

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.



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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.



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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