



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: FEBRUARY 22, 2021

1 – CALL TO ORDER

The February monthly meeting of the Boone County Planning and Zoning Commission was called to order by Secretary Jensen in the Casey Building located at the Boone County Fairgrounds, 11th Street and West Fairview Street in Albion Nebraska, on Monday, February 22, 2021 at 7:03 p.m. Jensen stated 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. Public Notices for this meeting and Public Notices for the public hearings for this meeting were given in advance by publication in the Boone County Legal Newspaper, the Albion News. Said notices were posted on the Zoning Administrator's bulletin board located outside of the Zoning Office in the Boone County Courthouse. All proceedings hereafter shown were taken while the convened meeting was open to the public.

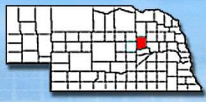
2 – ROLL CALL

Roll Call results: Present: Frey, Jensen, Stuhr, Towey, Mogensen. Absent: Baum, Stephens, Groeteke, Wagner.

3 – APPROVAL/DISAPPROVAL OF MINUTES for the November 30, 2020 Planning Commission meeting. Chair asked for a motion to approve or disapprove the minutes. Motion by Towey to approve as submitted with Stuhr second. Vote: Ayes: Stuhr, Jensen, Mogensen, Frey Towey. Nays: None. Abstain: None. Absent: Baum, Groeteke, Stephens, Wagner. Minutes approved as submitted.

4 – RE-ORGANIZE THE BOONE COUNTY PLANNING COMMISSION BOARD OFFICERS FOR THE 2021 CALENDAR YEAR. Jensen asked for nominations for the Chair position per voice vote. Mark Wagner was nominated with a unanimous yeah vote, result***** for him to retain the position as Chair. Jensen asked for nominations for Vice-Chair. Brad Stephens was nominated with unanimous decision for him to retain the position of Vice-Chair. Jensen asked for nominations for Secretary. Clyde Stuhr was nominated with Five (5) yeas, one (1) abstain. With the majority vote Stuhr will succeed Mark Jensen as Secretary.

5. Consider, review, and take necessary action on an application for a Conditional Use Permit to split off 8.88± acres from a parcel of land to have this completed for future use by the family. This tract of land is in part of the Northwest Quarter (NW ¼) of Section 11, Township 19 North, Range 6 West of the 6th P.M., Boone County Nebraska. This property is owned by Don Johnson and is located along Highway #14 south between 290th and 300th Streets in Boone County Nebraska. A-1 Agricultural Primary District. Jensen asked for a motion to open the public hearing. Towey motioned to open the public hearing with Frey second the motion. Vote: Ayes: Stuhr, Jensen, Towey, Frey, Mogensen. Nay: None. Abstain: None. Absent: Baum, Wagner, Groeteke, Stephens. Chair asked Don Johnson to explain his reason for applying for this conditional use permit. Mr. Johnson stated he would like this land split at this time, so in the future, it will be taken care of and would legally be ready for the interests of his family. Chair asked for any comments from the Board. Jensen asked for any Waiver of Distance needed. Ziemba stated all was in order and confirmed the Waiver of Distance was signed and to be place with this application. Chair asked for any more discussion, with none heard, Chair asked for a motion to close the public hearing. Motioned by Frey to close the public hearing and Towey second the motion. Vote: Ayes: Towey, Mogensen, Jensen, Stuhr, Frey. Nays: None. Abstain: None. Absent: Groeteke, Baum, Stephens, Wagner. Jensen asked for further comments or questions, none given. Chair asked for a



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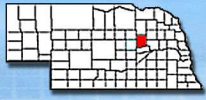
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motion for a vote to approve, disapprove or with conditions. Jensen moved to approve as submitted with Mogensen second the motion. Vote: Ayes: Jensen, Mogensen, Frey, Stuhr, Towey. Ayes: None. Abstain: None. Absent: Wagner, Stephens, Groeteke, Baum. Motion carried to approve the permit.

6. Consider, review, and take necessary action on an application for a Conditional Use Permit to split off 5± acres from a parcel of land to have this parcel split for future use by the family. This tract of land is in part of the Northeast Quarter (NE ¼) of Section 35, Township 21 North, Range 5 West of the 6th P.M., Boone County Nebraska. This property is owned by Daniel and Peggy Schroeter and is on 320th Avenue between 210th and 220th Streets in Boone County Nebraska. A-1 Agricultural Primary District. Jensen asked for a motion to open the public hearing. Mogensen motioned to open the public hearing with Stuhr second the motion. Vote: Ayes: Stuhr, Mogensen, Jensen, Towey, Frey. Nay: None. Abstain: None. Absent: Baum, Wagner, Groeteke, Stephens. Chair asked Dan Schroeter to explain his reason for applying for this conditional use permit. Mr. Schroeter would like this land split so one of his children could purchase and live in the house located on proposed parcel to be separated. An Easement between the house and the grain bin site is located on the survey and will be recorded with the Deed when the separated parcel is purchased. Chair asked for any comments from the Board. No comments were given. Chair asked for any more discussion, with none heard, Chair asked for a motion to close the public hearing. Motioned by Towey to close the public hearing and Mogensen second the motion. Vote: Ayes: Stuhr, Mogensen, Jensen, Towey, Frey. Nays: None. Abstain: None. Absent: Groeteke, Baum, Stephens, Wagner. Jensen asked for further comments or questions from the Board. Mogensen asked if there was a Waiver of Distance for this permit. Ziemba stated there is. The Waiver of Distance is signed and will be recorded with the permit. Chair asked for any other discussion, none give, motion for a vote to approve, disapprove or with conditions. Stuhr moved to approve as submitted with Mogensen second the motion. Vote: Ayes: Jensen, Mogensen, Frey, Stuhr, Towey. Ayes: None. Abstain: None. Absent: Wagner, Stephens, Groeteke, Baum. Motion carried to approve the permit.

7. – Consider, review, and take the necessary action on amending Articles as follows in the Primary Agricultural District A-1, Secondary Agricultural District A-2 and the Transitional Agriculture District A-3, Structures to be built up from the current 63 feet to state 83 feet from the existing visual center of all Boone County Roads, excluding all site triangles of intersections. Chair asked for a motion to open this public hearing. Towey motioned to open the public hearing with Mogensen second the motion. Vote: Ayes: Stuhr, Mogensen, Jensen, Towey, Frey. Nay: None. Abstain: None. Absent: Baum, Wagner, Groeteke, Stephens. Chair asked for discussion from the public, none given, Chair asked for a motion to close the public hearing. Vote: Ayes: Jensen, Towey, Mogensen, Frey, Stuhr. Nay: None. Abstain: None. Absent: Wagner, Groeteke, Stephens, Baum. With much discussion and reviewing many reasons for and against this change, Chair asked for a motion to vote on amending this Article. Towey motioned on leaving the setback distance as written in the current Boone County Zoning Regulations. Mogensen second the motion. Vote: Ayes: Jensen, Towey, Mogensen, Stuhr, Frey. Nays: None. Abstain: None. Absent: Stephens, Groeteke, Wagner, Baum. Motion Carried.

8-REVIEW AND DISCUSS THE EXISTING CONDITIONS ON THE CURRENT CONDITIONAL USE PERMIT #C1909 FOR THE PILLEN FAMILY FARMS REGARDING APPLYING EFFLUENT FROM PLATTE COUNTY TO THREE (3) PARCELS IN BOONE COUNTY. DISCUSS `1 THIS ACTION WITH AN ADDENDUM TO THIS CONDITIONAL USE PERMIT. Jensen asked for discussion on this item. Contents of the discussion: members are satisfied with the process of how the effluent is being knifed in; Board did not consider the Addendum to be relevant to this conditional use permit, so it will



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not be voted on. Rick Fullner was present to represent this permit. He explained how the newer machine does a better job of application. A request by some of the members is that this process of applying effluent could be used on all fields throughout the county. Chair asked for a voice vote for approval to have this conditional use permit stand for another year as stated in the conditions. Vote: Yeas – 5. Nays none. Abstain None. Absent: Groeteke, Wagner, Baum, Stephens. Chair announced the vote for approval carried.

9-Administrator Report: Written report handed out to all Board members. Board reviewed, no questions or concerns stated.

10-Open Discussion: None.

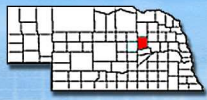
11- SCHEDULE NEXT MEETING

Chairman announced the next monthly meeting will be determined as items for the agenda drives the need for a monthly meeting.

12 – ADJOURN: Chair asked for a motion to close the February 22, 2021 meeting. Motion by Towey to close the meeting, second by Mogensen. Vote: Ayes: Jensen, Frey, Stuhr, Mogensen, Towey. Nays: None. Abstain: None. Absent: Baum, Groeteke, Stephens, Wagner.

SUBMITTED: _____ **COMMISSION SECRETARY**
(Clyde Stuhr)

AFFIRMED BY: _____ **COMMISSION CHAIRPERSON**
(Mark Wagner)



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BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

DATE: June 24, 2019

1 – CALL TO ORDER

The 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 222 South 4th Street Albion Nebraska, Monday, June 24, 2019 at 7:32 p.m. Groeteke a copy the Open Meetings Act is 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.

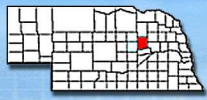
2 – ROLL CALL

Roll Call results: Present: Groeteke, Towey, Mogensen, Stuhr, Wagner. Absent: Jensen, Baum, Frey.

3 – APPROVAL/DISAPPROVAL OF MINUTES for the May 28, 2019 Planning Commission meeting. Chair asked for a motion to approve or disapprove the minutes. Motion by Wagner, second by Towey. Vote: Ayes: Towey, Wagner, Stuhr, Mogensen. Nays: None. Abstain: Groeteke. Absent: Baum, Frey, Jensen.

4-Consider, review and take necessary action on an application for a Conditional Use Permit submitted by Bryce and Mandy Naber to divide off 5.09± acres including 1.05± acres of the Right -of-Way (ROW) from a parcel of land in the Northwest Quarter (NW ¼) of Section 19, Township 20 North, Range 6 West of the 6th P.M., Boone County Nebraska. This property is owned by Loren Naber and Patricia Naber and is located at 220th Avenue and 250th Street in Boone County Nebraska; located in the A-2 Secondary Agricultural District. Chair asked for a motion to open the public hearing. Wagner motion to open the public hearing with Stuhr second. Vote: Ayes: Mogensen, Groeteke, Wagner, Stephens, Stuhr, Towey. Nays: None. Abstain: None. Absent: Frey, Jensen, Baum. Bryce Naber was represented by Jeff Jarecki, Attorney-at-Law. Jarecki stated reason for this permit stating facts and reasons for the parcel split. After hearing no further discussion, Groeteke asked for a motion to close the public hearing. Wagner motioned to close the public hearing with Mogensen second. Vote: Ayes: Stephens, Groeteke, Mogensen, Stuhr, Towey, Wagner. Nays: None. Abstain: None. Absent: Jensen, Frey, Baum. The Board continued discussion pointing out the family will be able to build a house and remain on the farm to continue working the land. The Board agreed this is a good transition and fits in the A-2 District. Groeteke asked for a motion to vote on the application. Wagner motion to approve this application to split off 5.09± acres plus 1.05± acres for the purpose of building a new house. Towey second the motion. Vote: Ayes: Wagner, Towey, Stuhr, Mogensen, Stephens. Nays: None. Abstain: None. Absent: Frey, Jensen, Baum. Motion carried.

5. Consider, review and take necessary action on an application for a Conditional Use Permit submitted by Bryce and Mandy Naber to divide off 8.53± acres including .97± acres of the Right-of-Way (ROW) from a parcel of land in the North Half (N ½) in Section 19, Township 20 North, Range 6 West of the 6th P.M., Boone County Nebraska. This property is owned by Loren and Patricia Naber and is located at 220th Avenue and 250th Street in Boone County Nebraska; located in the A-2 Secondary Agricultural District. Groeteke asked for a motion to open the public hearing. Wagner motioned to open the public hearing, Stuhr second. Vote: Ayes: Stuhr, Groeteke, Wagner, Mogensen, Stephens, Towey. Nays: None. Abstain: None. Absent: Baum, Frey, Jensen. Jeff Jarecki represented this application for the Naber family. Jarecki noted this split is around grain



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bins due to tax purposes, this site will be for equipment storage. With no further discussion, Chair asked for a motion to close the public hearing. Wagner motioned to close the public hearing with Towey second. The Board discussed the positive aspects of this parcel split, it is a good transaction and a good use of this property. With no further discussion, Chair asked for a motion to vote. Wagner made the motion to approve this application as submitted and Mogensen second. Vote: Ayes: Stuhr, Mogensen, Stephens, Towey, Wagner, Groeteke. Nays: None. Abstain: None. Absent: Baum, Frey, Jensen. Motion carried.

6. Review and act on a letter of intent from Petersburg Industrial Development Corporation for a proposed re-zone of a portion of the TA area to R-2, amend the existing Future Use map for Petersburg and a new subdivision, Koch III. The Board discussed this request and found that all areas would fit the Petersburg Community and they recommended the Petersburg Industrial Development Corporation begin the process for this request. Chair asked for a vote to recommend implementation of the re-zoning, amend future use map and the new subdivision, Koch III. Stephens made a motion to accept the request by the Petersburg Industrial Development Corporation and second by Stuhr. Vote: Ayes: Wagner, Stephens, Stuhr, Towey, Mogensen, Groeteke. Nays: None. Abstain: None. Absent: Frey, Jensen, Baum.

7. Review and act on the letter of intent from St. Edward City Council to adopt an Ordinance for a Flood Plain regulation for their village. The Board had a lengthy discussion regarding how the new flood plain map was determined where parts of the map do not make sense. The opinion of the Board was not to act on the new Ordinance until further information was attained, regarding the new flood plain map that was submitted during the March 2019 flood. They voiced the need to find out how the map was developed, what information was used and how it was acquired. Ziemba will investigate and give the findings to the Board.

8-Open Discussion More discussion on the floodplain map for St. Edward and the status of the St. Edward community since the flood. Also discussed the flood damage in the whole county.

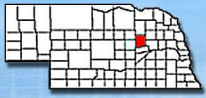
9- SCHEDULE NEXT MEETING

Chairman announced that the next monthly meeting of the Commission would be Monday, July 22, 2019 at 7:30 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by Towey to adjourn the meeting, second by Mogensen. Vote: Ayes; Wagner, Stuhr, Mogensen, Groeteke, Stephens, Towey. Nays; None. Abstain; None. Absent: Frey, Jensen, Baum.

SUBMITTED: _____ **COMMISSION SECRETARY**

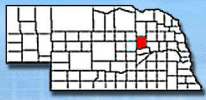


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AFFIRMED BY: _____ COMMISSION CHAIRPERSON



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RESOLUTION 2019 – 05

CHANGES TO THE A-1 AND A-2 BOONE COUNTY ZONING REUGULATIONS.

A-1 Article 12, Section 2: Conditional Uses 2.3 C Any residential type dwellings, provided the intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Condition Use Permit shall include the cost of improving the road by the applicant in accordance with the Nebraska Department of Roads, as a condition of the permit.

Section 4. 4.1A: a Five (5) sequential acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with the plat or lot split certificate and survey designating from which quarter (1/4) Section tract the parcel is being removed.

A-2 ARTICLE 13: Section 1: 1.2 Any residential type dwellings, provided the intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Condition Use Permit shall include the cost of improving the road by the applicant in accordance with the Nebraska Department of Roads, as a condition of the permit.

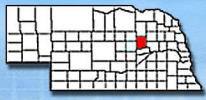
ADDITION TO

Section 1:

- 1.10 Single-family dwellings will have no less than three (3) sequential acres.
- 1.11 The maximum dwelling density, both existing and new dwellings, is no more than four (4) dwelling units per one quarter (1/4) Section. The Plan or lot split shall designate from which quarter (1/4) Section the lot is being removed.
- 1.12 All driveways shall be adjacent to an improved county road or state highway.
- 1.13 All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
- 1.14 All lots shall meet standards for well and septic systems as established by the Nebraska Department of Health and Human Services and Environmental Quality.

Section 4:

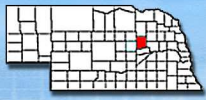
- 4.1 Minimum Lot Area



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- **A. Single-family dwellings – Three (3) sequential acres including road right-of-way and at a density of no more than four (4) existing or new acreage or farmsteads per one-quarter (1/4) Section, except as herein exempted or on non-conforming lots of record.**
 - (1) Should the lot be located within two (2) one-quarter (1/4) Sections, the plat or lot split certificate shall designate from which one-quarter (1/4) Section tract the lot is being removed.
- **C. Seasonal dwellings – Three (3) sequential acres including road right-of-way.**
 - **EXEMPTIONS:**
- **B. Existing Farmsteads with single-family dwellings at the time of adoption of these regulations may be located on lots of:**
 - **B. (1) The lot created shall not be less than three (3) sequential acres including road right-of-way.**



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RESOLUTION 2019 – 05

CHANGES TO THE A-1 AND A-2 BOONE COUNTY ZONING REUGULATIONS.

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Section 4. 4.1A: a Five (5) sequential acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with the plat or lot split certificate and survey designating from which quarter (1/4) Section tract the parcel is being removed.

A-2 ARTICLE 13: Section 1: 1.2 Any residential type dwellings, provided the intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Condition Use Permit shall include the cost of improving the road by the applicant in accordance with the Nebraska Department of Roads, as a condition of the permit.

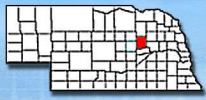
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Section 4:

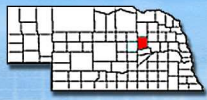
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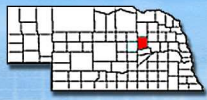
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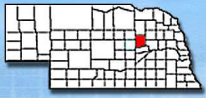
9- SCHEDULE NEXT MEETING

Chairman announced that the next monthly meeting of the Commission would be Monday, July 22, 2019 at 7:30 p.m. in the County Courtroom, Boone County Courthouse Albion Nebraska.

9 – ADJOURN

A motion to adjourn made by Towey to adjourn the meeting, second by Mogensen. Vote: Ayes; Wagner, Stuhr, Mogensen, Groeteke, Stephens, Towey. Nays; None. Abstain; None. Absent: Frey, Jensen, Baum.

SUBMITTED: _____ **COMMISSION SECRETARY**



Boone County Planning and Zoning Minutes



BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

AFFIRMED BY: _____ COMMISSION CHAIRPERSON