

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

January 26th, 2012

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 Thursday, January 26th, 2012 at 7:00 p.m. Meeting notice was given by publication in the January 6th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Brett Houtby, Galen Frenzen, John Ceiloha, Roy Guisinger, Delmer Wondercheck, Pat Connelly, and Lynn Belitz. Absent was Dennis McCoig.

Agenda Item 3 – Minutes

Minutes from the November 21st, 2011 meeting had been mailed in advance and were briefly reviewed. Frenzen made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 8. Nays: none. Absent: 1.

Agenda Item 4 – New Business

- a. Consultant Keith Carl from Hanna:Keelan (H:K) and community members to continue discussion of countywide housing study, Public meeting results, and updates to Comprehensive Plan and Zoning Regulations.

Delancey opened the public hearing. Consultant Keith Carl and other community members were acknowledged. Due to the absence of Lonnie Dickson of H:K, questions and issues for updates to the Comprehensive Plan and Zoning Regulations would not be addressed at this meeting.

Keith Carl presented an Executive Summary of the Housing Study for Nance County. Copies of this study were passed out to all in attendance. This study was funded by the Nebraska Investment Finance Authority Housing Study Grant Program. Much of the information included in this had already been discussed in earlier meetings, but Keith wanted to highlight a few key points and some new information to the Commission.

Key points of the Executive Summary:

1) PRIORITY HOUSING ACTIVITIES –

- a) First-Time Homebuyers were interested in down payment assistance programs and help with the purchase/rehabilitation/resale of housing.
- b) Low- and Moderate-Income Family Households (including workforce housing for new/existing employees) were interested in the CROWN (Credit-to-Own) program, entry-level single family housing, and housing rehabilitation.
- c) Need for Housing Administration and Implementation to demolish housing that is beyond rehabilitation, to enforce building codes, develop land trust/land bank program for future development, and create a county-wide resource development.

2) POPULATION PROFILE –

- a) Profiles have remained the same as in the prior meetings. There are projections from the study that Nance County will have a steady decline within the next 10 years. The only community that is anticipated to increase its population will be Genoa, but that will only be by 0.7%. This projection comes from the proactive nature of the community. It has recently updated its comprehensive plan and has slated 10 housing units for destruction to allow for potential new housing. It was then brought to the attention of Keith of H:K



Nance County Planning and Zoning Minutes



that Fullerton has had this type of proactive program in works for approximately 10 years, whereas Genoa only started this program this year. Keith stated that these were just projections and that growth could still occur. It has just been trending on a decrease; therefore it indicates that it will probably continue without any extra stimuli to promote growth. The one good thing about the decrease is that it has not been an overwhelmingly large one in the past 10 years.

b) The housing “target” demand table showed there is a 10-year housing demand potential for 104 units in Nance County for both owners (59) and renters (45). This is a culmination of the number of vacant houses and housing in need of substantial repairs/cost-burdened (electrical, water, sewer, etc.) that would lead to a 6% vacancy rate within each of the communities. At this rate, there would be enough stability in the housing vacancies to allow for new residents/employees to move into the county. The demand for housing would not pertain only to new but to housing that has been rehabilitated, also.

c) Estimated cost projection for the County is \$17.3 million.

3) HOUSING STRUCTURAL CONDITION SURVEY –

a) It is stated in this survey that a total of 1,033 structures were surveyed in the communities of Fullerton (569), Genoa (387), and Belgrade (77). Fullerton was found to have 235 structures in Good Condition. Genoa had 131 and Belgrade followed with 14. The total numbers of structures in need of demolition were 38 (F-21, G-9, B-8).

4) ESTIMATED HOUSING REHABILITATION/DEMOLITION DEMAND –

a) This projection was based on a “windshield survey” in which a survey is done from a car parked on the right-of-way of a street and conducting an inspection through the windshield. No actual interior/exterior inspections were conducted. This is considered a 3rd party opinion. From this survey, it was estimated that approximately 196 housing structures were in need of either moderate to substantial rehabilitation throughout the County during the next 10 years. The cost of this rehabilitation is expected to be approximately \$7.5 million. Another 82 housing structures throughout Nance County were projected to be in need of demolition within the next 10 years. Pictures of some of the worst houses in the counties were shown in the survey, from each community, for a comparison of what was considered in need of demolition.

5) ESTIMATED YEAR-ROUND HOUSING DEMAND BY INCOME SECTOR –

a) It is anticipated that most of the new housing units for the communities are at 126%+ AMI (Area Median Income). The median income for the County has been estimated from \$47,000 to \$52,000.

6) HOUSING LAND USE PROJECTIONS/PER HOUSING TYPE/ AGE SECTOR

a) Fullerton was used as an example for this projection. It was projected that the community of Fullerton would need 14 acres of land for housing development. This was based on the type of housing units needed and the ages of the occupants for them.

7) HOUSING EXPECTATIONS – SPECIFIC POPULATION GROUPS

a) This projection is breaking down the housing by income sector and specific population groups. These groups are the Elderly, Family, and Special (anyone with special needs, disabilities, etc.). The projection is also broken down by the Workforce Sector of the AMI. For the Workforce Sector, a total of 14 housing units for owners and 15 for rentals are anticipated.

8) PROPOSED HOUSING TYPES BY PRICE PRODUCT –

a) This is a further breakdown of the housing expectations of Nance County. It is based on conversations with realtors and making the best assumption of the housing stock that's in demand in each of the communities. At 51% or above on the AMI is what is considered the most affordable. Anything above that gets into the moderate and above income range. This projection was only done for the communities of Fullerton and Genoa. It was not done for Belgrade since there is only an anticipation of 3 possible housing units being constructed in the next 10 years.

- b) For rural areas of the county, the assumption with these projections is that everyone is going to want family housing. If there is an elderly person or someone with a special need, it is assumed that they are going to want to live in a community with access to the care and services that they require.

9) 10-YEAR HOUSING ACTION PLAN –

- a) This plan highlights various housing implementation activities and actual real-time need for housing units for people with disabilities/special needs, the elderly, single families, and rental units.
- b) This plan also lists the housing in need of substantial rehabilitation or demolition. It goes into detail the purposes and costs for each activity.
- c) The numbers in this action plan are more realistic or attainable. They are the numbers that Nance County could reasonably achieve within the next 10 years.
- d) The first 7 points were noted by Keith to try to achieve: 1) Create Nance County housing capacity building/ education/ promotional program; 2) Nance County Housing Fair; 3) Nance County Housing Program Website; 4) County/ Community Housing Investment Club; 5) Nance County Land Trust/ Land Bank; 6) Nance County Workforce Housing Initiative/Employers Assistance Program; and 7) County-Wide Housing Rehabilitation Initiative & Housing Inspection Program.
- e) It was asked by Keith of H:K if there were any grassroots type of organization that has been established in either of the communities where a bunch of folks come together and invest in housing/ community development. It was stated that the Economic Development (ED) group of Fullerton has basically taken on that role. Dues used to go towards this group, but they no longer take any. The dues that have been collected in the past have been used to buy “problem” lots. Approximately 15 lots have been acquired and rehabilitated by the ED in the past 10 years. After rehabilitation the empty lots are then placed in the “Free Lots” program (developed by the ED) that encourages new or existing families to develop this property. The ED has also been noted to help out small business owners in the area.
- f) A proactive, progressive approach is needed when implementing the 10-Year Plan. Working with Central Nebraska Community Services, Northeast Economic Development, and various local and city officials in the process, thus making it a collaborative project. It helps create a better environment, also.
- g) In regards to the Housing Rehabilitation Activities section, it is estimated that 35 housing structures will need to be purchased and demolished. Up to 80 housing units will need moderate rehabilitation, and 40 housing units will need substantial rehabilitation. It was then asked approximately how much it cost for demolition of a house. Some suggested that it could cost anywhere from \$2,000.00 and upward. It would all depend on the inspection and removal costs for asbestos, which increase the costs dramatically.
- h) It was mentioned that much of the problem with development has to do with the infrastructure within the communities.

10) AFFORDABLE HOUSING DEVELOPMENT OPTIONS & RESIDENTIAL LAND NEEDS

- a) Reiteration on a target of 104 new housing units by 2022 and the need for approximately 14 acres of land for both Genoa and Fullerton to meet this target.



Nance County Planning and Zoning Minutes



- b) Discussion on successful work with the Mesner Development Group out of Central City, NE and the CROWN program used by the Excel Development Group in O'Neill, NE. The housing study will be a useful tool when seeking out a development group to help with implementation of the 10-Year Plan.
- c) Possible mentality of the "Build 1st for someone requesting, rather than building new to sell" may have led to the situation the communities have with lack of housing availability. By inviting development groups to the County, they take the risk of building new to sell. The statement was made that it didn't want to seem as though the County was taking business away from local contractors. Yet, it was also stated that our local contractors were not doing this. This may possibly be due to the risk of building a new home with uncertainty of selling.
- d) Property Management groups are also an option for the County. These groups can come in and manage newly built or rehabilitated houses and take the burden of doing so off of the owners/investors of the property. Included in the types of housing units in need of management would be any newly built duplexes which the ED has recently shown an interest in.

After these key points were addressed, a brief discussion was held on wind energy. It was acknowledged that it was not likely that we would have any wind energy towers coming into our area for lack of adequate power grids to support them. An Energy Element is still going to be added to the Comprehensive Plan for future purposes.

The last few pages of the Executive Summary listed resources available to the County for help in funding to implement the 10-Year Housing Plan. The next step is to have H:K release a finalized full study that would be our tool to use in requesting the resources' help in funding.

Keith also reported on the public meetings that were held in January. The meetings in both Genoa and Fullerton had a really good turnout. Fullerton had 22 county residents attend and Genoa had approximately 15. Belgrade also had a meeting in the evening, but it wasn't as successful as the ones in Genoa and Fullerton. Keith also wanted to send out "kudos" to Mary Baldrige for her help in the success of this study and the public meetings.

Lonnie Dickson is planning on meeting with the Planning & Zoning Commission on March 19th. At this meeting the updating to the Comprehensive Plan and Zoning Regulations will get under way. The zoning maps for Nance County will be brought under discussion about how effective they are for our future land use and 10-Year Plan.

Open discussion was then closed to the public.

Agenda Item 6-Administrative Business

- a. The Board of Supervisors acknowledged final approval on the renewal of Delmer Wondercheck, Galen Frenzen, and Chuck Delancey for another 3 years on the P&Z Commission.
- b. Nominations were needed for the 2012 Chairperson and Vice-Chairperson. A nomination was made by Galen Frenzen to select Chuck Delancey as Chairperson and John Cieloha as Vice-Chairperson for the 2012 P&Z Commission. Motion by Frenzen and seconded by Wondercheck. Ayes by roll call: 8. Nays: none. Absent: McCoig.
- c. More discussion was held on noncompliance issues, the possible need for stricter guidelines or enforcement, increases in the fees accrued for permits, and possibly even changing the structure of the permits. It was also noted that the Zoning Regulations for the County do not assess fines/late fees on those that are non-compliant at the present time. The penalty for non-compliance is a Class III Misdemeanor. As the P&Z Commission continues to meet in following months to update the Zoning Regulations for Nance County, these topics will be considered and H:K will be consulted with on how to address them. Natalie will then submit these changes to the Board of Supervisors for final approval after notifying the public of a hearing to adopt these changes.



Nance County Planning and Zoning Minutes



- d. Natalie also discussed the intention of doing more on educating the public and also building contractors about the Nance County Zoning Regulations, in hopes that this could help with non-compliance issues. This could be done by articles in the local papers and also by sending out fact sheets to area contractors.
- e. Other discussion was made on the possibility of making changes in the Zoning Regulations in regards to the Meeting/Hearing process. Some suggestions made by Natalie were to include a “conflict of interest” and an “ex parte” notification at the beginning of all hearings. There is a Planning and Zoning Conference in Grand Island at the end of March that will have discussions based on these topics. Natalie will be attending this conference and will come back with even more information so that a better decision can be made regarding this.
- f. Natalie also brought up that there are scholarships available to both the Planning & Zoning Commission and the Board of Adjustment if they would like to attend the Conference in Grand Island in March. Commission members were going to check their schedules and let her know. The deadline for the scholarships is March 21st.

Agenda Item 7 –Next Meeting

There will be a public hearing in February on the 20th at 7:00 p.m. for the Planning & Zoning Commission to consider a CUP.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Frenzen and seconded by Cieloha. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting February 20th, 2012

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 Thursday, January 26th, 2012 at 7:00 p.m. Meeting notice was given by publication in the February 8th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Brett Houtby, Galen Frenzen, John Ceiloha, Delmer Wondercheck, Dennis McCoig, and Lynn Belitz. Absent were Pat Connelly and Roy Guisinger.

Agenda Item 3 – Minutes

Minutes from the January 26th, 2012 meeting had been mailed in advance and were briefly reviewed. Frenzen made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 7. Nays: none. Absent: 2.

Agenda Item 4 – New Business

a) A public hearing for Tim and Craig Czapla c/o Frank Czapla's application for a CUP for an allowable exemption from the rules on density. This exemption is found in Article 12, Section 3.2 in the Nance County Zoning Regulations. The exemption states that more than one dwelling may be permitted by conditional use on an agricultural operation and under the same ownership as the existing dwelling(s). These provisions shall remain with the land and residences even upon change of ownership. Upon new ownership, both dwellings must remain under single ownership and as part of an agricultural operation, or the accessory residence must be moved, converted, or destroyed.

The public was acknowledged. Representing the Czapla's were Frank and Craig Czapla. Frank and Craig want approval of a CUP to add an additional residence to their agricultural operations for their land in Genoa Township at NW ¼ S1-T17-R4W.

The Commission acknowledged the receipt of the application for a CUP by the Czaplas and asked if there was anything they wanted to inform them about pertaining to the application. Frank Czapla stated that the additional residence that is being built is for him so that his grandson, Craig, could move into the existing house. Craig just recently got out of the military and Frank wanted to provide a residence for him on their property. It was asked if the houses belonged to an agricultural operation under single ownership. Frank stated that they did.

Commissioner Frenzen noted that a "0" was missing on the application on the estimated cost of the structure/ building. Natalie acknowledged that there was indeed a missing digit and that it would be corrected on the original form. The form stated, prior to correction that the estimated cost was \$150,00. The correction will show that the estimated cost would be \$150,000.

Commissioner Cieloha reiterated the regulation stating that both houses would have to stay under single ownership and if ownership does change to two separate owners of the houses that one of the houses will either have to be moved, converted, or destroyed. Natalie also stated this fact again to Frank's grandson, Craig.

No other questions were asked of the Czaplas. Chairperson Delancey then closed the meeting to the public.

Motion was made by Frenzen to Recommend Approval without conditions, the CUP for Tim and Craig Czapla, c/o Frank Czapla for land in Genoa Township at NW ¼ S1-T17-R4W. Seconded by Cieloha. Ayes by roll call: 7. Nays: none. Absent: 2.



Nance County Planning and Zoning Minutes



Commissioner Frenzen did want to make notice to the Czaplak that this process is really not all that difficult of one. If one of them had just come in to apply for the necessary permits, a lot of time, energy, and stress on the County, (particularly the Zoning Administrator) could have been avoided. He stated that “all of us in the county are governed by the same regulations”. Therefore we are all held to the same expectation of compliance. It is expected that next time failure to be compliant will not be an issue.

Czapla’s were then notified that they would be meeting with the Board of Supervisors for final approval of their CUP application. The meeting with the Board of Supervisors would be Tuesday, February 28th, 2012 at 12:00 noon. Administrator Sharman stated that she would send out a reminder to both Frank and Craig prior to the meeting. Phone numbers were verified for this notice.

b) Information about a possible resolution to be submitted to the Board of Supervisors regarding the Fee Schedule. Wording would be changed on the Fee Schedule that would give power to the Planning & Zoning Department and the Planning & Zoning Commission to apply fees to the applicant that were acquired in order to gain compliance on the application and issuance of permits or other forms required by the Planning & Zoning Department.

Agenda Item 7 –Next Meeting

There will be a public meeting in March on the 19th at 7:30 p.m. for the Planning & Zoning Commission to meet with Hanna:Keelan consultants to begin the updates to the Zoning Regulations. It was suggested by Mary Baldrige, the Nance County Economic Development Director, for a possible change of venue. Mary suggested the possibility of having the meeting in Genoa. This was considered and agreed upon by the Planning & Zoning Commission. Notice will be sent out to all Commission members and the local newspapers on the location and time. Motion was made by Wondercheck to change the location of the March meeting to a yet to be decided location in Genoa. Seconded by McCoig. Ayes by roll call: 7. Nays: none. Absent: 2.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Frenzen and seconded by Wondercheck. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

March 19th, 2012

Agenda Item 1 – Call to Order

A meeting of the Nance County Planning & Zoning Commission was called to order by Chairperson Chuck Delancey at the Pawnee Senior Center in Genoa, Ne. on Monday, March 19th, 2012 at 7:30 p.m. Meeting notice was given by publication in the March 7th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Brett Houtby, John Cieloha, Dennis McCoig, Delmer Wondercheck, Pat Connelly, and Lynn Belitz. Absent were Galen Frenzen and Roy Guisinger.

Agenda Item 3 – Minutes

Minutes from the February 22nd, 2012 meeting had been mailed in advance and were briefly reviewed. Cieloha made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 7. Nays: none. Absent: 2.

Agenda Item 4 – New Business

Consultant Lonnie Dickson from Hanna:Keelan (H:K) was present to discuss Nance County goals and policies, discussion of zoning and subdivision regulations, and proposed official zoning map.

Delancey opened the public hearing. Members from the community were present. Consultant Lonnie Dickson presented a handout to the Commission and one for the community members to follow along with. He provided 2 extra copies of the handout for the two absent Commissioners.

a. Primarily at this meeting, Dickson wanted to address the **Proposed Goals and Policies of the Comprehensive Plan** and spend some time explaining the proposed changes to the zoning district categories later on in the meeting. He explained that with the Housing Study complete, that there are correlations between that study and the Comprehensive Plan's goals. Likewise, there are updates to the Comp. Plan that address the issues discovered in the Housing Study that deal with population and the housing needs throughout the county.

Lonnie explained that (1st page @ bottom of handout) goals are broad statements and that policies are much more action-oriented incremental steps used to achieve those goals.

Page 2 showed the general county goals for reversing the trend of decreasing population within the county and actually stabilizing the population. Likewise, the goal is to promote the preservation of the agricultural industry including the diversification of crop development and things of that nature. Also, to establish a Rural Conservation District to limit development in environmentally sensitive areas of the county. These areas are located along and south of the Loup corridor as well as within all designated floodplain areas north of the Loup River. The Cedar River was also mentioned as a possible RC (Rural Conservation) District.

Page 3 – Preserve and protect rural lands for agricultural use and encourage future residential development in close proximity to the communities of Nance County or along hard surfaced transportation corridors. This preservation and protection of the rural lands and the RC Districts will have a direct impact on what has been proposed in the changes to the Zoning Regulations. In the back of the handout there is a map that explains how they correlate throughout the county. The goals are broken down into categories of Land Use; Housing; Economic Development; Public Infrastructure, Facilities, & Transportation; and Plan Maintenance & Implementation.

Land Use – talks about the existing land uses of the county and how the future impacts the potential for land use and development areas.

Page 4 – Goal 2, Policy 2.3 – explains to continue to implement the County Land Use Plan which limits development of intensive livestock/confinement facilities and operations from areas with sensitive soils conditions. (Regions along and south of the Loup River, as well as within all designated floodplain areas north of the Loup River contain the highest concentration of sensitive soils conditions.) Goal 3 – Policy 3.3 - explains that non-farm residential structures should be



Nance County Planning and Zoning Minutes



developed in close proximity to Nance County communities. Also, non-farm dwellings should also be encouraged to locate to these same areas also. These two points Lonnie wanted to point out specifically. Those present were asked to pull out the map from the back of the handout. He pointed out the correlation between the sensitive soils and the RC District. This district also correlates with Floodplain areas. The area zoned off is in a dark demarcated line from the highway between Fullerton and Genoa, and it continues on in an angle off to the southwestern edge of the county. H:K wanted to conform a couple of rural zoning agriculture districts to show a difference in allowable density, concentration of LFO's (Livestock Feeding Operations), etc. They wanted to show a correlation?? between the AG (Agricultural District) & the RC Districts. The one thing about the RC was that they wanted to extend it along the Floodplain that was north of the Loup River corridor. At this point, H:K would need to talk to Natalie (who is also the Floodplain Admin.) about how far beyond that finger does the County want to go. Do we want to go to the nearest county road or do we need to break it down by half-section or quarter section lines. An example was shown along the Cedar River Corridor that was highlighted in green that encompassed the Floodplain in that area which could also be zoned for RC. Ultimately, in this district they are halving the density allowances and substantially scaling back the uses of confinement facilities in that area. Outright, up to 300 AU (animal units) is considered a farm designation unit. Any confinement up to that number doesn't have to go through the Zoning compliance. If the total AU is 301 or over then Zoning becomes involved.

Ultimately the goals and policies that have been proposed are what have been acknowledged in the Sensitive Soils Maps of the County and the Future Land Use Map. For example, RC would be reduced in density allowances from 1 house per 40 AC to 2 houses per quarter section. Natalie asked about changing the wording of the Zoning Regulations to state an allowance of 4 houses per quarter rather than 1 (one) per 40 AC. This was asked since there are, at times, land that is not able to be developed in one part of a quarter section, yet still allowing for 4 houses in that quarter section. Would that make it less restrictive for development? It was also asked if the County was really having any problems with restrictions on density. It is starting to become a possibility in some areas of the County.

Lonnie stated that as long as the unused 40 AC was designated to that 4th house, it could be a possibility. A "common sense" approach to such a configuration would need to be used, though. Square or rectangular pieces of property don't always apply in certain land situations. (Currently, Nance County's Zoning Regulations state that it is a "first come, first serve" basis on who can build a house on a piece of property in a quarter section, as long as compliance with the Regulations are met.)

It was mentioned again, about the change in density for the RC District. Lonnie confirmed that the density would be cut to 1 house per 80 AC (2 per quarter). He stated that a lot of counties do this. This was proposed by H:K in order to acknowledge the difference in land use south of the Loup River versus the land to the north of it. There is a difference in soil conditions, Floodplain, and LFO restrictions. Basically, the new proposals split the County into 2 Agricultural Districts which could reduce the confusion with the current districts and the overlay district the County presently has.

Concern, again, was raised about the RC District and the restrictions on density that may not allow for families who have some farm ground and want their older children to come back and build houses on this land.

It was stated that the Regulations need to maintain the allowance for an additional house on a farmstead that is an agricultural operation. The rule with this regulation, though, is that the additional house has to be under the same ownership as the operation. It can not stay on the property if it is ever sold to a different owner. This is considered an allowable exemption by a Conditional Use Permit (CUP) in the current regulations. According to Lonnie, it is a fairly common practice from county to county to try to limit the number of non-farm households in order to keep the agricultural integrity of the land. This correlates back to the fact that residents of a county in the past, for example, may have had the affordability to buy an 80 AC tract, but only allot 3 AC for a house. Sometimes, when this happened, the extra land (approx. 77 AC) may not have been maintained or it would "go to weed". This would in turn, negatively impact the agricultural use of the land. Lots of planners, due to this scenario, have chosen to allow 3 AC tracts for houses yet limit the density of residences to prevent the negativity of agricultural land going to waste (not being used for agricultural production).

Pages 6 & 7 – shows a correlation with the housing study and encouragement of future residential developments compatible and complementary to existing residential areas. This not only pertains to communities or municipalities, but also to rural areas of the County also. The target demand shows that there are a total of 104 new housing units needed, 196 in need of rehabilitation, and 82 in need of demolition.

Page 8 – The goal for Economic Development shows a correlation between initiatives and planning for the growth of jobs and housing over the next 10 years.

Page 9 – The goal for Public Infrastructure, facilities, and transportation shows a correlation for provisions in the Comprehensive Plan. Some are general goals and some are more specific. Policy 2.4, for example, calls for the possibility of combining the Board of Supervisors with the Township Boards in order to become more effective and efficient in the maintenance and upgrading of the roads within the county. With some parts of one road being maintained by a Township and another part of it being maintained by the County, there can be a difference in the overall adequacy of maintenance of such road. By at least combining the Boards financially, then the possibility of consistent and adequate overall road maintenance becomes a better reality. It was not advocated by Lonnie to keep or dissolve any of the Township Boards, but that the issue is to work together financially.

Clair Jones, one of the community members present, brought up the subject of the statements on page 7 about the net increase of homes by 2022. Lonnie stated that there is a *need* to demolish a certain number of homes. Jones stated that there is no guarantee that there will be an increase in owner and renter units either. Lonnie explained that these are clearly the goals to achieve. It is important to establish these goals in order for the County to write grants for outside funding in order for housing to be rehabilitated, demolished, or constructed within the County.

Page 11 – Plan Maintenance and Implementation expresses the need to have a yearly "sit-down workshop" with the Board of Supervisors, the Planning and Zoning Commission, and the Board of Adjustment. At this workshop it would be recommended to do a review of the Comprehensive Plan and Zoning Regulations. This would include any changes to permits, wording in regulations, land use changes, etc. Making sure all documents are up-to-date between governing bodies and that everyone is on the "same page". By not doing this, it can allow for a breakdown in the system.

It was asked if there were any questions on the Goals and Policies section. They are very broad and general. Lonnie wanted to know if there were any specific projects that needed to be mentioned. No projects were brought up. It was noted that if something were to come up that there was room for changes and that this section was not "chiseled in stone".

b. Zoning Districts were the next topic to be discussed. The old structure of the zoning districts were removed in this proposal and were replaced with a new provision of zoning districts. It would consist of an AG (General Agricultural District) which would be everything north of the line of demarcation on the map provided at the back of the handout (minus the areas in the Floodplain). Another district proposed would be the RC (Rural Conservation District). This would be the remaining parts of the county to the south of the line of demarcation and those in the Floodplain. A third proposed district would be an AGR (Agricultural Residential District) which would basically replace the current A-3 District. This district's main concentration is to the north/northeast of Genoa and the north of Fullerton. Two other districts are also proposed. One would be the I (Industrial District) and the HC (Highway Commercial District). The I District only has one spot on the map and the HC has not been used, yet. The HC District would be property that is not zoned for agricultural use; therefore it could be assessed at a higher valuation. Some lending institutions require that some commercial uses be in a district that allows them to be outright permissible and not require special or conditional uses. Until there is such a need for this type of district in the County, it is better not to zone for it until the need arises. This helps reduce the negative response to land valuation increases.

Discussion was raised about the changing of other areas in the current districts that have commercial uses to an I-1 District. Lonnie stated that it all comes down to the footprint of the operation. If there is a correlation in the CUP that designates what sections are included in that permit and if there is expansion of the operations, whether or not another CUP will be allowed. The timeframes for re-zoning a district and applying for a CUP are the same. It would depend on the needs and wants of both the County and the applicant. Also included in the I District would be the specifications for Alternative Energy (Section 2.23) and MET Towers (Section 2.6). Some CUP uses were stricken from this district due to the fact that they were possibly offensive, negative, or unsanitary in nature to the future of land use in the County.

Before time got away from the meeting, Lonnie also wanted to explain a little about the AGR District. He basically kept the same pieces on lot requirements and intensity, but created sections for permitted principal uses, permitted accessory uses, and uses that required a CUP. The density in this district would increase the lot size from 2 AC to 3 AC. The reason

stated for this is because the DEQ does sewer inspections on all lots that are less than 3 AC. A lot that is smaller than 3 AC may not meet DEQ standards for permeability, depth of the water table, etc. There were allowable exemptions for lot sizes in this district for specific uses, though. Natalie asked if any other areas needed or called for the creation of a 3rd AGR District in the County, for example, around Fullerton. This could take away from the attraction of the 1-mile ETJ of Fullerton, said Lonnie. It's kind of a fine line.

Lonnie was then informed that Genoa does not currently have a 1-mile ETJ, although the map in the handout shows this. Genoa is in the process of updating their regulations, but it is unclear as to whether or not they will adopt it. Lonnie stated that he would look into this further.

Before time was up, in the nest 15-20 minutes, Lonnie wanted to go over the RC District. He pointed out that in this district that all existing LFO's could expand their operation by the granting of a CUP, but it would prohibit any new LFO's that were larger than 300 AU to be allowed in this district. The reason for changing this area of the County to an RC District is that a lot of counties use this same provision when they have areas of special soils and Floodplain. These are areas that should be restricted from intensive development. Subdivisions, though, could still be created in the RC District as long as they are not shown to be in the Floodplain and they would probably need to be rezoned as AGR.

Lonnie stated that in the last part of the handout there was a section for Supplemental Regulations. In this section is where we could find the requirements on LFO's. Rather than having these requirements in 3 different areas, it makes it less confusing to keep them all together and the amendment process is also easier.

The P&Z Commission was given instructions to take a look at these proposals and to bring any questions they had to the next meeting. It was agreed by most that the goal is to have regulations that are more simplified and easier to all to understand. Lonnie stated that he just wanted to make sure between Natalie, Mary Baldrige (ECD), and the P&Z Commission that it all makes sense. All present were told to feel free to email Lonnie with any questions and Commissioners needed to re-check the handout to feel more comfortable with the proposed new districts.

Agenda Item 7 –Next Meeting

There will be a public hearing in April on the 16th tentatively at 8:00 p.m. for the Planning & Zoning Commission to hear the proposal from H:K on the Comprehensive Plan and correlating Zoning documents.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Connelly and seconded by Wondercheck. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

April 16th, 2012

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, April 16th, 2012 at 7:00 p.m. Meeting notice was given by publication in the April 4th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Brett Houtby, Galen Frenzen, John Ceiloha, Roy Guisinger, Delmer Wondercheck, Pat Connelly, and Dennis McCoig. Lynn Belitz arrived shortly after roll call was made. Absent: none.

Agenda Item 3 – Minutes

Minutes from the March 19th, 2012 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 9. Nays: none. Absent: None.

Agenda Item 4 – New Business

Lonnie Dickson, a consultant from Hanna:Keelan, was present to continue discussion on the proposed updates to Nance County's Comprehensive Plan and Zoning Regulations.

Lonnie made a brief discussion on the resources available to the Planning & Zoning Commission, the Zoning Administrator, and others who are involved in the planning process for the County. The resources mentioned were the Nebraska Planning Handbook, the Nebraska Planning and Zoning Association, and the Nebraska Planning website at <http://neplanning.unl.edu>. Lonnie explained into further detail on the Nebraska Planning Handbook. This resource is broken down into several chapters that provide guidance for Administrators, Planning and Zoning Commissions, and Boards of Adjustment. Brief discussion was also made on the Northeast Planning and Zoning District. Nance County is a member of this district and biannual meetings are held for this group.

Lonnie then brought up the need for review of the Nance County Goals and Policies due to questions that have risen about Livestock Feeding Operations (LFO) and the wording used to describe their classification in Section 2.6 of the Land Use category. There is a potential for confusion with the proposed wording that describes it as an Industrial use. Therefore, Lonnie has proposed changing that description to Intensive Agricultural uses. This helps to designate between the Land Use and the zoning classification of the LFO.

An informal Question & Answer format was made for discussion on the Proposals of the Regulations from the March 19th meeting.

Question: What is the reasoning for decreasing the density in the RC (Rural Conservation) District?

Answer: This is basically based on the Sensitive Soils Classification Map for the land in this district. It is allowing the County to acknowledge that there is a difference in the soils and the topography of Nance County. Due to this acknowledgement it can allow for an understanding of the reason for some restrictions for this area.

Question: Why is an LFO restricted from the RC District but not other Industrial uses (even though a Conditional Use Permit would be required for an Industrial use)?

Answer: Even though an Industrial use is allowed by a CUP (Conditional Use Permit), it doesn't mean you have to grant one.

Question: Is eliminating the Land Use Matrix a good idea? In the past, if the Regulations didn't specify that it was allowed, then it wasn't. If the Matrix is eliminated would everything need to be included, so that nothing was unintentionally excluded?



Nance County Planning and Zoning Minutes



Answer: Unsure if the wrong assumption was made on eliminating the Matrix. Lonnie was under the impression from previous meetings that the Matrix should be eliminated. He felt that the general consensus was that the Matrix was too confusing and limiting for the County.

Question: How much more restrictive is RC District vs. the current A-1 District for the land south of the Loup River?

Answer: An explanation of the RC District was made again on how the restrictions pertained to the classification of the Special Soils Map that was first presented at the beginning of the updating process prior to the housing study. The restrictions were basically the same as the current regulations other than the proposed decrease in density for this area.

Question: Are there any court cases or State Statutes that uphold the reasoning for the proposals for the various districts? Also, by making an assumption of what a permitted accessory use or structure is, could this cause us to have issues in a court of law?

Answer: The Commission or Zoning Administrator would have to look at the lists of what is allowed by CUP in the specific districts and use common sense with the broad list to decide if the application falls within those categories. The RC District has fewer Permitted Conditional Uses, which would serve as a guide on the idea that this district is more restrictive.

Question: Is there a need for a definition of a Commercial/Industrial use? The current regulations have one and the general consensus is not to leave too much open for speculation.

Answer: A definition can be added if the Commission felt it was needed.

Question: Is it possible to reword the Prohibited Uses and Structures section to allow for more specifics?

Answer: The idea of how broad and generalized this section is has been used effectively by many counties, such as Dawson, Buffalo, and many more.

Question: Do these counties that have this broad wording also have RC Districts?

Answer: Yes.

Question: Have there been changes with the DEQ (Department of Environmental Quality) and the restrictions they have? How was it decided in the regulations that cattle operation became an LFO at 301 animal units (AU)?

Answer: There have been changes to DEQ guidelines. (Lonnie passed out a pamphlet from the USDA showing changes in AU's and classifications of LFO's). The number for LFO's came about because DEQ was not as concerned about operations that had less than 300 head of cattle, their concern was towards larger operations.

Question: Is it possible to make the LFO Requirements and guidelines more intelligible? Also, are the regulations at current DEQ requirements?

Answer: Currently, the DEQ doesn't consider and LFO intensive until it is over 300 AU. Natalie will check with the DEQ on the other current changes to their requirements in order to make sure that our regulations match theirs.

It was stated again that the current regulations for LFO's and the proposed regulations haven't changed. The only change is the decrease in density for the RC District.

There was discussion that the more you amend or change your zoning regulations, the more you can hurt your county. It was suggested to not specifically prohibit or deny a use in the regulations that could cause the county costly litigation. Some things need to work themselves out by the process of a hearing to allow for the voice of residents of the county to aid in decision making.

Question: If nothing is stated in specifics, then what is prohibited?

Answer: The new regulations allow for broadness and generalizations. Therefore it would be up to the Zoning Administrator, the Planning & Zoning Commission, and the Board of Supervisors to go through procedure or the hearing process to make a decision on what should be allowed by either permitted use or conditional use by using the guidelines of the Comprehensive Plan, the Zoning Regulations and common sense.

Question: What would happen if an electrical business, for example, were to grow that was allowed in the AG (Agricultural District) by a CUP? Would it have to be considered only in a Commercial District?

Answer: It would possibly have to be rezoned with consideration of the valuations process.

Discussion was held on the possibility of having definitions include some general examples for use as a guide. It was also brought up that a lot of counties allow for only having housing that has access to established county roads. Some concerns were also made about the possibility of the RC District being extended along the Cedar River corridor.

With so many changes that are coming about with these proposals, some feel that there is still some work needed on the complete understanding of the changes and the impact to the County. It was agreed that the Commission was not yet ready to vote on any changes. Some felt concern that the Goals and Policies of the Comprehensive Plan were possibly too vague. There was a fear that this vagueness could cause a legal situation in the future.

More questions were asked on the Industrial District, Green-belt, and valuations of property in certain districts. Discussion was then held on the general consensus of the Planning and Zoning Commission to continue with the new format for the updates to the Zoning Regulations without a Land Use Matrix. It was felt that a vote was in order to confirm this. A motion was made by Guisinger to Continue with the New Format for the Nance County Zoning Regulations without a Land Use Matrix. Seconded by McCoig. Ayes by roll call: 8. Nays: 0. Abstain: Frenzen. The Commission would need to decide by the May meeting what they feel should or shouldn't be allowed in the Regulations that pertain to LFO's in the RC District.

Questions and discussion was also held on the wording/understanding of the Lot Requirements and Intensity of Use for Articles 12 – 16 in the proposed regulations. It was felt that more clarification was needed. It would also need to be decided at the next meeting on how much density the County wants to allow for in each district.

At this time in the meeting it was decided that the discussion could continue at next month's meeting due to the lateness of the hour.

Agenda Item 6-Administrative Business

- a. Natalie mentioned to the Commission that there was an interest in development along Highway 22 southwest of Genoa. Someone was interested in building a mini-storage in that area (A-1 District), but our current regulations do not allow for it at all.
- b. The Commission felt that Natalie should go ahead and create a Resolution to Amend the current regulations to allow for such structures in the A-1 District, even though the County is currently in the process of zoning updates. It was felt that this needed to be done sooner than waiting for the updates in order to allow for the interested parties to proceed with construction.
- c. Discussion was also held on an Amendment that would add Appurtenant structures to the Floodplain Regulations. This amendment would allow structures that were 400 sq. ft. or less to be built in the floodplain as long as they abided by the requirements set forth in the Regulations, such as wet flood-proofing and having a Non-Conversion agreement attached to the property that the structure is on.
- d. The Planning and Zoning Commission agreed to have Natalie also prepare the necessary documents for next month's meeting in order to allow for these structures. Their were interested parties already involved and since it is allowable in the State Statutes, it was decided that the party involved shouldn't have to wait until the updates to the regulations either.
- e. A motion was made by Wondercheck to allow for mini-storage in the A-1 District and for Appurtenant structures in the Floodplain Regulations. Seconded by Cieloha. Ayes by roll call: 8. Nays: 0. Absent: Frenzen.

- f. Natalie stated that she would make sure to have the requirements on the LFO's from the DEQ at next months' meeting.

Agenda Item 7 –Next Meeting

The next public meeting for the Planning and Zoning Commission will be Monday, May 21st, 2012 @ 7 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Connelly and seconded by Wondercheck. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

May 21st, 2012

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, May 21st, 2012 at 7:00 p.m. Meeting notice was given by publication in the May 9th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, John Ceiloha, Roy Guisinger, Delmer Wondercheck, Pat Connelly, and Dennis McCoig. Lynn Belitz arrived shortly after roll call was made. Absent: Galen Frenzen and Brett Houtby.

Agenda Item 3 – Minutes

Minutes from the April 16th, 2012 meeting had been mailed in advance and were briefly reviewed. Cieloha made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 7. Nays: none. Absent: 2 - Frenzen and Houtby. Galen Frenzen arrived late at 8:30 p.m.

Agenda Item 4 – New Business

Lonnie Dickson, a consultant from Hanna:Keelan, was present to continue discussion on the proposed final updates to Nance County's Subdivision and Zoning Regulations.

Lonnie Dickson began the meeting by distributing new manuals for the updates to the Zoning and Subdivision Regulations. The books were distributed as follows: Book 1 – Zoning Administrator, Natalie Sharman; Book 2 - Chairperson, Chuck Delancey; Book 3 – Vice Chairperson, John Cieloha; Book 4 – Dennis McCoig; Book 5 – Pat Connelly; Book 6 – Lynn Belitz; Book 7 – Roy Guisinger; Book 8 – Galen Frenzen; Book 9 – Delmer Wondercheck; Book 10 – Brett Houtby (absent).

First under discussion was a review of Nance County's Subdivision Regulations. Lonnie stated that after reviewing these regulations that we currently have in place, he felt that they are good and very well configured for the County. He did not feel that there were any significant changes necessary. It was questioned if they were too municipal. They are municipal in nature because the State Regulations are set up this way. There are certain design guidelines for infrastructure that are required. This is done in counties when there is a "full-fledged" subdivision requested. When a simple subdivision is requested, the County can start with the subdivision design, but there is a waiver to the subdivision regulations. The Planning and Zoning Commission could set aside a finding in Article 11 of the Subdivision Regulations. This Article allows for Approval of Plats for Small Tracts (p.19). The most important place to look for such a finding would be in Section 2 – Requirements: mainly A thru C, but also D,E, and F. This would be a solution for a proposed business when Lot Split Requirements have been exhausted. It's only when Lots of Record create more than 5 lots that the huge Subdivision process begins. This also allows for replatting.

Lonnie did point out that currently our Regulations show that final approval of small tracts is given to the Planning and Zoning Commission. It was felt that this needed to be changed to have the Board of Supervisors give final approval of small plats, but to still go through the process and have the Planning and Zoning Commission make a recommendation to the Board.

There was discussion on density and how the new updates state that rather than having the rule as "1 house/residence per 40 acres", it is now stated as "4 houses per quarter." This rule is still based on a first come, first served basis. Lonnie stated that if there are already 4 on a quarter and someone wanted to still add to that, they would need to consider rezoning the district to AGR (Agricultural Residential District). This "4 per quarter" helps to simplify, but it was questioned about the uncertainty as to whether that is as fair as what the former "1 per 40 acres" has been.



Nance County Planning and Zoning Minutes



Lonnie brought up the intent of AGR on p.22, Article 14. This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Nance County, or in rural areas with reasonable access to major rural roads. The intent of AGR can be maintained when using common sense and following the guidelines in Article 14.

Possible corridors along Highway 14 and 22 were then highlighted on the current Future Land Use Map to allow for an AGR District. It is beneficial to the future development of the County to make plans or consider ideas for corridors. In doing so, it may show to others (such as developers, businesses) outside of the county that the intent is to encourage growth. Lonnie stated that he would include these sections on the Future Land Use Map.

More discussion was held on the issues with density. There were some worries expressed about the rule of “first come, first served.” Lonnie stated again that would be when consideration would be needed by the Commission to discuss rezoning to AGR.

The topic of upgrading of minimum maintenance roads and any regulations regarding them was brought up. This decision is up to the Board of Supervisors, like when they make final decisions on Subdivisions and Lot Split applications.

A brief comment was made that the Floodplain Regulations would not be included in the updates to the regulations since they have separate and different definitions from the Zoning Regulations and the Floodplain Regulations would need to be considered prior to any construction in the County, anyway.

Lonnie drew the Commissions attention to Article 11 (p. 60), Definitions. Other than correcting some spelling errors and changing some of the references to reflect correct/current agencies, he felt that the definitions had merit for the most part. This included leaving the current definition of AU (Animal Units) alone. Natalie, ZA, distributed hand outs from the DEQ (Dept. of Environmental Quality). These handouts showed actual numbers of specific animals that put them in the sizing classification system that DEQ uses. What the DEQ considers a general farmstead, Nance County classifies as small. The Commission would need to decide if they want to change the AU requirements of LFO's (Livestock Feeding Operations) to reflect current DEQ requirements or to leave them as is. Changing them will also change the classifications of the LFO's in the Regulations as well as some wording.

There was brief discussion on the current regulations and the differences between enclosed LFO's and open. Comments were made as to the possibility of this being related to the breakdown in the manure and the odor. Other discussion involved expansion of LFO's vs. residences and infringing on setbacks; Counties that are being designated as “Livestock Friendly”.

Lonnie then showed on the map how the setback requirements affect the possibility for future LFO's to come into Nance County. A consensus was made that all setbacks should be the same that pertain to LFO's and new residences.

Discussion was again continued on rezoning issues. Lonnie made the comment that if Nance County were to rezone an area within 3 miles of another county or municipality the Planning and Zoning Commission would need to notify the affected counties/municipalities. It was also mentioned that each county governs their own county and that only municipalities have jurisdiction over counties. For example, a municipality that sits on the border of two counties does not have to follow either county's regulations. They have their own regulations in place to follow.

In regards to rezoning, Lonnie wanted Natalie to check with the Assessor as to whether or not the land is assessed at different values by how it is zoned or by the actual use, regardless of zoning. Natalie stated she would check into this.

Lonnie then reviewed with the Commission the updates to the Supplemental Section for the Regulations. This section is where the WEC Regulations are located and these remained the same. He basically only changed the zoning classifications.

This then concluded the discussion on the recommended updates to the Zoning and Subdivision Regulations. The changes and updates to the Comprehensive Plan would be on next months meeting agenda.

Agenda Item 5

Planning and Zoning Commission reviewed the Recommendation for a Resolution to the Floodplain Regulations. This Resolution would allow for Appurtenant Structures, 400 sq. ft. and under, to be allowed to be constructed in the Floodplain by wet flood proofing and with an attached Non-Conversion Agreement that is filed with the Register of Deeds. Frenzen made a motion to approve the Recommendation to the Board of Supervisors. Wondercheck seconded. Ayes by roll call: 7. Nays: 0. Absent: 1, Houtby.

Agenda Item 7 –Next Meeting

The next public meeting for the Planning and Zoning Commission will be Monday, June 18th, 2012 @ 7 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Guisinger and seconded by Frenzen. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

June 18, 2012

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, June 18th, 2012 at 7:00 p.m. Meeting notice was given by publication in the June 6th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Roy Guisinger, John Cieloha, Delmer Wondercheck, and Lynn Belitz. Connelly arrived shortly after roll call. Absent was Brett Houtby.

Agenda Item 3 – Minutes

Minutes from the May 21st, 2012 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 8. Nays: none. Absent: 1.

Agenda Item 4 – New Business

- a. Public hearing re. Joe Beck, DBA: J.R. Ranch application for a CUP to spread “grit” manure from Hall Co. on two sections in Prairie Creek Township in Nance Co. Those sections are N ½ S18-T16-R3W and SE ¼ S12-T16-R4W.

Delancey opened the public hearing. Present on behalf of Joe Beck, DBA: J.R. Ranch was Joe Beck, Doug MacCrea of Chamness Technology, Inc. and John Ditter of JBS USA, LLC. Neighboring landowner Steve Czarnick was also in attendance.

Doug MacCrea started by explaining that the product that would be brought out to the Joe Beck properties was not actually manure. It is a registered product of the Dept. of Agriculture and is classified as a soil builder. These products are called Soil Builder I and Soil Builder II which are considered soil conditioners. Doug stated that they would apply these at 10 tons per acre, which is pretty consistent with the soil in this area.

Questions were raised by the P&Z Commission as to whether the soil builders contained sludge. Doug referred the Commission to the handouts sent to them in regards to the active and inactive ingredients. None of these products contain liquid sludge. The answer to the next question of where this product was obtained from was that it was obtained from the Swift Packing plant in Hall County.

The Soil Builder products do not contain any ruminant material, also known as “paunch”. This material is taken directly to the landfill. Soil Builder II contains mostly “grit”. This “grit” would be the sweepings off the floor when the animals are unloaded, prior to killing, and contains mostly straw, dirt, sand, and manure. Soil Builder I contains the dry material that is skimmed and dried off the wastewater. It is then put through a filter process to further screen out any unwanted waste material. It is essentially dried out sludge that contains mostly bacteria that is easily broken down in the soil. Both products are highly organic.

In reference to comments on the smell/odor that can come off these products, Doug stated that after 30 days Soil Builder II has virtually none and there is some odor to Soil Builder I after 45 days. Both are fairly stable and are not combustible, but can get warm. The nature of the smell is more of a heavy soil smell rather than being acidic or ammonia-like. The percentage of moisture for Soil Builder II is 60% and Soil Builder I is 75%. When asked if there were any animal products in these, Doug stated that there was, such as grease.

Other counties that have had these products applied to land in their county are Greeley, Hall, and Loup. Mr. Beck will soon be applying it on his land in Merrick County. Chamness would deliver the product to Mr. Beck at no cost other than the cost of application. The hauling would be in trucks with side dumps. The plan is to stay on the paved roads as



Nance County Planning and Zoning Minutes



much as possible to alleviate the stress to the county roads. There would be approximately 120 loads between the two sites. The spreading of this would be done by Mr. Beck with a dry spreader.

Questions were asked in regards to DEQ guidelines for application of these products. For example, were there any limiting factors in regards to the phosphorus and nitrogen levels. There were not any limiting factors in these products, Doug stated. Concerns were voiced by the Commission about the high level of nitrogen and if the NRD had any restrictions about certain areas for application. Steve Czarnick voiced a concern for groundwater and leakage of the stockpiling over time. He didn't necessarily have any objections if it was a beneficial product that wouldn't cause any harm and that the smell wouldn't be a factor. He mainly came to learn more.

A suggestion was made to maybe allow for a one year time limit on this CUP. Doug then stated that Mr. Beck may want to skip a year. Concerns were made again for the NRD regulations on the nitrogen and phosphorus levels especially with the stockpiling and possible wetland requirements for one of the sites. Doug stated that Chamness would check with NRD about this.

A motion was made by Frenzen to Approve with Conditions the CUP for Joe Beck, DBA: J.R. Ranch to spread grit manure from Hall County on land in Prairie Creek Township at SE ¼ S12-T16-R4W and N ½ S18-T16-R3W in Nance County with the attached conditions: Stockpiling of Soil Builder I & II for the months of July and August 2012 with the application process to be completed by June 1st, 2013. Also to check with State applicable laws pertaining to contents of the Soil Builder I & II and stockpiling in the proposed area. Seconded: Wondercheck. Ayes by roll call: 8. Nays: 0. Absent: Houtby.

- b. Next item on the agenda was Lonnie Dickson and Keith Carl, consultants from Hanna:Keelan. They were present to pass out and do a quick review of the final proposals of the Comprehensive Plan to the Planning and Zoning Commission.

Mostly this was a review of what had been shared in previous meetings. Some punctuation and grammatical errors were corrected. Lonnie went over some highlights of the Comprehensive Plan, such as not only was there an addition of the section for an Energy Element, but this "Energy Element" was included throughout all the sections. Some changes that were to be corrected prior, were noted as not yet done as both the consultants and the Commission reviewed Section 2.6. This was the change of wording on industrial use in regards to LFO's. Also, another wording error was noticed on p. 2.2 – it should state "controlling and /or prohibiting..."

In general, a suggestion was made by the consultants to make a note that if a goal or policy is being neglected over time, that the P&Z Commission make a recommendation to the Board of Supervisors to address it.

There was still discussion on the rule of density throughout the county. It was noted that over the past five to ten years that there have not been a lot of instances for problems with the current density regulations. Lonnie made the suggestion to keep in mind that if something isn't working that we need to work to amend it in the future. Further discussion was also held on the "exemption rule" for density also. No decision was made yet.

More highlights and reviews of the Comprehensive Plan continued. Tables were reviewed on the trends of farms in expansion and cropland status. Discussion was held on lands that were being converted to cropland and the possible future impact to the county. Trends in livestock production surprisingly showed a decrease.

On the Transportation section, Lonnie pointed out a map on p. 5.15 that was a functional classification map. He suggested the Commission speak to the Roads Department about the State Functional Classifications Map and the use of it as a tool in the planning process. Lonnie said it would probably be a good idea for the Planning Commission to be included in the decision process of the 1 & 6 year Road Improvement Planning due to the intent of the Comprehensive Plan.

Lonnie then concluded his overview of the Comprehensive Plan. He stated that they would not be at the July Commission meeting, but that the Commission members should review the entire Comprehensive Plan, Zoning and Subdivision Regulations and note any changes to be made prior to the public hearing in August. Natalie, ZA, would pass along the recommended changes to H:K so that they would be reflected in the updated versions needed for the August hearing.

Agenda Item 5 – Old Business

None

Agenda Item 6 – Administrative Business

None

Agenda Item 7 – Next Meeting

The next meeting of the Commission will be on Monday, July 16th, 2012 at 7:00 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Wondercheck and seconded by Frenzen. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

July 16th, 2012

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, July 16th, 2012 at 7:00 p.m. Meeting notice was given by publication in the July 4th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Roy Guisinger, Delmer Wondercheck, and Lynn Belitz. Galen Frenzen arrived shortly after roll call. Absent were Brett Houtby, Pat Connelly, and John Cieloha.

Agenda Item 3 – Minutes

Minutes from the June 18th, 2012 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to accept the minutes as presented, but to amend by including the presence of Commission member Galen Frenzen that was omitted, in Agenda Item 2. Seconded by Wondercheck. Ayes by roll call: 6. Nays: none. Absent: 3.

Agenda Item 4 – New Business

- a. Delancey opened the public meeting. Review of the final proposals of the Comprehensive Plan, Zoning and Subdivision Regulations by the Planning and Zoning Commission began. It was noted that recommendations/concerns would be forwarded to Lonnie Dickson (Hanna:Keelan consultant). The following discussions and notations were made in regards to the Comprehensive Plan:
 - 1) On page 2.4, Policy 1.1 - the reference to the availability of utilities may need to include a warning on the possibility of overages.
 - 2) Policy 1.5 - It was felt that the term “Net Metering” was too vague and may imply “turning the meter backwards”. Members wondered if maybe it could be reworded so that it stated “as defined by state statute.”
 - 3) Page 2.5. Policy 2.3 – Suggested changing “implement” to “monitor”. Questions would also be sent to Lonnie about this policy and needing DEQ standards included in the wording.
 - 4) Policy 2.6 – As discussed in previous meetings – amending the classification of LFO’s away from Industrial Use.
 - 5) Page 2.6 – Policy 4.3 – Questions were asked about the intent of this policy in regards to implementing development measures that reduce or limit flood hazards, etc. Natalie explained that this is in most part done through the Floodplain regulations.
 - 6) Page 2.10, Policy 2.3 – It was felt that this policy was a good concept, but felt that this goal could upset some residents in the ranching area with the idea of a comprehensive trails system.
 - 7) Page 5.15 – Concerns on the State Functional Classifications Map – Members questioned as to whether the map was too incomplete and if so, should it be removed altogether from the Comp. Plan. The reason for the concern was due to some roads being classified as a certain type, yet others they felt were in the same category were not classified at all. It was questioned how up to date the map was. Natalie would check with Lonnie on this and would talk with the Roads Dept. about meeting with them on the One- and Six-Year Plans.
 - 8) Page 6.6 – Concerns on the usage of the word “Promote” on this page. Members wondered if it could be changed to “encourage”, or if there could be any liability on the County with the former.

In general discussion, the topic of “erosion control” was brought up and if Planning and Zoning had any authority with it. It was stated that as far as the Commission knew, Planning and Zoning had no authority on this subject. Also, housing in Nance County was briefly reviewed again. The Housing Fair and Tour were mentioned and it was stated that this was a success, especially with all the representatives from different agencies present.

Frenzen left at 7:50 p.m.



Natalie asked the Commission about the extent of the Zoning Administrator's duties in regards to enforcement and compliance. It was decided that the best course of action would be to use a common sense approach and follow the procedures and policies as outlined in the Zoning Manual.

It was noticed that a reference on a Conditional Use Permit in Article 16, Section 3.21 should be on Article 17 rather than Article 16.

Brief discussion was made on the topic of "hoop structures". Currently, there are no such structures in Nance County that the Commission is aware of. More discussion and information will be needed if there are to be such structures in Nance County and what regulations apply to them.

Agenda Item 5 – Old Business

Information Natalie got from Dan @ Roads Dept.

Discussion was again held on the rules of density for Nance County. Wondercheck made a motion to keep the rules of density the same along with the exemption by CUP for additional residences. Belitz seconded. Ayes by roll call: 5. Nays: 0. Absent: Connelly, Houtby, Cieloha, and Frenzen.

Agenda Item 6 – Administrative Business

Natalie showed the Planning & Zoning Commission a proposed resolution to the Fee Schedule that would further hold the person applying for a permit accountable for fees and services incurred during the permit process. McCoig made a motion to Recommend for Approval for Adoption the Resolution to the Fee Schedule to the Board of Supervisors. Wondercheck seconded. Ayes by roll call: 5. Nays: 0. Absent: Connelly, Houtby, Cieloha, and Frenzen.

Agenda Item 7 – Next Meeting

The next meeting of the Commission will be on Monday, August 20th, 2012 at 7:00 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Wondercheck and seconded by Guisinger. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

August 20th, 2012

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, August 20th, 2012 at 7:00 p.m. Meeting notice was given by publication in the August 8th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Roy Guisinger, Delmer Wondercheck, and Lynn Belitz, Pat Connelly, John Cieloha, and Brett Houtby. Absent: Galen Frenzen who arrived after approval of minutes.

Agenda Item 3 – Minutes

Minutes from the July 16th, 2012 meeting had been mailed in advance and were briefly reviewed. Cieloha made a motion to accept the minutes as presented. Seconded by McCoig. Ayes by roll call: 8. Nays: none. Absent: Frenzen.

Agenda Item 4 – New Business

- a. Delancey opened the public hearing. There was a review of the adjustment to the final proposals by Hanna:Keelan of the Comprehensive Plan, Zoning and Subdivision Regulations by the Planning and Zoning Commission. Lonnie Dickson of Hanna:Keelan was unable to attend this final meeting due to a scheduling conflict. He would be available by cell phone should the Commission have questions or need more clarification. The following changes were made in regards to the Comprehensive Plan and the Zoning and Subdivision Regulations and new pages were handed out to the Commission. These were reviewed and discussed:
 - 1) On page 2.4, Policy 1.1 - the reference to the availability of utilities was reworded to state “require, as a provision for approval” that all future non-agricultural development in Nance County has an adequate, modern utility system, thus omitting the wording of “insure”.
 - 2) Policy 1.5 - Net Metering was referred to by State Statute.
 - 3) Page 2.5. Policy 2.3 – “Implement” was changed to “monitor”. Conformance with DEQ standards was also included in the requirements.
 - 4) Policy 2.6 – LFO’s were classified as Intensive Agricultural uses.
 - 5) Page 2.10, Policy 2.3 – Rather than state “develop”, the wording was changed to “support” in regards to a comprehensive trails system throughout the County.
 - 6) Page 5.15 – This map and its classification system were discussed. The way the State classifies road usage compared to how our County sees it is different. It is based on a yearly average. Although it doesn’t seem to be completely accurate to the Commission’s standards, it is the most accurate information that the State Dept. has to-date. Sharman spoke with Dan on the County Roads Dept. about this also. He stated that this is actually a better map than what he had, but this is the classifications map that they use also. It is basically a “guide” for the County to follow. The State basically follows the One & Six Year Plan that the County Roads Dept. submits to them. (Sharman did supply him with a copy of the map.) According to Lonnie, it was better to have this map, than none since this is the one that the State of Nebraska goes by. Sharman also brought up the subject of the Commission or members of the Commission meeting with the County Roads Dept. about their One and Six Year Plans. This would help to ensure that departments of the County are on the same page. Sharman did supply the Roads Dept. with a copy of the Comp. Plan for their reference when doing their plans. It was asked if the County could create its own map. Due to the cost of creating one, right now it doesn’t seem feasible for the Zoning Dept.
 - 7) Page 6.6 – The usage of the word “promote” was kept on this page for some of the bullets, but was replaced on two of them with “support”. When discussing this with Lonnie earlier, Sharman was reassured that these were essentially goals. They are what the County is to aspire to and we don’t want to be too soft on our goals. By showing that there is intention to do certain things, it does not necessarily mean that the County will be



Nance County Planning and Zoning Minutes



held liable for not yet instituting it at a specific time. It is a ten-year plan, and the County and its goals can change.

- 8) Effluent was included on page 15 of the Zoning Regulations Article 12, Section 3.16.
- 9) The correction to a reference on a Conditional Use Permit in Article 16, Section 3.21 was changed from Article 17 rather than Article 16 on page 30.
- 10) Density was changed back to allow for an exemption by CUP for additional residences in the AG and RC Districts.
- 11) Density was changed back to the 2 acre requirement, in the AGR District, rather than 3 acres. This would possibly cause involvement or review with DEQ on septic systems since they tend to monitor residences that have less than 3 acres. Some members felt that they would like to have as little involvement with DEQ as possible. Currently the Regulations reflect a required 2 acres and Sharman felt it may cause more problems with non-conforming lots of record to change the number of acres required for the AGR District. Discussion continued on possible DEQ expectations and County requirements. It was felt that regardless of DEQ requirements, if the landowners wanted to build on 2 acres rather than 3 acres, they should be allowed to in the AGR District. Technically, for the health and safety of the County and its residents, there should be some sort of check on septic systems of residences that develop on less than 3 acres. If it is found that this change does not seem to fit with the Comprehensive Plan or the intent on the Regulations for the AGR District, the Commission can hold a hearing to possibly amend in the future
- 12) It was noted that pages 20 and 24 would need to be corrected on the numbering sequence in the Zoning Regulations.
- 13) Administration and Enforcement on Article 19. The change was made on Section 5. The number of days for compliance checks was increased from 10 days to 15 days. The request was made to change it to “a reasonable time”, but more information is actually needed on what state statutes require for compliance checks. The question on what was considered “complete” was raised also. Zoning Permits have a current expiration of one year according to the Regulations. Considering that the Zoning Administrator position is only part-time, it is decided that there will need to be some more revision to this Article 19 in order for it to meet the Nance County Planning and Zoning hours and budget. Enforcement is also an issue. Sharman stated that she would be attending a Northeast District meeting in September. At this meeting she would be able to talk with other part-time administrators and find out how their regulations are written regarding this issue.

After this review, a motion was made by Frenzen to Recommend Approval with Conditions the Adoption of the updates to the Nance County Comprehensive Plan, Zoning and Subdivision Regulations. The conditions being that the error on numbering on pages 20 & 24 of the Zoning Regulations be corrected and that future updates will be amended to Article 19, Section 5 on Zoning Compliance. Seconded by Guisinger. Ayes by roll call: 9. Nays: 0. Absent: None.

Agenda Item 5 – Old Business

The amended minutes from the July 16th, 2012 P&Z meeting were reviewed. Wondercheck made a motion to accept the minutes as amended. Seconded by McCoig. Ayes by roll call: 9. Nays: 0. Absent: None.

Agenda Item 6 – Administrative Business

The new Fee Schedule was handed out to all members to have a copy for their manuals.

Agenda Item 7 – Next Meeting

The next meeting of the Commission will be on Monday, September 17th, 2012 at 7:00 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Wondercheck and seconded by Cieloha. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting September 17th, 2012

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, September 17th, 2012 at 7:00 p.m. Meeting notice was given by publication in the September 5th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Lynn Belitz, Galen Frenzen and Brett Houtby. Absent: John Cieloha, Delmer Wondercheck, Pat Connelly, and Roy Guisinger.

Agenda Item 3 – Minutes

Minutes from the August 20th, 2012 meeting had been mailed in advance and were briefly reviewed. Frenzen made a motion to accept the minutes as presented. Seconded by Houtby. Ayes by roll call: 5. Nays: none. Absent: Cieloha, Wondercheck, Connelly, and Guisinger.

Agenda Item 4 – New Business

Delancey opened the public hearing. Doug MacCrea of Chamness Technology, Inc. was present on behalf of the applicant Clair Jones. Mr. Jones has applied for a CUP to spread SoilBuilder I & II, brought in from Hall County, on his land in Genoa Township in Nance County at NE ¼ S1-T17-R4W and W ½ and E ½ S18-T17-R4W. This product is the same product that was introduced to the Commission by Chamness in June for a CUP application by Joe Beck. Chamness is a company based out of Iowa, but has a local land application facility in Hall County (Grand Island) as well as others throughout the Midwest.

According to MacCrea, Jones will be applying less than three tons an acre, which will equal to about 20 loads. Essentially it will be a small application by Jones. There was no paperwork from the FSA, but they just took the soil samples today. They will deliver the amount specified by the standards set by the NRD after the analyses come back.

Lower Loup was contacted and they were not concerned about the application since it was not within any areas of concern due to special soils or wellheads.

It was confirmed that all neighbors were notified and there was only a response from one by email requesting more information on the product. Sharman (ZA) responded to this as well as passed the inquiry on the MacCrea @ Chamness to give them more information as well.

Frenzen made a motion to approve the Conditional Use Permit for the properties listed above with the understanding that there will be no stockpiling as Mr. Jones is going to apply the SoilBuilders as soon as the crops are out and the product is delivered. Seconded by McCoig. Ayes by roll call: 5. Nays: 0. Absent: Guisinger, Connelly, Wondercheck, and Cieloha. The Commission did ask MacCrea about the roads that the deliveries would be made on. MacCrea stated that they would use blacktop as much as possible and then use the best suited, yet quickest route to the site available so that as little harm as possible is done to such roads. As before in the previous hearing for a CUP for SoilBuilder, Chamness will stick to the same delivery route each time. No other questions were posed to MacCrea. The public hearing was then closed.

Agenda Item 5 – Old Business

The Commission was notified that the finalization of the Updates to the Nance County Comprehensive Plan, and Zoning and Subdivision Regulations has been postponed to a later date. This is due to the Nance County Attorney having a few areas that he would like to review more with both the Commission and the Zoning Administrator. This discussion will be at a later date yet to be determined due to the County Attorney's recent case load.

Agenda Item 6 – Administrative Business

Article 19 of the Regulations is still being "fine-tuned". Sharman did notify the Commission of a Pipeline Safety Meeting on the 18th of October in Albion if anyone was interested in attending. Sharman would be attending this.



If anyone decides they would like to go, they are to notify Sharman. General discussion was held on issues with non-compliance.

Agenda Item 7 – Next Meeting

The next meeting of the Commission will not be scheduled for October at this time unless an application or another matter is brought to the attention of the Zoning Administrator or one of the Commission members within the next couple of weeks.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Frenzen and seconded by McCoig. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting

September 17th, 2012

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, October 22nd, 2012 at 7:00 p.m. Meeting notice was given by publication in the October 10th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Dennis McCoig, Galen Frenzen, Delmer Wondercheck, John Cieloha, Pat Connelly and Brett Houtby. Absent: Lynn Belitz and Roy Guisinger.

Agenda Item 3 – Minutes

Minutes from the September 17th, 2012 meeting had been mailed in advance and were briefly reviewed. McCoig made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 7. Nays: none. Absent: Belitz and Guisinger.

Agenda Item 4 – New Business

Delancey opened the public hearing. Doug MacCrea and associate of Chamness Technology, Inc. and Robert Voichoskie were present for Mr. Voichoskie's application for a Conditional Use Permit to apply SoilBuilder I & II, brought in from Hall County, on his land in East Newman Township in Nance County at N ½ S10-T16-R5W. Also present was neighboring land owner, Kenneth Prososki.

A copy of the application and management plan were made available for review to all members of the P & Z Commission prior to the meeting. It was noted that the application process would consist of 11 ½ tons per acre based on the analysis from ServiTech, the independent lab that does the soil analysis. (The original plan was to be 10 tons per acre.) It was asked if it would be stockpiled and it was confirmed that it would be for approximately 20 days, unless the ground was frozen at that point. It would probably need to be done for longer if the ground is frozen by the time the entire amount had been received. Sharman made a reference to a concern with Voichoskie's land being in the floodplain and having the product still there when the ground begins to thaw and that run-off could occur from the SoilBuilder in the floodplain. There are no specific regulations that pertain to this topic, but it was recommended by the Dept of Natural Resources to use common sense in regards to the location of the stockpile. It would be a good idea to stockpile the SoilBuilder in a spot that would best protect the floodplain. Voichoskie did state that he had an area on his land that is higher, that is shown on the floodplain map that he could stockpile it on. It would be a closer location to his house than he had originally intended, but it would be higher than the first location he had chosen. Brief discussion was held on when Floodplain Regulations were adopted. Sharman stated that the County adopted them in 2005. Sharman asked if MacCrea of Chamness had any recommendations for Voichoskie to help with getting the fertilizer spread prior to thawing in the spring. He felt that there should be no reason not to be able to spread it in late December or January as long as it was broken up prior to being spread. Delivery of product would begin mid-November. Costs were also discussed and MacCrea explained various scenarios on what costs could be for the farmer to spread, but the product and delivery from Chamness was free. Delancey made a reference on the location of the stockpile again and asked that he did make sure that the location would be at a higher elevation than the rest of the land. Frenzen also made a referral on the use of the common sense in choosing the location for the stockpile since the property was in the floodplain. It was asked if the change of this location would impact any surrounding neighbors and their residences. Voichoskie noted that actually the most impact would be on him as it would move it closer to his home. Kenneth Prososki stated that was the reason he was present. He wanted to know where this stockpile would be in relation to his house. He had no issues with the location that it was changed to since it was actually going to end up closer to the applicant's home.

It was asked again of MacCrea what each product was. MacCrea explained that SoilBuilder I was an organic pressed material that was skimmed off the waste water of the treatment system of the processing facility. All the water is pressed out and you are left with the dead "bugs" that become attractive to the resident "bugs" in the soil and are fed on by them which then stimulate the soil and promotes new root growth and provide nutrients to the plants. SoilBuilder II is

commonly referred to as “grit”, which is sand, manure, straw, and washings off of the cattle when they are on the slaughter floor. There is absolutely no paunch or ruminant in this product. If there is even the slightest possibility that there may be, it is automatically taken to the landfill and not put in the product. A comment was made on the fact that it has been noted to have an occasional “nasty” smell to it if the moisture, wind and temperature conditions were right. MacCrea did reply that after he was notified by Sharman of this smell complaint that he did a site inspection and was unable to detect a nuisance of the smell within 10 feet. With the temperatures dropping, MacCrea noted that these instances of noticing a “nasty” smell would become less. This comment was just so that residents and the applicant were aware that there can be a distinct, unpleasant smell.

Sharman asked to get an amended management plan since the product per acre had changed and there would need to be an alternate route due to some weight limits on bridges with the original route. Sharman would then attach this amended site/management plan to the permit. Wondercheck made a motion to approve the Conditional Use Permit for the properties listed above with the attached conditions (1) that if there is stockpiling, Mr. Voichoskie will put this location at the highest practical elevation, (2) that an amended site plan will show change in 10 tons per acre to 11 ½ tons per acre and (3) a new delivery route will also be put into site plan due to bridge restriction on access to site. Seconded by Frenzen. Ayes by roll call: 57. Nays: 0. Absent: Guisinger and Belitz. No other questions were posed to MacCrea or Voichoskie. The public hearing was then closed.

Agenda Item 5 – Old Business

The finalizing to the updates to the regulations is still on hold as the County Attorney’s case load has been quite high at this time. Hopefully the beginning of the new year will show some promise as to the finalizing of these updates.

Agenda Item 6 – Administrative Business

General discussion on the pipeline coming into Nance County. The contact for the Zoning office for TransCanada is Bobby Britton, who just met with Sharman last week.

No one through P & Z went to the informational meeting at the Loup River Inn on the Keystone XL pipeline last week. Sharman gave a brief update on the safety meeting she attended in Albion on pipelines. At this meeting she spoke with Jeff Rauh, who is with TransCanada, and got some general information in regards to the pipeline. He also welcomed any questions that the Commission or she had.

Sharman did state that Nance County could also have a pump station located here. She stated that P & Z may want to check into regulations for this.

The new route alternatives were discussed.

The safety aspect of the contents of the pipeline and the information gathering were also discussed. It was felt that the Federal and State governments would be regulating this and not be the job of the County.

Sharman was concerned only with whose responsibility it was for checking into this. She didn’t want to be negligent in not researching what was entering Nance County.

Agenda Item 7 – Next Meeting

Next meeting would be determined at a later date or as needed.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Frenzen and seconded by Wondercheck. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson

NANCE COUNTY PLANNING AND ZONING COMMISSION

Record of Minutes of Meeting December 17th, 2012

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 17th, 2012 at 7:00 p.m. Meeting notice was given by publication in the December 5th, 2012 editions of *The Nance County Journal* and *The Genoa Leader-Times*, and an official agenda was made available at the office of the Zoning Administrator. Delancey acknowledged the posted Open Meetings Act.

Agenda Item 2 – Roll Call

The following quorum of Commission members was present and answered roll call: Chuck Delancey, Delmer Wondercheck, John Cieloha, Pat Connelly, Brett Houtby, Lynn Belitz, and Roy Guisinger. Galen Frenzen – arrived at 7:30 p.m. Absent: Dennis McCoig.

Agenda Item 3 – Minutes

Minutes from the October 22nd, 2012 meeting had been mailed in advance and were briefly reviewed. Cieloha made a motion to accept the minutes as presented. Seconded by Wondercheck. Ayes by roll call: 7. Nays: none. Absent: Frenzen and McCoig.

Agenda Item 4 – New Business

Delancey opened the public meeting. Certificates of Recognition for 15 years of service to the Planning and Zoning Commission were presented to Lynn Belitz and Pat Connelly. Chuck Delancey received a certificate for 12 years of service and Brett Houtby for 10 years of service. Representing the Board of Supervisors in presenting these awards was Robert Voichoskie.

Several Nance County residents were in attendance to address the P & Z Commission on the issues of the Keystone XL Pipeline. Also present were members from BOLD Nebraska and representatives from the Keystone XL Pipeline Project. Nance County resident, Jim Tarnick, made a request to the Commission to look into adopting setbacks of 1,000 ft. on this pipeline from human residences, livestock, buildings, work environment, irrigation wells, and irrigation systems. Mr. Tarnick also made several concerns known to the Commission in regards to the sensitive soils of the County, the contents of what will be in the pipeline, and the future citizen's protection of the land due to leaks and if the pipeline is ever abandoned - the case of erosion and deterioration.

Jane Kleeb of BOLD Nebraska then addressed the Commission. Her concerns were similar to Tarnick's. She is concerned about the contents, leaks, lack of an adequate emergency management plan/response plan, ground water contamination, protection for the residents of Nance County by setting up regulations, and frustration on the lack of action by lawmakers to regulate this pipeline federally or by the state. She is basically asking Nance County to adopt regulations to protect the residents of the County if the pipeline is allowed to go through. No other county has been approached to do this by BOLD Nebraska due to lack of action on other issues involving the pipeline. Ms. Kleeb gave the Commission some handouts on basic information regarding pipelines and answered several questions the Commission had. BOLD Nebraska does intend to ask other counties to adopt regulations as well, but Nance is the first county she has approached. Ms. Kleeb also stated to the Commission that she is concerned because there is no regulatory committee for this pipeline, that the DEQ was only designated to evaluate the Keystone XL pipeline. Essentially, Ms. Kleeb would like the Commission to look closely at this pipeline that is entering Nance County.

Next to address the Commission was Ben Gotschall from BOLD Nebraska. He does a lot of research for the group and works closely with many landowners. Mr. Gotschall is also the District 5 Farmers Union President that covers several counties in eastern Nebraska. Ben supplied the Commission with the contact - Jeff Wiese, jeff.wiese@dot.gov. Phone number 202-366-4595. He felt that Mr. Wiese would be a great contact for the Commission in regards to jurisdictional issues. Mr. Gotschall voiced similar concerns as Ms. Kleeb. He also noted that PHMSA (Pipeline & Hazardous Material Safety Administration) is severely underfunded and understaffed and is concerned that this may cause issues with the regulating and safety of the pipeline. He encouraged members of P & Z to attend the Pipeline Safety Conference in New Orleans, which last met in November. There is a lot of information and resources that are available there. Mr. Gotschall also made reference to the oil spill in the Kalamazoo River in Michigan and shared information on issues that arose from this incident. He addressed the comment on setbacks made earlier. Some of the residents of Nance County are requesting



Nance County

Planning and Zoning Minutes



a 1,000 ft. setback on the pipeline as Mr. Tarnick stated earlier. The reason this distance is requested is due to the DEQ report stating that this is the maximum distance that chemicals can travel through groundwater over a certain period of time and still be at a dangerous level. Mr. Gotschall also explained his concern on the response time in the event of a leak, especially slow leaks.

Next to speak was Jeff Rauh from Keystone Pipeline. Mr. Rauh addressed the issue of a pump station. The expectation by Keystone is that it will be likely that a pump station would now be located in Nance County rather than Merrick County, where it was originally planned on. It is not a certainty since the route has not been finalized by either the state or the federal government. Sharman stated that it was placed on the agenda for discussion with the Commission so as to be proactive on decisions to adopt regulations that may require a permit for this type of operation in Nance County as Merrick County did. Mr. Rauh answered several questions by the Commission. He stated that the pump station would not be enclosed and that members could look at similar ones in other counties such as Stanton and Butler Counties. The horsepower for a typical pump station is 6000 HP at each pump and up to 5 pumps at each station. Each pump would also have different pumping configurations due to the oil flow being at different levels. The oil is not heated, but does heat up as it moves through the pipeline. It is a variable temperature that is caused by a friction-heated system. The federal government has a maximum level that the oil may not exceed anywhere in the pipeline, which is 158 degrees. Keystone has established limits that if temperature exceeds 120 degrees then action are taken to reduce pumping volumes. Mr. Rauh then answered various questions on the origin of the oil and interjection points along the route; auditing of operations and construction; spill response; and 24 hour monitoring of pipeline. He also answered questions in regards to the valves of the pipeline. There are valves both at the pump stations and in between based on different factors, such as at rivers and other sensitive receptors. Valves are also placed according to distance – there is a maximum distance that does not exceed 20 miles between valves. The valves are remotely operated, but can be manually operated also. Monitors for temperature and pressure are at each station and at valves. Detection time was discussed as well as what size of leak the system could detect. Mr. Rauh gave information on flow rates, response time, and clean up processes. Various chemical contents of the pipeline were named and commented on and referral to the DEQ report was made to get exact information. Comments were made in regards to the actual description of the oil being shipped through the pipeline – synthetic or crude. Mr. Rauh also commented on certain factors that occurred in the Enbridge spill in the Kalamazoo River.

He explained testing standards done on the Keystone XL, the life expectancy of the pipeline, the thickness and diameter, the pressure at which it operates, and that the pipeline is flexible to allow for some contraction and expansion. Questions were asked by someone in attendance as to the benefit to the County. Mr. Rauh stated that continued growth of U.S. oil production, taxation on facilities like Keystone for Nance County, economic activity with the construction process, electricity use, and jobs that are contracted out through Keystone.

Sharman asked if TransCanada/Keystone ever recommended setbacks. Rauh explained that it would be just the 50 ft. that they seek with the easements.

Backup power supplies were discussed. A comment was made that there should be a refinery built up north, but Rauh did comment that distribution plays a factor on where refineries are located. (Differing comments and interjections were made at this time regarding this information.)

County Attorney, Rod Wetovick interjected at this point that maybe the Commission should, considering the lateness of the hour, decide on whether or not to pursue regulations for the pipeline and/or a pump station. Rod stated that ultimately it was up to the Commission if they wanted to recommend regulations to the Supervisors and that there is a possibility that it could be challenged. It is uncertain to him whether or not it can legally be done as he is unaware that it has ever been done in Nebraska, although it has in a couple other states.

Interjections were made randomly on easements, the time-frame for decision making, TransCanada stockholders, and other numerous comments that were unable to be followed.

The Commission, overall, still felt more discussion was needed on this issue before any decisions on how to proceed could be made. The subject would be tabled for discussion at next months' meeting.

Agenda Item 5 – Old Business

The finalizing to the updates to the regulations is still on hold as the County Attorney's case load has been quite high at this time.

Agenda Item 6 – Administrative Business

John Cieloha, Pat Connelly, and Roy Guisinger's terms for the P & Z Commission will end January 2013. Pending Supervisor approval, all 3 members have agreed to another 3-year term.



Nance County Planning and Zoning Minutes



Agenda Item 7 – Next Meeting

Next meeting will January 21st, @ 7 p.m.

Agenda Item 8 – Adjournment

A motion to adjourn was made by Frenzen and seconded by Connelly. There were no objections.

SUBMITTED BY:

AFFIRMED BY:

Commission Secretary

Commission Chairperson