

Nance County Planning and Zoning COMMISSION
Record of Minutes of Meeting
March 16, 2009

AGENDA ITEM 1 – Call to Order

The meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey in the Nance County Courthouse in Fullerton, Nebraska, on Monday, March 16, 2009 at 7:30 p.m. Meeting notice was given by publication in the March 4, 2009 edition of *The Nance County Journal*, and by the timely posting of an official agenda in the County Courthouse.

AGENDA ITEM 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, John Cieloha, Clint Dubas, Pat Connelly, Galen Frenzen, Brett Houtby, and Tim Morthole. Absent were Lynn Belitz and John Pelican.

AGENDA ITEM 3 – Minutes

Minutes of the February 16th meeting were reviewed. Cieloha made a motion to accept the minutes as presented. Second by Morthole. Ayes: Delancey, Dubas, Connelly, Cieloha, Houtby, Frenzen, and Morthole. Nays: none. Absent: 2.

AGENDA ITEM 4 – New Business

WECS regulations were reviewed as updated. After discussion, Frenzen made a motion that WECS regulations as presented be advertised for a public hearing at the next scheduled meeting. Houtby seconded the motion. Roll call vote: 7 ayes, 0 nays, 2 absent. Motion carried.

AGENDA ITEM 5 – Administrators Report

It was reported that the County Board of Supervisors voted 6 for and 1 against the recommendation from the Planning and Zoning Commission to amend the language regarding set-back distance when property adjoins a state highway or county road. Manuals in the office have been updated to reflect this change.

Other discussions included communication and/or permit requests from Papst, Krzycki, Malander, Guisinger, and K. Shotkoski.

The Planning and Zoning Commission ByLaws were discussed concerning absentees with no formal action taken.

AGENDA ITEM 6 – Next meeting

The next meeting will be called on an as-needed basis.

AGENDA ITEM 7 – Adjournment

Motion to adjourn made by Frenzen, seconded by Morthole. 7 ayes, 0 nays, 2 absent.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

Nance County Planning and Zoning COMMISSION

Record of Minutes of Meeting

June 15, 2009

Agenda Item 1 – Call to Order

The meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey in the Nance County Courthouse in Fullerton, Nebraska, on Monday, June 15, 2009 at 8:00 p.m. Meeting notice was given by publication in the June 3, 2009 edition of *The Nance County Journal* and the June 10, 2009 edition of *The Genoa Leader-Times*, and by the timely posting of an official agenda in the County Courthouse.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Pat Connelly, Brett Houtby, Lynn Belitz, and Tim Morthole. Absent were John Cieloha, Galen Frenzen, Clint Dubas, and John Pelican.

Agenda Item 3 – Minutes

Minutes of the March 16, 2009 meeting had been mailed in advance and were briefly reviewed. Morthole made a motion to accept the minutes as presented. Second by Houtby. Ayes: Delancey, Houtby, Connelly, Morthole, and Belitz. Nays: none. Absent: 4.

Meeting Suspended for Public Hearing – Czarnick Gravel Pit

A motion was made by Houtby to suspend the regular meeting and open the public hearing. Morthole seconded the motion. Ayes: Connelly, Houtby, Delancey, Morthole, and Belitz. Nays: none. Absent: 4.

Thus began a public hearing concerning the application for a Condition Use Permit to operate a gravel dredging site at Fr. Southeast Quarter Section 34, Township 17, Range 4, Nance County.

The public hearing was attended by applicant Sharon Czarnick, son Shane Czarnick, pit operator Eric Johnson, neighbor Carolyn Shotkoski, who lives about ½ mile West of the proposed site, and Carolyn Shotkoski's son, Keenan, and daughter-in-law, Charlane, who live just west of Carolyn.

The Shotkoskis expressed concern over three issues: drainage, noise, and the impact on the cost of road maintenance. Delancey advised that the roads issue was not a matter for this body, and further that if the Roads Department had concerns, they would have attended the hearing.

During about a ½ hour discussion, Charlane Shotkoski insisted upon documentation stipulating that the waterway not be blocked. Eric Johnson agreed to provide a copy of the permit he will soon receive from the Army Corps of Engineers. That permit includes regulations that address Shotkoski's concerns. The Commission agreed that the Conditional Use Permit could also include language requiring that the natural sloughs not be impinged upon.

After-hours noise concerns were also discussed. Czarnick and Johnson agreed to honor a mutually agreed upon workday schedule (6 a.m. to 10 p.m.), with a caveat: any particular dredging contract might require after-hours work, so they'd like to be able to negotiate temporary changes in operational constraints with neighboring landowners in such instances. The Commission agreed to include such language in the Conditional Use Permit.

Belitz made a motion to close the public hearing; Connelly seconded the motion. Ayes: Connelly, Houtby, Delancey, Morthole, and Belitz. Nays: none. Absent: 4.

Determination on Permit Application

Commission members discussed the following language to attach as Conditions to the Czarnick's Conditional Use Permit:

- 1) Drainage and natural sloughs are to be maintained in their current, free-flowing condition;
- 2) Hours of operation are to be 6 a.m. to 10 p.m., though the pit operator may negotiate schedule changes with adjacent property owners as needed.

A motion to approve the permit with said conditions was made by Connelly. Morthole seconded the motion. Ayes: Connelly, Houtby, Delancey, Morthole, and Belitz. Nays: 0. Absent: 4.

Agenda Item 4 – Old Business

a. Commission ByLaws: Connelly made a motion and Morthole seconded the motion to amend the language regarding absences in Article IV, Section 2 of the Commission ByLaws. The new language emphasizes “unexcused” absences as cause for replacement. (See the Agenda for exact verbiage.) Ayes: Connelly, Houtby, Delancey, Morthole, and Belitz. Nays: none. Absent: 4. Mary to amend the ByLaws pending confirmation that we don't need a public hearing or approval from the Board of Supervisors to do so.

b. WECS: Regarding our proposed, new WECS regulations, Mary will prepare new items for consideration for a future meeting.

Agenda Item 5 – New Business

a. Public hearing: done.

b. Floodplain Regulations: Belitz advised that years ago, JEO's drafted floodplain regulations were tabled when the zoning regulations were initially passed because the Board of Supervisors had not yet adopted Ordinance/Resolution #05-06, which commits us to participation in the NFIP. Now it's time for us to adopt floodplain regulations, so Mary will mail the 13-page document to everyone to review in advance of the next meeting.

Agenda Item 6 – Administrator's Report

We discussed the Melcher hog confinement. Mary will check into the paperwork on file to see if they got a permit when they built a new structure.

Tim Morthole gave notice that this was his last meeting. Mary will notify the Board of Supervisors.

We decided that Mary will hold onto mileage claims and submit them once every three months.

Agenda Item 7 – Next meeting

The next meeting is scheduled for July 20 at 8:00 p.m.

Agenda Item 8 – Adjournment

Motion to adjourn made by Houtby, seconded by Morthole. 5 ayes, 0 nays, 4 absent.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

Nance County Planning and Zoning COMMISSION

Record of Minutes of Meeting

July 20, 2009

Agenda Item 1 – Call to Order

The meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey in the Nance County Courthouse in Fullerton, Nebraska, on Monday, July 20, 2009 at 9:00 p.m. (Four members were present at 8:00 p.m., but we waited until we had a quorum to begin the meeting.) Meeting notice was given by publication in the July 8, 2009 edition of *The Nance County Journal*, and by the timely posting of an official agenda in the County Courthouse.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, John Cieloha, Lynn Belitz, Clint Dubas, and Galen Frenzen. Absent were Brett Houtby, Pat Connelly, and John Pelican. Tim Morthole resigned, so there are currently only eight Commission members.

Agenda Item 3 – Minutes

Minutes of the June 15, 2009 meeting had been mailed in advance and were briefly reviewed. Cieloha made a motion to accept the minutes as presented. Second by Dubas. Ayes: Delancey, Cieloha, Dubas, Frenzen, and Belitz. Nays: none. Absent: 3.

Agenda Item 4 – Old Business

ByLaws: Not enough members are present to vote on a change to the ByLaws (a minimum of 6 votes is needed), so this agenda item is postponed to the next meeting.

Agenda Item 5 – New Business

- a. Beed Lot Split Application: Irene Kula was present to represent Duane and Myrna Beed, who want to split their 47 acres at Pt. Southwest Quarter 23-16-6 (West Newman) into 40 ac. to sell and 7 ac. to keep. The Beed farmstead is located on the 7 ac. they are keeping. The Commission quickly moved to approve the Lot Split. Motion by Frenzen; second by Belitz. Ayes: Delancey, Cieloha, Dubas, Frenzen, and Belitz. Nays: none. Absent: 3.

Kula and Commission members discussed the “intensity of use” provision in Article 12, Section 3.1, A (1) – p. 17 – of the Zoning Regulations, which requires “a density of no more than one (1) residence for forty (40) acres.” The Commission interprets this to mean that whoever purchases the Beed’s 40 acres will not be able to build a home there, because the current Beed home constitutes the one allowable house per 40 ac. (even though theirs is an irregular, 47 ac. parcel).

Delancey noted that the new owners (or the Beeds) might be able to get the section rezoned from A-1 to A-3, which would allow more than one home per 40 acres. Frenzen noted that the new owners could request a Variance. So there are options available to the Beeds and/or their buyers if they want to build something other than a seasonal dwelling on the 40 acres.

Los will check into whether or not the restriction about building on the 40 should be attached to the property’s title or deed or somehow filed/recorded in another way. Kula is skeptical because she’s never seen such a thing attached to a title. But the alternative, which seems unsuitable, is that knowledge of this restriction on this particular property is recorded only in these minutes, and in 1 year or 30 years when someone may ask for a Zoning Permit to build on that 40, it could escape the attention of the Zoning Administrator that a house

already exists on the adjoining 7 acres and constitutes the “one residence for forty acres” requirement.

- b. Because of the late start to the meeting and in the interest of time, the question of when lot splits are required was not addressed. Los will table this question until it comes up again.
- c. Floodplain Regulations: Members need more time to look over the draft, so we’re postponing discussion until next month. Before the next meeting, Los will provide a summary of the red flags/issues she thinks ought to be addressed in the proposed regulations.
- d. WECS: We’ll table this for the foreseeable future, focusing instead on passing floodplain regulations as we’re mandated to do in Board of Supervisors’ Resolution #05-06 from 2005.

Agenda Item 6 – Administrator’s Report

Going forward, Los will send agendas, minutes, etc. no more than one week prior to meetings so the information is fresh in members’ minds. Los may also make reminder phone calls in advance of meetings.

Delancey gave a brief update on the status of the Czarnick’s Conditional Use Permit for a gravel pit. It’s been a contentious matter for them and their neighbors. The Board of Supervisors is going to visit the pit on July 23, and a second public hearing will be held during the Board’s regular meeting on July 28.

Frenzen will contact Marcia Forbes to see if she’s interested in serving on the Planning and Zoning Commission.

Agenda Item 7 – Next meeting

The next meeting is scheduled for August 17 at 8:00 p.m.

Agenda Item 8 – Adjournment

Motion to adjourn made by Frenzen, seconded by Cieloha. 5 ayes, 0 nays, 3 absent.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting December 21, 2009

Agenda Item 1 – Call to Order

A meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey in the Nance County Courthouse in Fullerton, Nebraska, on Monday, December 21, 2009 at 7:30 p.m. Meeting notice was given by publication in the December 9, 2009 edition of *The Nance County Journal*, and by the timely posting of an official agenda in the County Courthouse.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, John Cieloha, Lynn Belitz, Clint Dubas, Brett Houtby, Pat Connelly, and new member Dennis McCoig. Absent was Galen Frenzen. There are currently only eight Commission members.

Agenda Item 3 – Minutes

Minutes of the July 20, 2009 meeting had been mailed in advance and were briefly reviewed. Belitz made a motion to accept the minutes as presented. Second by Connelly. Ayes: Delancey, Cieloha, Dubas, Houtby, Connelly, McCoig, and Belitz. Nays: none. Absent: 1.

Agenda Item 4 – Old Business

a. Amend Bylaws

i. Change Article IV, Section 2 from:

If a member of the Commission misses more than four (4) meetings consecutively or more than six (6) meetings total in a twelve-month period, notice will be given to the County Board requesting that member to be replaced.

to:

If a member of the Commission has more than four (4) consecutive unexcused absences from meetings or more than six (6) total unexcused absences from meetings in a twelve-month period, notice will be given to the County Board requesting that member to be replaced.

Motion to amend as proposed made by Cieloha. Second by Houtby. Ayes: 7. Nays: none. Absent: 1.

ii. Change the second sentence of Article V, Section 1 from:

The meeting date and/or time may be changed by the Chairperson if considered necessary. . .

to:

The Chairperson may change the meeting date and/or time, and the meeting may be postponed or cancelled if considered necessary . . .

Motion to amend as proposed made by Connelly. Second by Dubas. Ayes: 7. Nays: none. Absent: 1.

- b. Filing affidavits with property titles: Los explained that when zoning actions result in unique conditions/restrictions on properties, the Zoning Administrator should file an affidavit describing the conditions “against” the legal description for the property with the county Register of Deeds so that the details surface whenever a title search is done.
- c. Voting rules: Los explained that even for the approval of minutes, any and all Commission actions must have a minimum of 5 affirmative votes to pass. The only exception is that to change the Bylaws, a minimum of 6 affirmative votes is required.
- d. Vacancy on Commission and Board: The Planning and Zoning Commission still has one vacancy, and the Board of Adjustment has two vacancies. Commissioners have done all they can to find new members, so Los will ask the Board of Supervisors to find and appoint new members ASAP.

- e. Floodplain regulations: Los distributed the county's Floodplain Management Regulations. Delancey asked Commissioners to familiarize themselves with the regulations and to bring any issues/discussion to the next meeting. (At the end of the meeting, Los collected all manuals in order to update them, so discussion of the Floodplain Regulations will have to be tabled a month.)

Agenda Item 5 – New Business

- a. Enforcement of regulations: Los told Commissioners about a local business that is not in compliance with a number of the zoning regulations. After some discussion, Commissioners unanimously agreed that the company should be brought into compliance, but that we should make it as simple and painless a process as possible. Los will contact the company to describe what is needed. Since the action is likely to frustrate the company and some resistance is possible, Los requested an explicit statement of support from the Commissioners to pursue compliance. Said motion was made by Delancey. Second by Belitz. Ayes: 7. Nays: none. Absent: 1.
- b. Potential future violation: Commissioners discussed a case in which young trees are planted too close to the road on a corner-lot property. When the trees mature, they'll be in violation of Article 16, Section 5, which requires a 120' line-of-sight at road intersections. It was decided that Los will: measure to confirm the potential of a future violation; check with NDOR to see what their regulations are; and contact the property owner to request that the trees be moved when the ground thaws.
- c. Setback violation: A landowner had a grain bin built too close to the road, in spite of having been told about the 83' setback requirement. Instead of asking that he move the grain bin, Los will have him file for a Variance. In the meantime, Los has updated the Zoning Permit form to include "Minimum setback: 83' from center of road" so that there can never be a claim that the permit holder didn't know about the regulation.
- d. Permit fees: Even though other counties charge for zoning permits, the consensus among the Commissioners is that we shall continue to keep Zoning Permits free.
- e. Additions to Zoning Permit form: Los will add:
Please include a drawing showing the lot size, existing buildings, proposed structure, and distance between buildings and lot lines.
And Los will investigate this proposed addition further:
If power lines are present at any building site, you will be required to meet the current National Electric Safety Code. Please contact Grant Hansen, Grand Island, NE (308-384-2350).
- f. Mobile home permits/renewals: Tabled until next meeting.

Agenda Item 6 – Administrator's Report

Discussion was held over permits issued this year (37), website updates (Los to include web address in public notices/letterhead/etc. going forward), the filing of Lot Splits and Conditional Use Permits with the Register of Deeds, and upcoming term expirations (Cieloha and Connelly).

Agenda Item 7 – Next meeting

The next meeting is scheduled for January 18, 2010 at 7:30 p.m.

Agenda Item 8 – Adjournment

Motion to adjourn made by Houtby. Second by Cieloha. 7 ayes, 0 nays, 1 absent.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson