

# Boone County Planning and Zoning Agenda



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

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**DATE: JUNE 28, 2021**

### **1 – CALL TO ORDER**

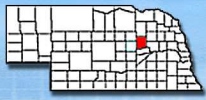
The June monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Wagner in the Casey Building located at the Boone County Fairgrounds, 11<sup>th</sup> Street and West Fairview Street in Albion Nebraska, on Monday, June 28, 2021 at 7:00 p.m. Wagner noted a copy of the Open Meetings Act 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/Boone County Tribune. 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, Stuhr, Towey, Groeteke, Wagner. Absent: Baum, Stephens, Jensen, Mogensen.

**3 – APPROVAL/DISAPPROVAL OF MINUTES** for the May 24, 2021 Planning Commission meeting. Chair asked for a motion to approve or disapprove the minutes. Motion by Groeteke to approve as submitted, Towey second. Vote: Ayes: Stuhr, Towey, Groeteke, Wagner, Frey. Nays: None. Abstain: None. Absent: Baum, Mogensen, Jensen, Stephens. Minutes approved as submitted.

**4. PUBLIC HEARING: To take action on a Letter of Intent for an Ordinance for Annexation from the Village of Petersburg requesting to annex a tract of land located in the Northeast Quarter (NE ¼) in Section 26, Township 22N, Range 7W of the 6<sup>th</sup> P.M., Boone County Nebraska; known as Koch III Addition.** Wagner asked for a motion to open the public hearing. Stuhr motioned to open the public hearing with Towey second. Vote: Ayes: Wagner, Towey, Groeteke, Stuhr, Frey. Nay: None. Abstain: None. Absent: Baum, Jensen, Mogensen, Stephens. Corey Stokes represented the Village of Petersburg's Letter of Intent requesting to annex the Koch III Addition in the Northwest area of the Village. The Village is looking for new housing area and this area merges with the village. There has not been any opposition to this annexation. This addition is being developed. Wagner asked for further discussion, none being stated, he asked for a motion to close the public hearing. Towey motioned to close the public hearing with Stuhr second. Vote: Ayes: Groeteke, Wagner, Stuhr,



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Towey, Frey. Nays: None. Abstain: None. Absent: Stephens, Jensen, Mogensen, Baum. Wagner asked for any discussion from the Planning Board. Nearby landowners were notified of this annexation. Question about number of acres which are 2.78 acres. Wagner asked for any more discussion, hearing none, he asked for a motion to vote on a recommendation for approval as submitted the Annexation of the Koch III to the Village of Petersburg. Groeteke motion to approve this action with Stuhr second the motion. Vote: Ayes: Wagner, Stuhr, Groeteke, Towey, Frey. Nays: None. Abstain: None. Absent: Baum, Mogensen, Stephens, Jensen. Wagner read the Action Taken Form describing the decision of the Planning Board to the Petersburg Village Board Members for their future decisions and action on this Annexation.

### **5. - Discuss and take necessary action regarding the Solar Energy Regulation Draft.**

Wagner asked for discussion on this draft. This ordinance would be similar to what would be modified for Boone County Zoning Regulations. With much discussion it was decided to have both the Petersburg Village Board and the Cedar Rapids Village Board will receive all examples of various Nebraska counties solar regulations to review and decide what their village would want in their regulations. The County Planning Commission Board will review what they want to have in their zoning regulations. This entire process will have reviews by all Boards during future meetings and a public hearing will be heard at a Boone County Planning Commission with the final vote on the regulations will be inclusive for each village and county.

### **6. – Consider, review, and take the necessary action on the project of identifying all enclosed animal units the Zoning Administrator is currently working on.**

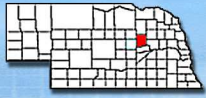
Wagner asked how this project is going. Ziemba commented the Northeast Township Oakland West, small part of the north part in Dublin Bonanza North is completed. This process will take some time to complete. The result will give the Planning Board a closer count of all animals in the current animal operations throughout this county.

**7. - Correspondence/Zoning Administrator Report:** Written report handed out to all Board members. Board reviewed, no questions or concerns stated.

**10 - Open Discussion:** Question regarding splitting an 8± acreage in the A-1 District. The density of the section would have to be considered as it is two (2) houses per quarter. There could not be two (2) separate owners of the proposed 2 lots. One parcel would be less than five (5) acres and does not follow the A-1 Regulations.

### **11- SCHEDULE NEXT MEETING**

Chairman announced the next monthly meeting will be July 26, 2021 at 7:30 p.m. be held in the Casey Building.



# Boone County Planning and Zoning Agenda



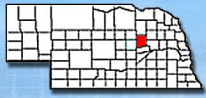
## BOONE COUNTY PLANNING & ZONING COMMISSION RECORD OF MINUTES OF MEETING

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**12 – ADJOURN:** Chair asked for a motion to close the June 28, 2021 meeting. Motion by Towey to adjourn the meeting, second by Groeteke. Vote: Ayes: Stuhr, Groeteke, Wagner, Towey, Frey. Nays: None. Abstain: None. Absent: Baum, Jensen, Mogensen, Stephens.

SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY  
(Clyde Stuhr)

AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON  
(Mark Wagner)



# Boone County Planning and Zoning Agenda



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

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**DATE: MAY 28, 2021**

### **1 – CALL TO ORDER**

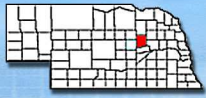
The May monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Wagner in the Casey Building located at the Boone County Fairgrounds, 11<sup>th</sup> Street and West Fairview Street in Albion Nebraska, on Monday, May 24, 2021 at 7:00 p.m. Wagner noted a copy of the Open Meetings Act 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/Boone County Tribune. 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: Jensen, Stuhr, Towey, Mogensen, Stephens, Groeteke, Wagner. Absent: Baum, Frey.

**3 – APPROVAL/DISAPPROVAL OF MINUTES** for the February 22, 2021 Planning Commission meeting. Chair asked for a motion to approve or disapprove the minutes. Motion by Jensen to approve as submitted, Towey second. Vote: Ayes: Stuhr, Jensen, Mogensen, Towey, Groeteke, Stephens. Nays: None. Abstain: Wagner. Absent: Baum, Frey. Minutes approved as submitted.

**4. TAKE ACTION ON the concerns and questions regarding various Boone County Zoning Regulations from Jeff Jarecki.** Jarecki had questions regarding the two (2) hog units south of Cedar Rapids. His question for guidance: If the south unit could be closed and move the number of animal units to the north unit would a conditional use permit be needed. These units currently have a Class II permit. After discussion by the members of the Board, the decision to contact our Zoning Lawyer for a statement on this issue. Ziembra will contact the stated individual. Jarecki inquired what is or going to be done about the burned down enclosed hog confinement facility in the Northwest part of the County. Some members of the Board stated a map with identifying set-back circles for each confined animal operation facility in Boone County is in the initial developing process.



# Boone County Planning and Zoning Agenda



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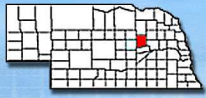
**5. PUBLIC HEARING: To take action on a Letter of Intent for an Ordinance to add Proposed New Ordinance for fences to the Cedar Rapids Nebraska Zoning Regulations Ordinance regarding Article 4: Additional Regulations, Section 10: Fences, to supersede this existing fence regulation.**

Wagner asked for a motion to open the public hearing. Towey motioned to open the public hearing with Groeteke second. Vote: Ayes: Jensen, Stephens, Mogensen, Wagner, Towey, Groeteke, Stuhr. Nay: None. Absent: Baum, Frey. Abstain: None. Ryan Heikes represented the Cedar Rapids Village Board for the Letter of Intent and new Ordinance regarding Fences in the village of Cedar Rapids. The Cedar Rapids Village Board wishes to amend materials to be used and update regulations to keep up with public information for fence building. Wagner asked for questions and/or discussion on this Ordinance. No discussion from The Planning Board or public attendees. Wagner asked for a motion to close the public hearing. Towey motioned to close the public hearing, Mogensen second. Vote: Ayes: Mogensen, Wagner, Stuhr, Towey, Jensen, Stephens, Groeteke. Nays: None. Absent: Baum, Frey. Abstain: None. Wagner asked for any discussion from the Planning Board, with none given, Wagner asked for a motion to vote on a recommendation for or against adoption of the new Ordinance to supersede Article 4: Additional Regulations, Section 10: Fences, in the Cedar Rapids Zoning Regulations. Vote: Ayes: Wagner, Stuhr, Stephens, Jensen, Groeteke, Towey, Mogensen. Nays: None. Absent: Baum, Frey. Abstain: None. Wagner read the Action Taken Form describing the decision of the Planning Board to the Cedar Rapids Village Board Members for their future decisions and action on this Ordinance.

**6. Discuss and take necessary action regarding enclosed hog confinement operations in the northwest part of Boone County.** Wagner explained a map of all animal units in the County is being prepared. The map will show all existing units' location, permitted use and setbacks circled. This map will be the source of information for answers to any question about any unit.

**7. – Discuss and act on solar energy in Boone County.** Wagner noted there is not any type of regulation regarding solar energy in the Boone County Zoning Regulations. Information on this was provided to Board members and more information will be provided to Board members to be discussed at the next meeting and a public hearing will be scheduled later.

**8 – Discuss and act on the updating of the current Boone County Comprehensive Development Plan.** Wagner asked about the status of the updating of the Comprehensive Plan. Ziemba stated all inter-local contracts between the County and participating Villages in the County are signed for updating the Comprehensive Plans.



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**9-Administrator Report:** Written report handed out to all Board members. Board reviewed, no questions or concerns stated. The April report will be mailed to the members of the Board before the next meeting.

**10-Open Discussion:** Questions regarding a shooting range in use in rural Boone County. More information will be obtained for the Board and presented at a future meeting.

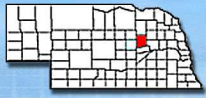
### **11- SCHEDULE NEXT MEETING**

Chairman announced the next monthly meeting will be June 28, 2021 at 7:00 p.m. Ziemba told the Board all Planning Commission Board meetings will be held in the Casey Building. This being done due to having more space for attendees.

**12 – ADJOURN:** Chair asked for a motion to close the May 24, 2021 meeting. Motion by Jensen to close the meeting, second by Groeteke. Vote: Ayes: Jensen, Stuhr, Mogensen, Groeteke, Stephens, Wagner, Towey. Nays: None. Abstain: None. Absent: Baum, Frey.

SUBMITTED: \_\_\_\_\_ COMMISSION SECRETARY  
(Clyde Stuhr)

AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON  
(Mark Wagner)



# Boone County Planning and Zoning Agenda



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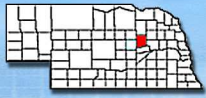
**DATE: AUGUST 23, 2021**

**1 – CALL TO ORDER:** The July monthly meeting of the Boone County Planning and Zoning Commission was called to order by Chairman Wagner in the Casey Building located at the Boone County Fairgrounds, 11<sup>th</sup> Street and West Fairview Street in Albion Nebraska, on Monday, August 23, 2021, at 7:30 p.m. Wagner noted a copy of the Open Meetings Act 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/Boone County Tribune. 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:** Present: Stuhr, Towey, Groeteke, Wagner, Frey, Stephens, Jensen. Absent: Baum, Mogensen came late to meeting.

**3 – APPROVAL/DISAPPROVAL OF MINUTES:** for the July 26, 2021, Planning Commission meeting. Chair asked for a motion to approve or disapprove the minutes. Motion by Jensen to approve as submitted, Towey second. Vote: Ayes: Stuhr, Towey, Groeteke, Wagner, Mogensen, Jensen, Stephens, Frey. Nays: None. Abstain: None. Absent: Baum. Minutes approved as submitted.

**4. – Consider, review, and take the necessary action on** an application for a Conditional Use Permit submitted by Tyler Kunzman to meet the requirements in the Boone County Zoning Regulations regarding a firearm shooting range. This property is in a Fraction of the Southeast (SE) Quarter (1/4) in Section Thirty-six (36), Township Twenty-One (21), Range Seven (7) West of the 6<sup>th</sup> P.M., Boone County Nebraska. This property is owned by Tyler Kunzman and is located North on Highway 14 between 220<sup>th</sup> and 210<sup>th</sup> Streets in Boone County Nebraska. This parcel is in the A-2 Secondary Agricultural District. Chair asked for a motion to open the public hearing. Stephens motioned to open the public hearing with Clyde second. Ayes: Stuhr, Wagner, Groeteke, Frey, Mogensen, Stephens, Jensen, Towey. Nays: None. Abstain: None. Absent: Baum. Wagner asked for Jeff Jarecki to present the argument for the application. Jarecki handed out copies of elevation for the gun range and sound decimal comparisons. Jarecki also compared this gun range with the 4-H gun range near the Boone County Fairgrounds. Jason Reynoldson voiced disapproval of the gun range due to noise and time of use. Wesley Johnson voiced disapproval of any use of the gun range. Teresa Brulu Johnson voiced disapproval of any use of the gun range. Mark Niewohner voiced approval for the use of



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

the gun range with no negative concerns. Jason Hageman approved the use of the gun range with no negative concerns. With no further comments, Chair asked for a motion to close the public hearing. Stephens moved to close the public hearing with Towey second. Vote: Ayes: Mogensen, Wagner, Stuhr, Frey, Jensen, Towey, Groeteke, Stephens. Nay: None. Abstain: None. Absent: Baum. Chair asked for discussion from the Board. Concerns were voiced and discussed. The Board Members discussed safety for the public was their priority. Conditions for this permit were discussed. Conditions are: 1. Raise current shooting pedestals at a minimum of five (5) feet. 2. Construct a  $\frac{3}{4}$  inch plywood, 8 feet high on back of the 200-foot range target berm for a bullet feedback marker. 3. Maintain existing heights of the berms and do not allow any type of erosion. 4. Hours of operation will be one (1) hour before sunrise to one (1) hour after sunset. 5. All regulations and specific rules, such as no 50 caliber firearms, posted at the entrance of the gun range. 6. Notification by cell phone, texted message, flags; this shall be met by putting up some type of message board, at the gun range entrance, to let concerned citizens contact Tyler Kunzman for their cell phone number on. This will enable any shooter to be contacted in the 30 minutes before the range is open. 7. Keep a record of any operator (shooter): date, start time, caliber of firearm used, stop time. 8. Each operator (shooter) shall have and maintain a current ATFE permit to be on file with the Zoning Administrator. 9. No Tannerite or explosives. 10. Each year conditions of this permit shall be re-examined by the Planning Board; any complaint may be given to the Boone County Sheriff and/or the Boone County Zoning Administrator. This permit will not be valid until all conditions are met by Tyler Kunzman. Chair asked for a motion to vote on this application. Frey motioned to vote on the conditional permit with above stated conditions to be on the permit. Towey second the motion. Vote: Ayes: Frey, Stuhr, Mogensen, Stephens, Towey, Jensen, Wagner, Groeteke. Nay: None. Abstain: None. Absent: Baum. Motion carried.

### **7. - Correspondence/Zoning Administrator Report:**

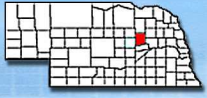
### **10 - Open Discussion:**

### **11- SCHEDULE NEXT MEETING:**

### **12 – ADJOURN**

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

(Clyde Stuhr)



# Boone County Planning and Zoning Agenda



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

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AFFIRMED BY: \_\_\_\_\_ COMMISSION CHAIRPERSON  
(Mark Wagner)

DRAFT

**BOONE COUNTY PLANNING COMMISSION**

Paul Groeteke, Brad Stephens,  
Mark Jensen, Mark J. Wagner,  
Justin Frey, Shelley Towey, Clyde Stuhr  
Chris Baum, Morgan Mogensen

Boone County Courthouse  
222 South 4<sup>th</sup> Street  
Albion, Nebraska 68620  
402-395-2737  
[bczoning@boone-county.org](mailto:bczoning@boone-county.org)

**Boone County Planning Commission Meeting**

**SEPTEMBER 27, 2021 @ 7:30 p.m.**

**Casey's Building – Boone County Fairgrounds**

**Albion, NE 68620**

**PLEASE ATTEND THIS MEETING AS WE NEED A QUORUM  
TO DO ANY BUSINESS.**

Notice for this meeting is posted in advance by publication and on the Zoning bulletin board near the Zoning Administrator's office in the Courthouse.

**AGENDA:**

1. Call to order – A copy of the Open Meetings Act posted, and copies are available for the public.
2. Roll call.
3. Approval/Disapproval of the minutes from the August 23, 2021 Joint Planning Commission meeting.
4. Review, discuss and take action on a Letter of Intent submitted by REV. John Norman, Parish Priest and Gerald E. Faust requesting a lot split for Lot 1 and Lot 2 of Petersburg Convent Subdivision, a Subdivision of St. John's Addition, the Village of Petersburg, Boone County Nebraska.
5. Public Hearing to review, discuss and take the necessary action on an ordinance of the Village of Petersburg, Nebraska, approving a replat of Lots 1 and 2 of Petersburg Convent Subdivision of St. John's Addition, Village of Petersburg, Boone County, Nebraska, amending the Official Zoning Map and providing when this ordinance shall be in full force and effect.
6. Correspondence/Zoning Administrators Report.
7. Open discussion.
8. Schedule next meeting **p.m.**
9. Adjourn

Public Comments: The Planning Board will receive public comments on items discussed at this meeting or suggestions for items for discussion at a future Board meeting. The Board will not take any action on comments presented this date.

**THIS AGENDA IS KEPT CONTINUALLY CURRENT AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE BOONE COUNTY ZONING ADMINISTRATOR, BOONE COUNTY COURTHOUSE, DURING NORMAL BUSINESS HOURS. IT SHALL NOT BE ALTERED LATER THAN 24 (TWENTY-FOUR) HOURS BEFORE THE SCHEDULED COMMENCEMENT OF THE MEETING.**



**BOONE COUNTY PLANNING COMMISSION**

Paul Groeteke, Brad Stephens,  
Mark Jensen, Mark J. Wagner,  
Justin Frey, Shelley Towey, Clyde Stuhr  
Chris Baum, Morgan Mogensen

Boone County Courthouse  
222 South 4<sup>th</sup> Street  
Albion, Nebraska 68620  
402-395-2737  
[bczoning@boone-county.org](mailto:bczoning@boone-county.org)

**Boone County Planning Commission Meeting**

**SEPTEMBER 27, 2021 @ 7:30 p.m.**

**Casey's Building – Boone County Fairgrounds**

**Albion, NE 68620**

**PLEASE ATTEND THIS MEETING AS WE NEED A QUORUM  
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