

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 Ceilooha, 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



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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.

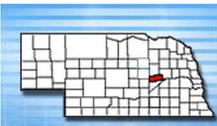
Page 11 – Plan Maintenance and Implementation expresses the need to have a yearly "sit-down workshop" with the Board of Supervisors, the Planning and Zoning Commission, and the Board of Adjustment. At this workshop it would be recommended to do a review of the Comprehensive Plan and Zoning Regulations. 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



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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 next 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