stephens announced that the next monthly meeting of the Commission would be Monday, March 28, 2016 at 7:30 p.m. in the All Purpose Room in the Boone County Courthouse, Albion Nebraska.

### **9 – ADJOURN**

A motion to adjourn this meeting made by Towey at 8:00 p.m., second motion to adjourn this meeting by Wagner. Vote: Ayes; Wagner, Mogensen, Stephens, Towey, Frey, Stuhr, Jensen. Nays; None. Absent; Groeteke, 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:** April 25, 2016

### **1 – CALL TO ORDER**

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, January 25, 2016 at 7:00 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 , 2016 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, 2016 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:** April 25, 2016

### **1 – CALL TO ORDER**

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, January 25, 2016 at 7:00 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 , 2016 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**

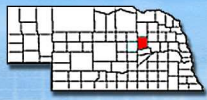
Chairman announced that the next monthly meeting of the Commission would be Monday, 2016 at :00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

### **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

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**DATE: May 23, 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 Jury Room in the Boone County Courthouse located at Albion Nebraska, Monday, May 23, 2016 at 8:00 p.m. Chairman noted a copy of the Open Meetings Act was posted and copies 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**

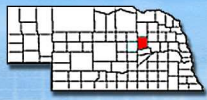
The following quorum of Commission members were present and answered roll call: Present: Jensen, Frey, Baum, Towey, Mogensen, Groeteke, Stuhr, Wagner. Absent: Stephens. Members from the attending public who signed in: John Kunzman, Deb Beckwith, Chuck Beckwith, Bill Schriver, Jeff Jarecki, Robert F, Drew Niewohner, Sarah Cox, Emily Niewohner, Gayle Schafer.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the March 28, 2016 meeting minutes. Chair asked for a motion to approve or disapprove the minutes. Motion by Baum to approve as submitted, second by Towey. Vote: Ayes: Frey, Towey, Baum, Wagner, Mogensen, Groeteke, Stuhr, Jensen. Nays: None. Abstain: None. Absent: Stephens.

### **4-Public hearing to hear to consider, discuss and take action on a Conditional Use Permit submitted by Chuck and Deb Beckwith to split off 3± acres from a tract of land comprising a part of the SE quarter of Section 1, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County Nebraska to sell the existing house on this parcel. This property owned by Chuck and Deb Beckwith is located on 160<sup>th</sup> Avenue between 220<sup>th</sup> and 230<sup>th</sup> Streets in Boone County Nebraska.**

Chair asked for a motion to open the public hearing. Jensen moved to open the public hearing, Stuhr second the motion. Vote: Ayes: Groeteke, Frey, Mogensen, Baum, Wagner, Towey Stuhr, Jensen. Nay: None. Abstain: None. Absent: Stephens. Chair confirmed legal notice for this hearing was posted, published and mailed to surrounding landowners. Chair noted Chuck and Deb Beckwith present to represent the conditional use permit. Questions were asked to clarify the Beckwith's intention for splitting off this small parcel; which is to sell the house within this parcel. Discussion was held regarding the location of an existing feeding unit that is within close proximity of the house, and several other feeding operations also close to this house. A concern was stated that houses bought in the country, on small acreages, by non-farming buyers, often get sold numerous times due to the fact the buyers finding out farm odors and sounds were not how they thought they would be. Discussion about the existing farm buildings that are very close to this house may cause additional concerns for future land usages; also stated the liability that is going to be incurred here is going to be beyond our control; that it is an existing farmstead, however, it is everything else that is with it that is the problem. Another concern discussed is the fact that current feeding operation operators and future farming/feeding operators would be negatively affected. Waivers of distance for appropriate setbacks were discussed and confirmed. With no further discussion, Chair asked for a motion to close the public hearing. Baum motioned to close the hearing with Mogensen second motion. Vote: Ayes: Frey, Groeteke, Wagner, Towey, Mogensen, Baum, Jensen, Stuhr. Nays: None. Abstain: None. Absent: Stephens. Meeting continued with a call from the Chair to make a motion for a vote; the meeting was interrupted by a county resident who came in late and voiced concern on the issues. The Board decided that there was



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## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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additional information, facts and issues that needed to be heard which were not previously discussed; therefore, the decision was made to re-open the public hearing. Chair called for a motion to open the public meeting for a second time. Motion to open the public meeting a second time was given by Jensen, second by Stuhr. Vote: Ayes: Frey, Jensen, Stuhr, Mogensen, Groeteke, Towey, Wagner, Baum. Nays: None. Abstain: None. Absent: Stephens. A point of discussion brought up and discussed referred to a permanent waiver would be with all non-conforming land divisions in all of the Agricultural zoned districts. Chair called for any further discussion or comments, being none, asked for a motion to close the open meeting. Motion by Baum, second by Stuhr. Vote: Ayes: Towey, Groeteke, Jensen, Stuhr, Baum, Frey, Mogensen, Wagner. Nays: None. Abstain: None. Absent: Stephens. Support stated for a vote: Livestock facilities are out of the setback area as described in regulation; A minimum of 3 acres meets the requirements; Sanitation requirements met; acknowledging other livestock units within this area; a perpetual agreement/waiver of distance be put on this parcel that going forward any type of livestock production in the area, and any type of setbacks that would be necessary because of housing would not be considered with this particular property or any other development that would take place with the condition for the sale of this property, the easement produced by other legal counsel that will be signed by the purchaser of the Beckwith property to allow all future and present livestock operations to exist and to expand; also all other agricultural practices approved and conditional. The waiver from Chuck and Deb Beckwith would also be included in the condition. The purchaser shall be informed that a perpetual easement binding with the land, to the first buyer, stating any present and future development of all agricultural use up to the largest class of livestock within Boone County Nebraska. The last condition will be in effect contingent upon the legality of this condition; and so, if this easement has been found not to be legal, then this condition is null and void. Chair called for a motion for a vote. Jensen motioned to approve this conditional use permit as submitted along with the condition for the sale of this property, a perpetual easement be produced by other legal counsel that allows future and present livestock operations to exist and to expand; also all other agricultural practices approved and conditional. This waiver will be signed by the purchaser of the Beckwith property. The purchaser of the Beckwith property shall be informed that a perpetual easement binding with the land, to the first buyer, stating any present and future development of all agricultural use up to the largest class of livestock within Boone County Nebraska; The waiver of distance signed by Chuck and Deb Beckwith shall also be included in the condition. Second motion given by Mogensen. Vote: Ayes: Jensen, Stuhr, Towey, Baum, Frey, Mogensen, Wagner, Groeteke. Nays: None. Absent: Stephens.

**5. Public Hearing to consider, discuss and take action on a Conditional Use Permit submitted by John Kunzman to split off 7.33± acres from farm ground to create a separate parcel for living residence use which is located in a Fr. of the NE quarter of Section 27, Township 21N, Range 6 W of the 6<sup>th</sup> P.M., in Boone County Nebraska. This property is owned by John Kunzman and is located in on 110<sup>th</sup> Street between 250<sup>th</sup> and 260<sup>th</sup> Avenues in Boone County Nebraska.**

Chair asked for a motion to open the public meeting. Wagner motioned to open the public meeting, Towey second the motion. Vote: Ayes: Wagner, Frey, Stuhr, Towey, Jensen, Mogensen, Baum, Groeteke. Nays: None. Abstain: None. Absent: Stephens. Chair asked for any comments from the public. Jeff Jarecki, representing Niewohner Bros. Inc. stated opposition to this permit application using references to zoning regulations. Sara Cox stated opposition to this permit application using references to zoning regulations. John Kunzman presented his reasons for dividing off this land. The Chair asked for any additional comments or discussion on this permit application. Hearing none, the Chair asked for a motion to close the public meeting. Motion by Wagner, second by Baum. Vote: Frey, Jensen, Stuhr, Mogensen, Groeteke, Towey, Wagner, Baum. Nays: None. Abstain: None. Absent: Stephens. Chair asked for a motion for approval or to deny. Support for a vote: Results from discussion revealed this permit could not be approved as submitted without a signed waiver. Two options were considered and discussed, those being: denial or recommending approval with a waiver; if a waiver was signed, then this application could be submitted at a later date; nonconforming





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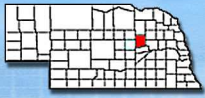
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acreage split in an Agricultural I zoning district. Chair called for a vote. Wagner motioned to deny this application due to the lack of a signed waiver of distance. Second by Mogensen. Vote: Ayes: Towey, Groeteke, Jensen, Stuhr, Baum, Frey, Mogensen, Wagner. Nays: None. Abstain: None. Absent: Stephens.

**6. Public Hearing to consider, discuss and take action on a Conditional Use Permit submitted by Harold H. Rudman Trust II, representative is Cornerstone Bank, to divide 3± acres from a fraction of the NW quarter in Section 32, Township 19N, Range 6W P.M., Boone County Nebraska.** Chair asked for a motion to open the public meeting. Stuhr motioned to open the public hearing, Towey second the motion. Vote: Ayes: Stuhr, Groeteke, Towey, Wagner, Baum, Mogensen, Frey, Jensen. Nays: None. Abstain: None. Absent: Stephens. Chair asked for public comments. Bill Schriver was present to represent the application and gave the reasons for dividing this section. Discussion about size of property split, getting a clean title for house on property for title insurance; changing a farm residence into a non-farm residence and in doing so, this split off, smaller parcel is no longer in the Agricultural I zoning as it becomes something exceptional to Agriculture I zoned. This discussion revealed this application meets all of the criteria of the previous permit applications for land division and for this reason, a perpetual waiver is recommended to be a condition on this permit. If the wording of this waiver is not legal, and if this conditional use permit is approved it will be null and void. With no further comments, Chair asked for a motion to close the public hearing. Jensen moved to close the public meeting, second by Baum. Vote: Ayes: Mogensen, Wagner, Frey, Stuhr, Towey, Baum, Jensen, Groeteke. Nays: None. Abstain: None. Absent: Stephens. Support for a vote: Support stated for a vote: Livestock facilities are out of the setback area as described in regulation; A minimum of 3 acres meets the requirements; Sanitation requirements met; acknowledging other livestock units within this area; a perpetual agreement/waiver of distance be put on this parcel that going forward any type of livestock production in the area, and any type of setbacks that would be necessary because of housing would not be considered with this particular property or any other development that would take place with the condition for the sale of this property, the easement produced by other legal counsel that will be signed by the purchaser of the Harold H. Rudman Trust II property to allow all future and present livestock operations to exist and to expand; also all other agricultural practices approved and conditional. The waiver signed by the representative of the Rudman Trust II would also be included in the condition. The purchaser shall be informed that a perpetual easement binding with the land, to the first buyer, stating any present and future development of all agricultural use up to the largest class of livestock within Boone County Nebraska. The last condition will be in effect contingent upon the legality of this condition and if this easement has been found not to be legal, then this condition is null and void. Chair called for a motion for a vote. Jensen motioned to approve this conditional use permit as submitted along with the condition for the sale of this property, a perpetual easement be produced by other legal counsel that allows future and present livestock operations to exist and to expand; also all other agricultural practices approved and conditional. This waiver will be signed by the purchaser of the Harold H. Rudman Trust II property. The purchaser of this property shall be informed that a perpetual easement binding with the land, to the first buyer, stating any present and future development of all agricultural use up to the largest class of livestock within Boone County Nebraska; The waiver of distance signed by representative of the Harold H. Rudman Trust II shall also be included in the condition. Second by Baum. Vote: Ayes: Baum, Wagner, Stuhr, Stephens, Jensen, Groeteke, Towey, Frey. Nays: None. Abstain: Mogensen. Absent: Stephens.

**8. Open Discussion.** Discussion was held about the good ideas and thoughts regarding the small parcel split that changes a farm residence to a non-farm residence. Discussion regarding John Kunzman's application, that if he signs the waiver of distance, he will be able to reapply and the perpetual easement may also be a condition on his permit. Continued discussion on the legality of the wording of this easement constructed at this meeting, the need to find out will determine this evening's approved permits and any future permit application for a small parcel split with changing a farm residence





# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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to a non-farm residence. Discussion continued with statements about people who want to live in the country on a split off parcel and also wanting anything and everything to be the way they want things to be, puts all waived rights personally on themselves in that zoning does prohibit certain actions in some circumstances and also alters the future of the land use in Agricultural I zoned areas in the County.

### **7- SCHEDULE NEXT MEETING**

Chairman announced that the next monthly meeting of the Commission would be Monday, June 27, 2016 at 8:00 p.m. in the County Courthouse in Boone County Courthouse Albion Nebraska.

### **8 – ADJOURN**

Chair asked for a motion to adjourn. Motion to adjourn made by Stuhr, second by Baum at 9:45 p.m. Vote: Ayes: Wagner, Mogensen, Towey, Frey, Groeteke, Baum, Stuhr, Jensen. Nays: None. Abstain: None. Absent; Stephens.

**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 Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, January 25, 2016 at 7:00 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 , 2016 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

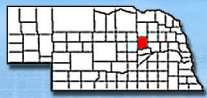
Chairman announced that the next monthly meeting of the Commission would be Monday, 2016 at :00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

### 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

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**DATE: July 25, 2016**

### **1 – CALL TO ORDER**

The July monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Groeteke in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, July 25, 2016 at 8:00 p.m. Groeteke noted that a copy the Open Meetings Act was posted and copies 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, Towey, Mogensen, Groeteke, Stuhr and Wagner. Late: Frey and Stephens. Absent: Baum.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the May 23, 2016 meeting minutes. Groeteke asked for a motion to approval or disapproval of the minutes. Motion by Jensen to approve the minutes as submitted, with Towey second the motion. Vote: Ayes; Towey, Wagner, Mogensen, Groeteke, Stuhr and Jensen. Nays; 0. Abstain; Stephens. Absent; Baum. Late for vote: Frey.

### **4-DISCUSSION ON AN ALTERNATE PROPOSAL TO AN EASEMENT ON CONDITIONAL USE PERMITS**

Discussion was held regarding the land use and the number of acres of land, for acreage splits that are not compliant with the current zoning regulations. Numerous facts and information were reviewed. There will be further discussion on this matter in future meetings.

**5-Open Discussion;** Reviewed the outcome for the previous two conditional use permits.

**5- Correspondence/Zoning Administrators Report;** The zoning administrator's report was given. The report reviewed actions, concerns and information from the past two months.

**6- SCHEDULE NEXT MEETING:** Chairman Groeteke announced the next monthly meeting of the Commission would be Monday, August 22, 2016 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

**9 – ADJOURN:** Motion to adjourn made by Stephens at 9:05 p.m., second by Werner. Vote:Ayes; Wagner, Mogensen, Stephens, Towey, Frey, Groeteke, Stuhr, Jensen. 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

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**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.

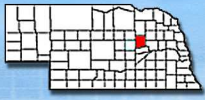
**7-Correspondence/Zoning Administrators Report:** Written report submitted to each Board member. Ziemba submitted and reviewed the Interlocal Agreement between the City of Albion and Boone County in reference to a fraction of the North and Northwest area in Section 16, Township 20 North, Range West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



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY

AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON





# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**DATE: August 22, 2016**

### **1 – CALL TO ORDER**

The monthly meeting of the Boone County Planning and Zoning Commission was called to order by Vice Chairman Brad Stephens in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, August 22, 2016 at 8:00 p.m. Stephens noted a copy of the Open Meetings Act posted and there were copies 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, Towey, Stephens, Mogensen, Stuhr and Wagner. Absent: Frey, Baum and Groeteke.

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Stephens asked for a motion for approval or disapproval of the July 25, 2016 minutes. Stuhr stated a correction in which the date was written as the January meeting instead of the July meeting. Motion by Stuhr to accept the minutes with this correction. Second motion to approve minutes with said correction was Jensen. Vote: Ayes; Towey, Wagner, Mogensen, Stuhr, Jensen and Stephens. Nays; Zero. Abstain; Zero. Absent; Baum, Groeteke, Frey.

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

A conditional use permit application submitted by Kirk Kendrick to allow manufacturing in current building located on a tract of land comprising a part of the SW Railroad Track Outlet C in Section 25, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County Nebraska. This property owned by Kirk Kendrick is located at 2091 205<sup>th</sup> Street in Loretto Nebraska located in Boone County Nebraska. Stephens asked for a motion to open the public hearing. Wagner motioned to open the public hearing. Mogensen second the motion. Vote: Ayes: Wagner, Towey, Stuhr, Mogensen, Stephens, Jensen. Nays: Zero. Absent: Baum, Frey, Groeteke. Abstain: Zero. Stephens noted the party representing this application was present and asked them to explain the need of this permit. Kirk Kendrick responded he has built the building a while back and currently manufacturing parts for different manufacturing businesses and would like to manufacture gun parts which require an FFL and with that he has to make sure it is zoned correctly for the ATF to issue a license for him. Kendrick stated wanting to make sure everything is correct with regards to his property and building. Discussion was held regarding the year the building was built and that a permit to build this building was approved at that time; questioned if any response from neighbors had been given as no negative response was given by the neighbors; questioned if there would be any type of expansion, replied not at this time but would be nice eventually; the need to put the conditional use on the land/property verses the building or put the conditional use only on the building. The result of the discussion is to put the conditional use on the land/property, in that way if at any time a need for expansion should occur, the land/property could be used as permitted. Stephens asked for further discussion, with none brought forth, Stephens asked for a motion to close the public hearing. Towey motioned to close the public hearing with Mogensen second the motion. Vote: Ayes; Jensen, Stephens, Wagner, Towey, Mogensen, Stuhr. Nays; Zero. Absent: Groeteke, Baum, Frey. Abstain: Zero. Stephens asked for any additional discussion. Wagner referred to number five (5) of the Findings and Information page submitted by Ziemba to be struck from it since a conditional use has been requested and not a request for spot zoning. No other comments or discussion, Stephens asked for a motion to vote on this



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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application. Towey motioned to grant the conditional use as submitted with the factual findings, one (1) through four (4), excluding number five (5); this condition also includes the lot size of .6 acres for the manufacturing of pivot parts and of gun parts. Vote: Yeas: Stuhr, Wagner, Mogensen, Stephens, Jensen, Towey. Nays: Zero. Absent: Frey, Baum, Groeteke. Abstain: Zero.

### **6-Open Discussion-**

The open discussion began with some results from changing the number of acres for parcel splits stated in the zoning regulations. Some of the results discussed were: not being able to have end guns on center pivots because of a ten (10) acre limit when a corner part of the land is being considered for a split; Making sure the parcel to be split off is rectangular in shape; the issue of taking a farmhouse that has no value off of a small parcel (3 acre) and build a new house, since the small lot has been created, could be an issue if done at a later date from the date of the permit and not getting a zoning permit to build new; discussion about the number of acres on various situations, be it new or existing. Also discussed, was the issue of mortgage loans on small parcels of land verses the larger parcels having productive ground. Discussed loans on specialty crops that do not need large areas for production such as a vineyard or hops. Discussed subdivisions and the requirement for the set number of acres. Discussed how natural boundaries may affect the number of required acres and other circumstances that would have to be considered when deciding the shape and size of the acres to be split off. Discussed new livestock production coming into the county and the numerous farm residents in various areas throughout the county. Discussion about having the Commissioners attending a meeting to involve them with this Board in discussing this issue of changing or keeping the acreage split-off amounts. This way all involved will be part of the discussion. The whole point of having designated acres to be split off in the rural areas of the county is to keep our farm production progress while also allowing our county to grow with residential families to insure all aspects of living in Boone County. A general consensus of inviting the Commissioners to one of the Planning Commissions meeting to discuss and get everyone's ideas on this issue and move this forward for a final decision.

### **7-Correspondence/Zoning Administrators Report-**

The Administrators Report was handed out and reviewed and discussed. Ziemba noted she has a NPZA meeting on September 26<sup>th</sup> and 27<sup>th</sup> which would be a conflict with September's meeting. The Board decided to schedule the September meeting and determine if any type of situation would come up that would need to be reviewed by the Board; otherwise the meeting will be postponed to October.

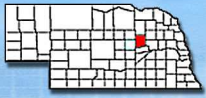
### **8- SCHEDULE NEXT MEETING**

Chairman announced that the next monthly meeting of the Commission would be Monday, September 26, 2016 at 8:00 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

### **9 – ADJOURN-**

A motion to adjourn made by Mogensen at 9:06 p.m., second by Towey. Vote: Ayes; Wagner, Mogensen, Stephens, Towey, Stuhr and Jensen. Nays; Zero. Absent; Baum, Frey, Groeteke Abstain; Zero.

SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY



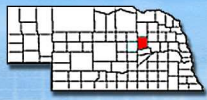
# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**DATE: October 24, 2016**

### **1 – CALL TO ORDER**

The October 2016 monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, October 24, 2016 at 8:02 p.m. Groeteke noted a copy of 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, mail and posted on the bulletin board outside of Zoning Administrator's office. All proceedings hereafter shown were taken while the convened meeting was open to the public.

### **2 – ROLL CALL**

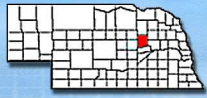
The following quorum of Commission members were present and answered roll call: Present: Towey, Stephens, Mogensen, Groeteke, Stuhr, Wagner. Absent: Jensen, Frey. Late: Baum

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the August 22, 2016 meeting minutes. Groeteke asked for a motion to accept or with corrections of the minutes. Motion by Stuhr to approve the minutes as submitted. Second by Towey. Vote: Ayes; Towey, Wagner, Mogensen, Stuhr, Stephens. Nay: None. Abstain: Groeteke-due to absence. Absent: Jensen, Frey, Baum.  
Nays; Abstain; Absent;

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

On a conditional use application submitted by Otto Taake to divide approximately 5.74± acres from a tract of land located in a fraction of the North ½ of the Northwest ¼ of Section, 23, Township 22N, Range 5W, West of the 6<sup>th</sup> P.M. in Boone County Nebraska to sell. Groeteke asked for a motion to open the public meeting. Stephens motioned to open the public meeting with Wagner second the motion. Vote: Ayes: Baum, Stuhr, Mogensen, Stephens, Towey, Wagner, Groeteke. Nay: None. Abstain: None. Absent: Frey, Jensen. The Board reviewed the material offered. A Waiver of Distance was signed by Otto Taake for feeding operations that are within the setback distance. Regulations for this permit are met. No concerns with the swine unit northeast of parcel as it is further out than one-half mile, also the cattle feeding lot posed no concern. Concern by the Board is having three acre properties out in the A-1 area thus the possibility of preventing future livestock expansion. Another concern was the house being close to the farming operation, with the driveway where will be used by harvesters, grain haulers; and the bins in close proximity, may pose a problem for the current homeowner, or any future landowner; as stated, this is a concern for this Board. No further comments or concerns voiced, Groeteke asked a motion to close the public hearing. Stephens made a motion to close the public hearing, Mogensen second the motion. Ayes: Wagner, Stuhr, Groeteke, Towey, Baum, Mogensen, Stephens. Nays: None. Abstain: None. Absent: Jensen, Frey. Groeteke asked for a motion for the application by Otto Taake for a conditional use. Wagner moved to approve as submitted with the conditions applied. Second by Baum. Vote: Ayes: Stuhr, Stephens, Towey, Baum, Mogensen, Wagner, Groeteke. Nay: None. Abstain: None. Absent: Frey, Jensen.



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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### **5-Open Discussion**

The review of the zoning setbacks in the Agriculture areas needs to be started. Ziemba stated the bankers, commissioners and this Board need to be present so this process can begin with everyone participating in the discussion. The Board discussed and reviewed some items for the upcoming conditional use permit applications.

### **6-Correspondence/Zoning Administrator Report**

Ziemba reported on the NPZA conference she attended in September. The idea of the possibility of hiring a new zoning consultant was discussed.

### **7- SCHEDULE NEXT MEETING**

Chairman announced that the next monthly meeting of the Commission would be Monday November 21, 2016 at 8:00 p.m. at the Casey Building located at the Boone County Fairgrounds in Albion Nebraska.

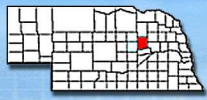
### **8 – ADJOURN**

A motion to adjourn made by Towey and second by Mogensen. Vote: Ayes: Wagner, Mogensen, Stephens, Towey, Groeteke, Baum, Stuhr. Nays: None. Abstain: None. Absent: Jensen, Frey at 8:50 p.m.

SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY

AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON





# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**DATE: October 24, 2016**

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### **2 – ROLL CALL**

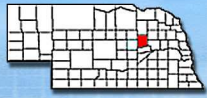
The following quorum of Commission members were present and answered roll call: Present: Towey, Stephens, Mogensen, Groeteke, Stuhr, Wagner. Absent: Jensen, Frey. Late: Baum

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the August 22, 2016 meeting minutes. Groeteke asked for a motion to accept or with corrections of the minutes. Motion by Stuhr to approve the minutes as submitted. Second by Towey. Vote: Ayes; Towey, Wagner, Mogensen, Stuhr, Stephens. Nay: None. Abstain: Groeteke-due to absence. Absent: Jensen, Frey, Baum.  
Nays; Abstain; Absent;

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

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# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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### **5-Open Discussion**

The review of the zoning setbacks in the Agriculture areas needs to be started. Ziemba stated the bankers, commissioners and this Board need to be present so this process can begin with everyone participating in the discussion. The Board discussed and reviewed some items for the upcoming conditional use permit applications.

### **6-Correspondence/Zoning Administrator Report**

Ziemba reported on the NPZA conference she attended in September. The idea of the possibility of hiring a new zoning consultant was discussed.

### **7- SCHEDULE NEXT MEETING**

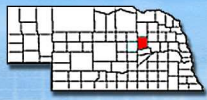
Chairman announced that the next monthly meeting of the Commission would be Monday November 21, 2016 at 8:00 p.m. at the Casey Building located at the Boone County Fairgrounds in Albion Nebraska.

### **8 – ADJOURN**

A motion to adjourn made by Towey and second by Mogensen. Vote: Ayes: Wagner, Mogensen, Stephens, Towey, Groeteke, Baum, Stuhr. Nays: None. Abstain: None. Absent: Jensen, Frey at 8:50 p.m.

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 24, 2016**

### **1 – CALL TO ORDER**

The October 2016 monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Paul Groeteke in the Multipurpose Room in the Boone County Courthouse located at Albion Nebraska, Monday, October 24, 2016 at 8:02 p.m. Groeteke noted a copy of 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, mail and posted on the bulletin board outside of Zoning Administrator's office. All proceedings hereafter shown were taken while the convened meeting was open to the public.

### **2 – ROLL CALL**

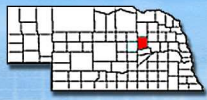
The following quorum of Commission members were present and answered roll call: Present: Towey, Stephens, Mogensen, Groeteke, Stuhr, Wagner. Absent: Jensen, Frey. Late: Baum

### **3 – APPROVAL/DISAPPROVAL OF THE MINUTES**

Approval/Disapproval of the August 22, 2016 meeting minutes. Groeteke asked for a motion to accept or with corrections of the minutes. Motion by Stuhr to approve the minutes as submitted. Second by Towey. Vote: Ayes; Towey, Wagner, Mogensen, Stuhr, Stephens. Nay: None. Abstain: Groeteke-due to absence. Absent: Jensen, Frey, Baum.  
Nays; Abstain; Absent;

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

On a conditional use application submitted by Otto Taake to divide approximately 5.74± acres from a tract of land located in a fraction of the North ½ of the Northwest ¼ of Section, 23, Township 22N, Range 5W, West of the 6<sup>th</sup> P.M. in Boone County Nebraska to sell. Groeteke asked for a motion to open the public meeting. Stephens motioned to open the public meeting with Wagner second the motion. Vote: Ayes: Baum, Stuhr, Mogensen, Stephens, Towey, Wagner, Groeteke. Nay: None. Abstain: None. Absent: Frey, Jensen. The Board reviewed the material offered. A Waiver of Distance was signed by Otto Taake for feeding operations that are within the setback distance. Regulations for this permit are met. No concerns with the swine unit northeast of parcel as it is further out than one-half mile, also the cattle feeding lot posed no concern. Concern by the Board is having three acre properties out in the A-1 area thus the possibility of preventing future livestock expansion. Another concern was the house being close to the farming operation, with the driveway where will be used by harvesters, grain haulers; and the bins in close proximity, may pose a problem for the current homeowner, or any future landowner; as stated, this is a concern for this Board. No further comments or concerns voiced, Groeteke asked a motion to close the public hearing. Stephens made a motion to close the public hearing, Mogensen second the motion. Ayes: Wagner, Stuhr, Groeteke, Towey, Baum, Mogensen, Stephens. Nays: None. Abstain: None. Absent: Jensen, Frey. Groeteke asked for a motion for the application by Otto Taake for a conditional use. Wagner moved to approve as submitted with the conditions applied. Second by Baum. Vote: Ayes: Stuhr, Stephens, Towey, Baum, Mogensen, Wagner, Groeteke. Nay: None. Abstain: None. Absent: Frey, Jensen.



# Boone County Planning and Zoning Minutes



## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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### **5-Open Discussion**

The review of the zoning setbacks in the Agriculture areas needs to be started. Ziemba stated the bankers, commissioners and this Board need to be present so this process can begin with everyone participating in the discussion. The Board discussed and reviewed some items for the upcoming conditional use permit applications.

### **6-Correspondence/Zoning Administrator Report**

Ziemba reported on the NPZA conference she attended in September. The idea of the possibility of hiring a new zoning consultant was discussed.

### **7- SCHEDULE NEXT MEETING**

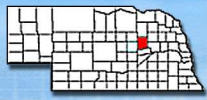
Chairman announced that the next monthly meeting of the Commission would be Monday November 21, 2016 at 8:00 p.m. at the Casey Building located at the Boone County Fairgrounds in Albion Nebraska.

### **8 – ADJOURN**

A motion to adjourn made by Towey and second by Mogensen. Vote: Ayes: Wagner, Mogensen, Stephens, Towey, Groeteke, Baum, Stuhr. Nays: None. Abstain: None. Absent: Jensen, Frey at 8:50 p.m.

SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY

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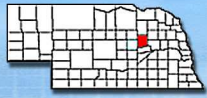
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# Boone County Planning and Zoning Minutes



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