



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting Packet

Commission Members:

John Amick	Hall County	
Karen Bredthauer	Grand Island	
Scott Eriksen	Grand Island	
Mark Haskins	Hall County	Vice Chairperson
Bill Hayes	Doniphan	
Lisa Heineman	Grand Island	
Dianne Miller	Grand Island	
Jaye Monter	Cairo	
Pat O'Neill	Hall County	Chairperson
Deb Reynolds	Hall County	
Leslie Ruge	Alda	Secretary
Don Snodgrass	Wood River	

Regional Planning Director: Chad Nabity

Technician:

Edwin Maslonka

Secretary:

Rose Woods

6:00:00 PM
Council Chambers - City Hall
100 East First Street

Call to Order

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for Commission consideration should complete the Request for Future Agenda Items form located at the Regional Planning Office on the second floor of City Hall. If the issue can be handled administratively without Commission action, notification will be provided. If the item is scheduled for a meeting, notification of the date will be given.

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

DIRECTOR COMMUNICATION

This is an opportunity for the Director to comment on current events, activities, and issues of interest to the commission.



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting

Item .A1

Summary

Insert a narrative here

Staff Contact:

**Staff Recommendation Summary
For Regional Planning Commission Meeting
August 13, 2008**

- 5. Council Referral** – Concerning the formation of a new business improvement district for Second Street in Grand Island to create BID 6. (C-22-2008GI) (Discussion, Action)
- 6. Council Referral** – Concerning the formation of a new business improvement district for South Locust Street in Grand Island to create BID 7, to replace BID 3. (C-21-2008GI) (Discussion, Action)
- 7. Final Plat** – Powell 4th Subdivision HC, located north of Schimmer Drive, between 60th Rd., and Monitor Rd., and south of Husker Hwy., in Hall County, Nebraska. (1 lot) A tract of land comprising all of Lot One (1) Powell Third Subdivision and a part of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), all in Section Thirty Three (33), Township Eleven (11) North, Range Ten (10).
- 8. Public Hearing** – Text Amendment change to Doniphan Zoning Regulations relative to allowing Livestock Waste Control Facilities for existing livestock feeding operations by conditional use permit within the TA-Transitional Agriculture District in Doniphan, Nebraska. (C-19-2008 DON)



Hall County Regional Planning Commission

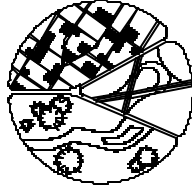
Wednesday, August 13, 2008
Regular Meeting

Item E2

July Meeting Minutes

Insert a narrative here

Staff Contact:



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN, NEBRASKA

Minutes
for
July 2, 2008

The meeting of the Regional Planning Commission was held Wednesday, July 2, 2008, in the Community Meeting Room - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" June 26, 2008.

Present:	Pat O'Neill Deb Reynolds Don Snodgrass Scott Ericksen	Dianne Miller Mark Haskins Karen Bredthauer Lisa Heineman
Absent:	John Amick, Les Ruge, Bill Hayes, Jaye Monter	
Other:		
Staff:	Chad Nabity, Rose Woods	
Press:		

1. Call to order.

Chairman O'Neill called the meeting to order at 6:10 p.m. He stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting were posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

2. Minutes of June 4, 2008 meeting.

A motion was made by Bredthauer, and seconded by Haskins, to approve the Minutes of the June 4, 2008 meeting as presented.

3. Request time to speak.

There was no one who requested time to speak.

4. Final Plat

Nabity described this final plat propose to create 4 lots between Ravenwood Subdivision and Hidden Lakes Subdivision. Two lots are slightly more than 1 acre in size and the other two are 3 and 4.4 acres. City Sewer and Water are not available to these lots. The Nebraska Department of Environmental Quality has approved septic systems on these lots. All of the lots front onto existing public right-of-way. The property is zoned LLR Large Lot Residential and would permit 20,000 square foot lots. This land consists of approximately 10.135 acres. He stated it met all the requirements and he recommends approval.

No comments or questions were made.

O'Neill asked for a motion. A motion was made by Miller, and seconded by Eriksen, to recommend approval as submitted.

A roll call vote was taken and the motion passed with 8 members present (Miller, O'Neill, Reynolds, Eriksen, Heineman, Haskins, Bredthauer, Snodgrass) all voting in favor.

5. Planning Commission Budget

Nabity explained the budget didn't have a lot of changes; the main change is the employee step increases, and insurance. There was a drop in operating expenses, and it falls within where the County Board recommended. Nabity recommends the budget as well.

O'Neill asked if there were any questions or changes.

O'Neill asked for a motion. A motion was made by Haskins and seconded by Bredthauer. To accept the budget as presented.

A roll call vote was taken and the motion passed with 8 members present (Miller, O'Neill, Reynolds, Eriksen, Heineman, Haskins, Bredthauer, Snodgrass) all voting in favor.

6. Planning Director's Report

Community Beautification Award, application forms are out. Applications are on the Grand Island web site. If there are places that you would like to nominate please do. A committee needs to be created to judge those applications. Applications are being accepted until July 31, 2008. Volunteer nominations are Bredthauer, O'Neill, Snodgrass and Ruge. Nabity explained there are two awards that will be given out if there are enough applications from different local smaller towns. He also encouraged the Commission members to nominate a business from a town they

may happen to be in, Alda, Cairo, Doniphan or Wood River. They need to be represented as well, with three nominations from each area.

Hazard Mitigation Plan, Nabity has not seen a draft of what they have approved. He anticipates they will want to hold a public hearing at the August meeting. There will be some Mitigation funding coming forward, from damages this spring. In order to get the funding there needs to be a plan approved. It's a requirement of the funding to have the plan.

Nabity asked to move the August 6, meeting to August 13, 2008, there are two Bids', that will need planning commission recommendations, South Locust and Second Street. He is not sure that they will make the July 22 meeting for referral. There is a Council meeting on August 12 and it likely they will be referred on that date.

Bredthauer made a motion to approve the meeting date change to August 13; motion was seconded by Miller to approve the new meeting date to August 13, 2008.

A roll call vote was taken and the motion passed with 8 members present (Miller, O'Neill, Reynolds, Eriksen, Heineman, Haskins, Bredthauer, Snodgrass) all voting in favor.

7. Next Meeting August 13, 2008

Chairman O'Neill adjourned the meeting at 6:20 p.m.

Leslie Ruge, Secretary

by Rose Woods



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting

Item -3

Council Referral BID 6

Insert a narrative here

Staff Contact:

Agenda Item #5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

July 25, 2008

SUBJECT: *Creation of Business Improvement District 6 (C-20-2008GI)*

PROPOSAL: To create a Business Improvement District for U.S. Highway 30 (Second Street) between Eddy Street and Garfield Street as shown on the attached map. This is a new BID created to pay for and maintain common landscaping.

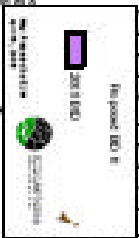
OVERVIEW:

The purpose of a Business Improvement District is to raise funds for projects that serve the interests of business owners in the district. Nebraska Statutes allow the creation of Business Improvement Districts that assess and tax business owners for services provided by the BID. These are voluntary organizations that require a majority of the property owners to agree before they can be created.

RECOMMENDATION:

That the Regional Planning Commission recommend that City Council **approve** the creation of Business Improvement District #6 in Grand Island.

_____ Chad Nabity AICP, Planning Director



Budget Proposal
Business Improvement District No. 6
Grand Island, Nebraska

Submitted to the Honorable Mayor and City Council of Grand Island

July 25, 2008

By

Business Improvement District No. 6 Board:

Bob Dodendorf, Chair
Cheryl Nietfeldt
John Folsom
Bill Raile
Phil Maltzahn
Mike Wanek
Dallas Kime

Proposed Budget and Purposes for Business Improvement District No. 6

The board members of Business Improvement District No. 6 have completed a thorough and disciplined process to identify their mission and prioritize the work to be accomplished over the next five years – the life of Business Improvement District No. 6 along U.S. Highway 30 (Second Street) in Grand Island.

While many resources will be employed in the achievement of our mission, including the talent and efforts of stakeholders, this proposal requests a total of \$183,600 for the five year life of the District. The Board is asking for \$43,864 in year one with a proposed \$0.50 per foot decrease. The average assessment over the 5 year period would be \$5.00 per foot.

Beautification and Maintenance of the Public Areas

Creating a unified landscaping along Second Street is essential to the improvement of the properties. To accomplish this goal the Board has a vision for improvements of the streetscape including landscaping, trees, shrubs and grass. The developed nature of this street and the width of the roadway severely limit the amount of landscaping that can be done. Creation of the District will allow coordination of both the installation and maintenance of the landscaping. A coordinated effort will enhance the looks of the whole area and visually tie the properties together even if ownership remains separate.

The District will have to seek other sources of funds for the majority of the landscaping. These sources include but are not limited to: the State of Nebraska Department of Roads and the Grand Island Community Redevelopment Authority. Both have demonstrated support for this District and have indicated that they are willing to continue and expand that support.

Table 1.

<div>Business Improvement District #6</div> <div>Five-Year Financial Plan</div>							
	Fiscal years beginning October 1,					Total	
	2008	2009	2010	2011	2012		
BID #6 Revenue	43,800	38,800	35,400	34,500	31,100	183,600	100.00%
Landscaping Improvements, Trees, Shrubs, Hardscaping, Maintenance and Utilities	38,500	34,000	30,600	29,700	26,300	159,100	87%
Administration of BID Board Legal Notices, Advertising, Publications, Management of Contracts, Board Support	5,300	4,800	4,800	4,800	4,800	24,500	13%



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting

Item -4

Council Referral BID 7

Insert a narrative here

Staff Contact:

Agenda Item #6

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

July 25, 2008

SUBJECT: *Creation of Business Improvement District 7 (C-20-2008GI)*

PROPOSAL: To create a Business Improvement District for South Locust Street between Stolley Park Road and Husker Highway as shown on the attached map. This BID would replace the existing BID 3 that is set to expire later this year. The purpose of this district is to maintain the landscaping along South Locust in front of the businesses.

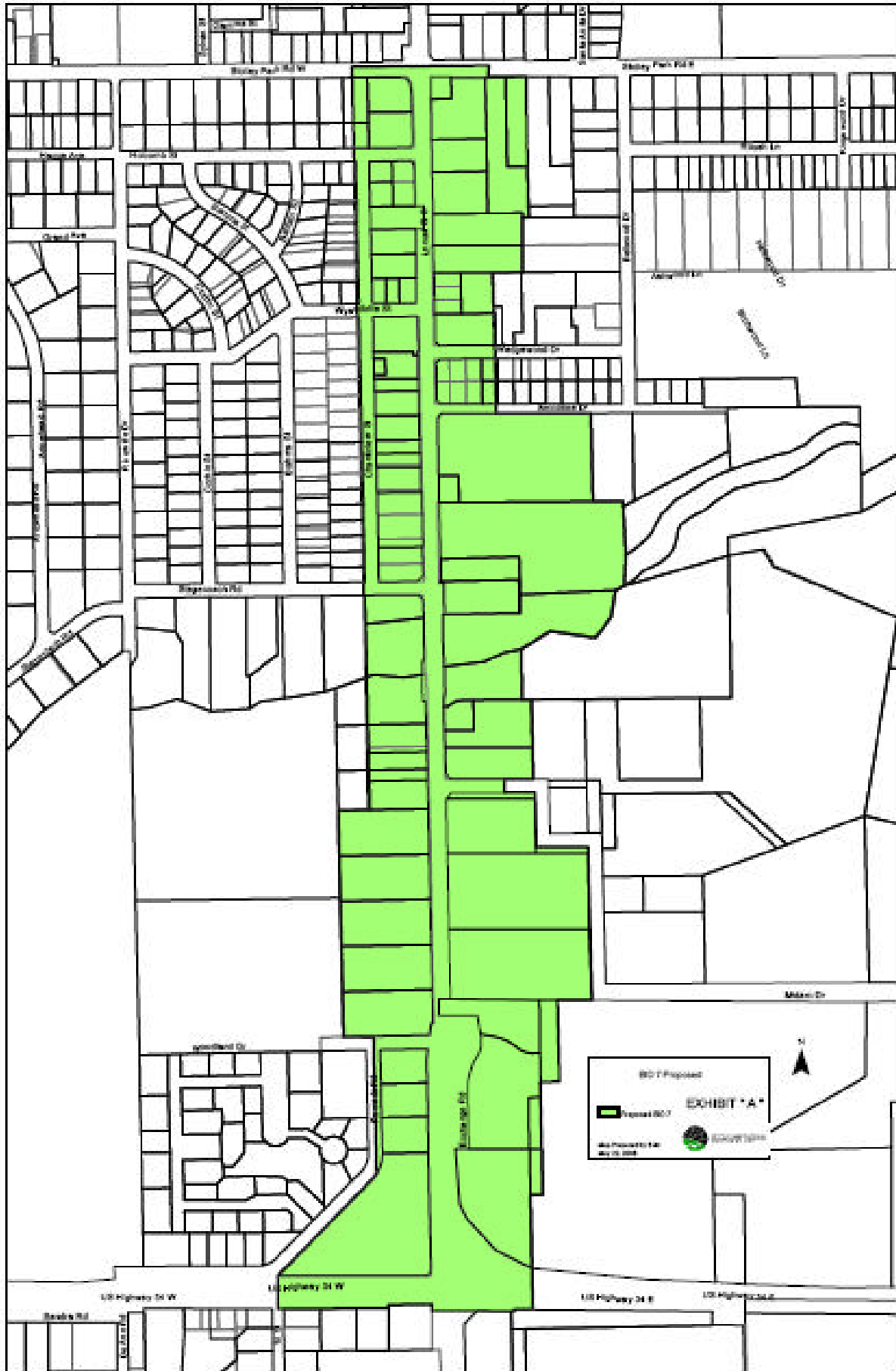
OVERVIEW:

The purpose of a Business Improvement District is to raise funds for projects that serve the interests of business owners in the district. Nebraska Statutes allow the creation of Business Improvement Districts that assess and tax business owners for services provided by the BID. These are voluntary organizations that require a majority of the property owners to agree before they can be created. .

RECOMMENDATION:

That the Regional Planning Commission recommend that City Council **approve** the creation of Business Improvement District #7 in Grand Island.

_____ Chad Nabity AICP, Planning Director



Budget Proposal
Business Improvement District No. 7
Grand Island, Nebraska

Submitted to the Honorable Mayor and City Council of Grand Island

June 18, 2008

By

Business Improvement District No. 7 Board of Directors:

Jeff Reed, Chair
Bud Rasmussen
Gene McCloud
Dave Bartz
Bill Lawrey
Rhonda Saalfeld
Dan Naranjo

Proposed Budget and Purposes for Business Improvement District No. 7

The board members of Business Improvement District No. 7 have completed a thorough and disciplined process to identify their mission and prioritize the work to be accomplished over the next five years – the life of Business Improvement District No. 7 along South Locust in Grand Island.

While many resources will be employed in the achievement of our mission, including the talent and efforts of stakeholders, this proposal requests a total of \$45,000 for year one with a 5% increase for each consecutive year for a total of \$250,000 over the life of this Business Improvement District, to complete essential work determined by the Board of Directors:

Beautification and Maintenance of the Public Areas

Creating an atmosphere that is bright, beautiful and safe is essential to the South Locust corridor. To accomplish this goal the Board has a vision for continued improvements of the streetscape, with ideas such as trash receptacles, benches, replacement of or new trees and shrubs, and a welcome sign near the corner of Highway 34 and South Locust Street.

Finally, all the resources and talent vested in Business District No. 7 rely upon the successful completion of each project and careful maintenance of the area to ensure the best possible results from the careful planning and investments of the stakeholders. To accomplish many of the duties inherent in this proposal, we must secure the necessary human resources to implement the work and maintenance pursuant to the mission of the Business District No. 7.

Table 1.

<div>Business Improvement District #7</div> <div>Five-Year Financial Plan</div>							
	Fiscal years beginning October 1,					Total	
	2008	2009	2010	2011	2012		
BID #7 Revenue	45,000	48,000	50,000	52,000	55,000	250,000	100.00%
Beautification Trash receptacles, benches, trees and shrubs, signage	4,100	6,500	5,600	6,500	7,500	30,200	12%
Implementation and Maintenance Landscaping, lighting, snow removal, sidewalks, trees and shrubs, irrigation and irrigation system	40,900	41,500	44,400	45,500	47,500	219,800	88%



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting

Item M5

Final Plat Powell 4th

Insert a narrative here

Staff Contact:

July 28, 2008

Dear Members of the Board:

RE: Final Plat – Powell 4th Subdivision.

For reasons of Section 19-923 Revised Statutes of Nebraska, as amended, there is herewith submitted a final plat of Powell 4th Subdivision, located west of Monitor Road and east of 60th Rd., and between Schimmer Drive and Husker Hwy., Grand Island, Hall County, Nebraska.

This final plat proposes to create 1 lot on a tract of land comprising all of Lot One (1) Powell Third Subdivision and a part of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), all in Section Thirty Three (33), Township Eleven (11) North, Range (10) West of the 6th P.M., in Hall County, Nebraska. This land consists of approximately 1.258 acres.

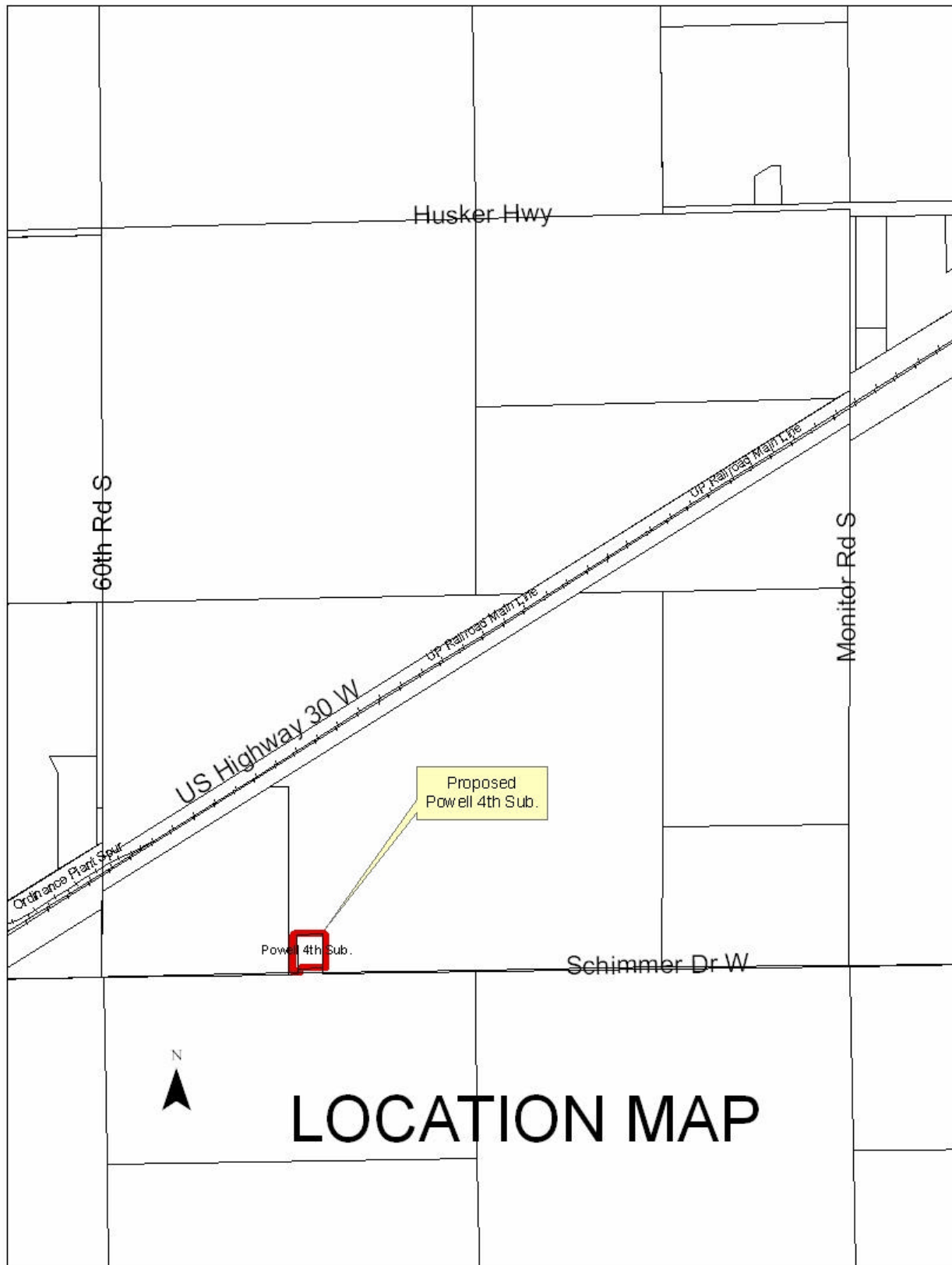
You are hereby notified that the Regional Planning Commission will consider this final plat at the next meeting that will be held at 6:00 p.m. on August 13, 2008 in the Council Chambers located in Grand Island's City Hall.

Sincerely,

Chad Nabity, AICP
Planning Director

cc: Village Clerk
Village Attorney
Director of Public Works
Director of Building Inspections
Manager of Postal Operations
Rockwell and Associates, LLC

This letter was sent to the following School Districts 1R, 2, 3, 8, 12, 19, 82, 83, 100, 126.

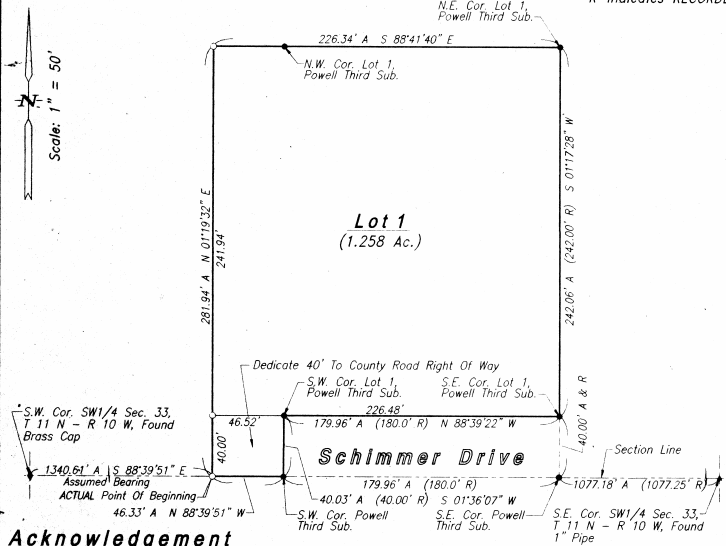
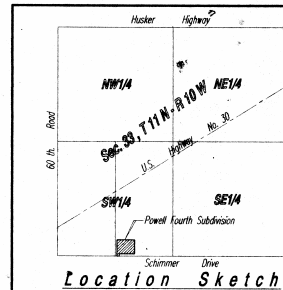


SW1/4, Sec. 33, T11N - R10W

Unplatted

LEGEND

- Indicates 1/2" Iron Pipe Found Unless Otherwise Noted
- Indicates 1/2" Iron Pipe w/Survey Cap Placed Unless Otherwise Noted
- A-Indicates ACTUAL Distance
- R-Indicates RECORDED Distance



Legal Description

A tract of land comprising all of Lot One (1) Powell Third Subdivision and a part of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), all in Section Thirty Three (33), Township Eleven (11) North, Range Ten (10) West of the 6th. P.M., in Hall County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter (SW1/4); thence running easterly along the south line of the Southwest Quarter (SW1/4), on an Assumed Bearing of S88°39'51"E, a distance of One Thousand Three Hundred Forty and Sixty One Hundredths (1340.61) feet, to the ACTUAL point of beginning; thence running N01°19'32"E, a distance of Two Hundred Eighty One and Ninety Four Hundredths (281.94) feet; thence running S88°41'40"E, a distance of Two Hundred Twenty Six and Thirty Four Hundredths (226.34) feet, to the northeast corner of said Lot One (1), Powell Third Subdivision; thence running S01°17'28"W along the east line of said Lot One (1), Powell Third Subdivision, a distance of Two Hundred Forty Two and Six Hundredths (242.06) feet, to the southeast corner of said Lot One (1), Powell Third Subdivision; thence running N88°39'22"W, along the south line of said Lot One (1), Powell Third Subdivision, a distance of One Hundred Seventy Nine and Ninety Six Hundredths (179.96) feet, to the southwest corner of said Lot One (1), Powell Third Subdivision; thence running S01°36'07"W, a distance of Forty and Three Hundredths (40.03) feet, to the southwest corner of Powell Third Subdivision, and to a point on the south line of said Southeast Quarter of the Southwest Quarter (SE1/4SW1/4); thence running N88°39'51"W, along the south line of said Southeast Quarter of the Southwest Quarter (SE1/4SW1/4), a distance of Forty Six and Thirty Three Hundredths (46.33) feet, to the ACTUAL point of beginning and containing 1.300 acres more or less.

Acknowledgement

State Of Nebraska ss
County Of Hall

On the _____ day of _____, 2008, before me
a Notary Public within and for said County, personally appeared VIRGIL H. POWELL, an unmarried widower, and CONNIE KAY VOSS and CLIFFORD L. GANNON, wife and husband, to me personally known to be the identical persons whose signatures are affixed hereto, and that each did acknowledge the execution thereof to be his or her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.

My commission expires _____.

(Seal)

Notary Public

Surveyor's Certificate

I hereby certify that on July 11, 2008, I completed an accurate survey of 'POWELL FOURTH SUBDIVISION', Hall County, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof are well and accurately staked off and marked; that iron markers were placed at all lot corners; that the dimensions of each lot are as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

(Seal)

Deryl D. Sorgenfrei, Reg. Land Surveyor No. 578

Approvals

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska.

Chairman

Date

Approved and accepted by the Hall County Board of Supervisors, this _____ day of _____, 2008.

Chairman Of The Board

County Clerk

(Seal)

Approved and accepted by the Village of Alda, Nebraska, this _____ day of _____, 2008.

Chairman Of The Board

Village Clerk

(Seal)

POWELL FOURTH SUBDIVISION
HALL COUNTY, NEBRASKA



Hall County Regional Planning Commission

Wednesday, August 13, 2008
Regular Meeting

Item F6

Text Amendment Change to Doniphan Zoning

Insert a narrative here

Staff Contact:

Agenda Item #8

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

COMMISSION:

July 25, 2008

SUBJECT:

Concerning amendments to the Zoning Regulations for Doniphan. Amendments to be considered pertain to relocation of livestock waste control facilities in the Transitional Agriculture TA district to allow greater separation between these facilities and the more intensive or higher density residential uses. (C-19-2008DON)

PROPOSAL:

Greg Robb, of Robb Feed Yards north of Doniphan, is requesting this zoning ordinance text change to allow him to request that the Village Board grant a conditional use permit to allow relocation/expansion of livestock waste control facilities for existing operations to property located farther away from the Village limits than the site of his existing operation. The requested changes are shown below and attached along with an application submitted by Stephan D. Mossman on behalf of Mr. Robb.

This proposed language would be added to the conditional use permit section in the TA Transitional Agriculture district of the Doniphan Zoning Regulations:

18. Livestock Waste Control Facilities: if such facilities are required to bring an existing Livestock Feeding Operation (LFO) into compliance with state or federal regulations pertaining to livestock waste regulations and if such facilities are located further from the corporate boundaries of the Village of Doniphan and further from established residential subdivisions of 5 or more houses on 10 acres or less than alternative locations. Such approval by conditional use permit for the construction of livestock waste control facilities shall have no impact on the status of an LFO as an existing non-conforming use and shall be considered a separate use of such property

OVERVIEW:

The Village of Doniphan placed great importance on protecting the Village from negative impacts of livestock operations near the corporate limits when they adopted their 2004 Zoning Map. The steering committee and Village board both agreed that it was a benefit to the Village to zone all of the undeveloped farm ground within the extra territorial jurisdiction of the village as TA Transitional Agriculture to limit the size and intensity of confined feeding operations near the Village. Livestock operations that existed at the time of the adoption of the map were permitted to continue as non-conforming uses. As Doniphan continues to grow, the Village Board will extend their jurisdiction and may bring additional feeding operations into that jurisdiction. Under the current regulations, changes required by State or Federal law or regulation to an existing non-conforming facility are permitted as long as they do not change the foot

print of the site and occur on site. Changes, such as the addition of livestock waste control facilities, are not permitted anywhere except within the foot print of the existing operation.

This zoning ordinance text change would allow livestock producers having existing operations to request that the Village Board grant them a conditional use permit that would allow them to meet state and federal requirements and to build livestock waste control facilities further from the Village limits or existing residential development. These changes would not permit new operations to be developed; or give the Village Board an additional ability to permit new or expanded of new livestock operations in zoning districts that do not allow them.

As part of the conditional use permit the Board would be able to include conditions on the permit that should include but are not limited to:

1. Limiting the use of the facility to only the specified operation.
2. Limiting the size of the operation so that it can only accommodate the number of animals that are allowed in the non-conforming operation.
3. Specifying that the permit is null and void and the operation shall cease if the operation expands.
4. Require that the facility and the associated LFO meet and operate within the bounds of state and federal regulations.

As an alternative to making these conditions of the permit they could be included in the proposed ordinance change as required conditions on any permit that is granted. For instance the planning commission could recommend approval of the changes as modified:

18. Livestock Waste Control Facilities: if such facilities are required to bring an existing Livestock Feeding Operation (LFO) into compliance with state or federal regulations pertaining to livestock waste regulations and if such facilities are located further from the corporate boundaries of the Village of Doniphan and further from established residential subdivisions of 5 or more houses on 10 acres or less than alternative locations. Such approval by conditional use permit for the construction of livestock waste control facilities shall have no impact on the status of an LFO as an existing non-conforming use and shall be considered a separate use of such property, as long as any future approval of said conditional use permit is conditioned upon (1) said livestock waste control facility shall only be allowed to accept livestock waste from the subject LFO needing to comply with state or federal livestock waste regulations, (2) the subject LFO, needing to comply with state or federal livestock waste regulations, shall not be allowed to increase its then-current permitted or grandfathered livestock numbers, at that specific facility location, (3) this permit shall be null and void if the existing LFO expands in size or number of animals, (4) this livestock waste control facility and the associated LFO shall operate within the bounds of state and federal regulations..

Many of the goals espoused in the Doniphan Comprehensive Plan (Envision Doniphan section) adopted in 2004 support the proposed changes. Specific goals that would support these changes are included below.

Goals from the Comprehensive Plan (Envision Doniphan) that would support these changes:

Economic Development:

Goal: Encourage development in a manner that is in harmony with the natural and built environment while expanding the tax base.

Land Use:

Goal: Minimize land use conflicts within the Village.

Public Health, Safety and Welfare:

Goal: Maintain a safe, clean, and sanitary environment for all residents.

The proposed changes would allow the Village board to protect the tax base of the community and encourage/allow uses that may have a detrimental impact on the tax base to locate further from the Village limits than they otherwise might. The changes should minimize land use conflicts by creating great separation between conflicting uses. Helping local business meet the requirements of the Nebraska Department of Environmental Quality and the US Environmental Protection Agency conforms to maintaining a safe, clean and sanitary environment for all residents.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Doniphan Village Board, **approve** the changes to the Zoning Regulations including the specified conditions as part of the regulation along with findings to support the changes that could include the goals listed above and other finding identified during the public hearing.

_____ Chad Nabity AICP, Planning Director

APPLICATION FOR REZONING OR ZONING ORDINANCE CHANGE

Regional Planning Commission

Check Appropriate Location:

- ☐ City of Grand Island and 2 mile zoning jurisdiction
☒ Alda, Cairo, Doniphan, Wood River and 1 mile zoning jurisdiction
☐ Hall County

RPC Filing Fee

(see reverse side)

plus Municipal Fee*

\$50.00

*applicable only in Alda, Doniphan, Wood River

A. Applicant/Registered Owner Information (please print):

Applicant Name Stephen D. Mossman obo Greg Robb Phone (h) _____ (w) 402-475-8433

Applicant Address 134 S. 13th Street, Ste. 1200 Lincoln, NE 68508

Registered Property Owner (if different from applicant) Greg Robb

Address 102 E. Plum Doniphan, NE 68832 Phone (h) _____ (w) _____

B. Description of Land Subject of a Requested Zoning Change:

Property Address _____

Legal Description: (provide copy of deed description of property)

Lot _____ Block _____ Subdivision Name _____, and/or

All/part _____ 1/4 of Section _____ Twp _____ Rge _____ W6PM

C. Requested Zoning Change:

1. Property Rezoning (yes___) (no___)
(provide a properly scaled map of property to be rezoned)

From _____ to _____

2. Amendment to Specific Section/Text of Zoning Ordinance (yes~~xx~~) (no___)
(describe nature of requested change to text of Zoning Ordinance)

see attached.

D. Reasons in Support of Requested Rezoning or Zoning Ordinance Change:

see attached.

NOTE: This application shall not be deemed complete unless the following is provided:

1. Evidence that proper filing fee has been submitted.
2. A properly scaled map of the property to be rezoned (if applicable), and copy of deed description.
3. The names, addresses and locations of all property owners immediately adjacent to, or within, 300 feet of the perimeter of the property to be rezoned (if the property is bounded by a street, the 300 feet shall begin across the street from the property to be rezoned).
4. Acknowledgement that the undersigned is/are the owner(s), or person authorized by the owner(s) of record title of any property which is requested to be rezoned:

A public hearing will be held for this request

Signature of Owner or Authorized Person [Signature] Date 7/03/2008

Note: Please submit a copy of this application, all attachments plus any applicable municipal filing fee to the appropriate Municipal Clerk's Office. RPC filing fee must be submitted separately to the Hall County Treasurer's Office (unless application is in Grand Island or its 2 mile zoning jurisdiction, then the RPC filing fee must be submitted to the G.I. City Clerk's Office).

Application Deemed Complete by RPC: mo. 7 day. 7 yr. 08 Initial CU

RPC form revised 4/30/07

Greg Robb – Proposed Amendment to
Village of Doniphan Zoning Ordinance

Proposed Amendment to Section 5.06 TA – Transitional Agriculture District

SUBJECT:

Concerning amendments to the Zoning Regulations for the Village of Doniphan. Amendments to be considered pertain to relocation of a Livestock Waste Control Facility (“LWCF”) into the TA District if the location is further away from the corporate boundaries of the Village of Doniphan and the building of such waste control facilities is required to bring an existing facility into compliance with state and federal regulations.

PROPOSAL:

Greg Robb of Robb Feed Yards north of Doniphan is requesting these changes to allow relocation/expansion of livestock waste control facilities for existing operations from an area adjacent to the corporate boundaries of the Village of Doniphan to a location further from such boundaries. The proposed changes are below. Additions are *Italicized and underlined*.

OVERVIEW:

These changes would allow livestock producers with existing operations to meet state and federal requirements and to locate waste handling facilities further from municipalities and/or more intensely populated areas of the county. These changes would not permit new livestock operations in areas that do not allow them. In 2006, LB 975 was passed by the Nebraska Legislature. This bill, codified at **Neb.Rev.Stat. §54-2437 (Cum.Supp. 2006)**, states that a county planning commission or county board **shall** grant a conditional or special use permit to an existing animal feeding operation if the purpose is to construct a livestock waste control facility to comply with state or federal regulations pertaining to livestock waste management. While the bill does not apply to Villages or other municipalities, it is a strong expression of state support for the proposal at issue.

The Robb operation has already been approved by the Nebraska Department of Environmental Quality ("NDEQ") to build a LWCF within the footprint of its existing facility. However, construction in that location would be directly adjacent to the corporate limits of the Village of Doniphan and less compatible than a location further from the corporate limits. Thus, the Village now has a choice to either accept the location of the LWCF in the existing footprint or agree to this zoning amendment to allow the LWCF to be placed in a more favorable location.

PROPOSED CHANGE:

Section 5.06 TA - Transitional Agriculture District

5.06.01 ***Intent:*** The (TA) Transitional Agriculture District is intended to permit the continuation of productive agricultural uses adjacent to the corporate limits of the Village of Doniphan, while also accommodating single-family residential and compatible uses.

5.06.02 *Permitted Uses:*

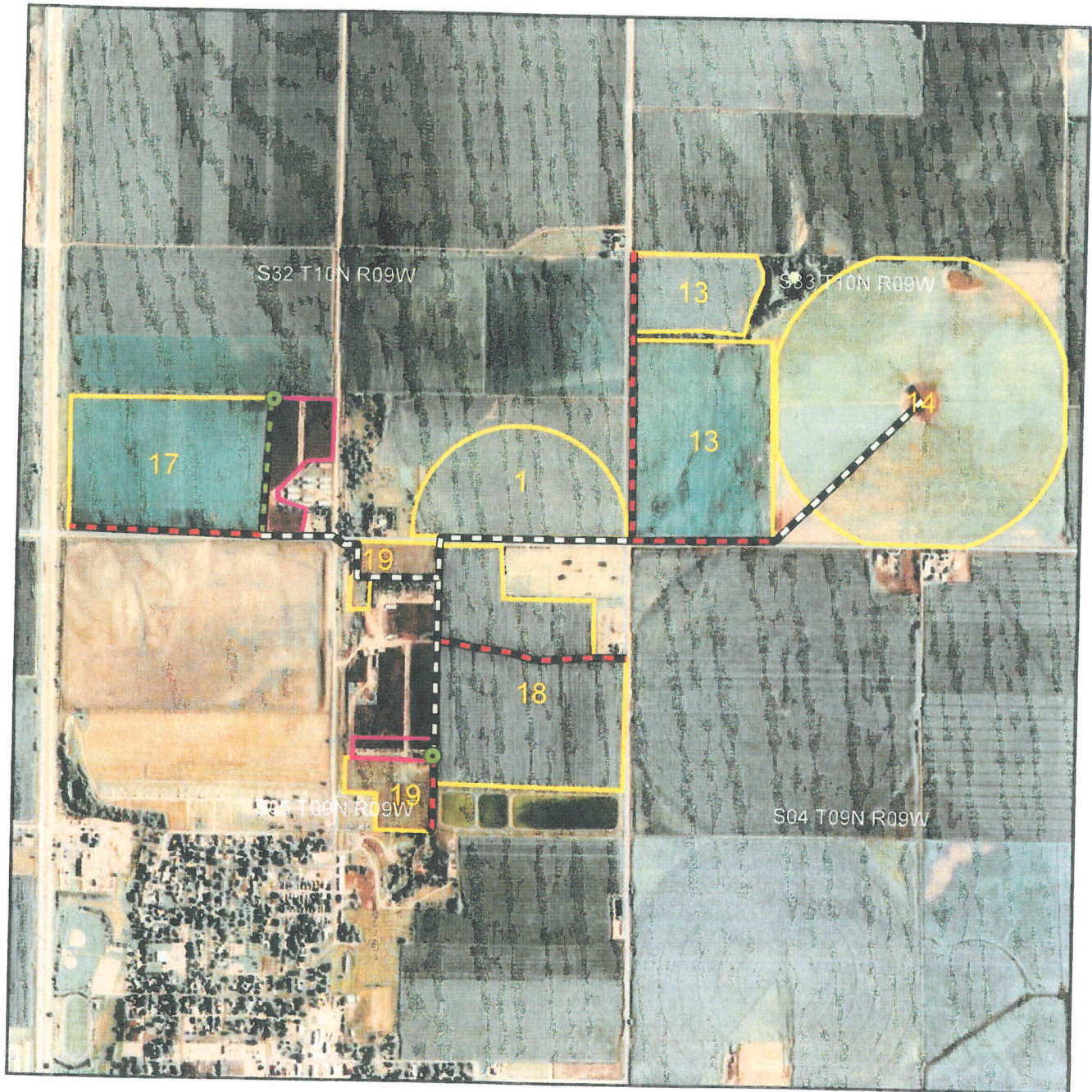
1. Farming, pasturing, truck gardening, and orchards, including the sale of products raised on the premises, including the raising of animals for organizations such as 4-H, FFA, or similar organizations, provided that the limits established in Section 5.06.06 are not exceeded.
2. Single family dwellings for use by the owners and their families, tenants, and employees, provided the following conditions are met:
 - A. Property owners with a tract of 80 acres or more may sell one small tract per 80 acres for such single family dwellings provided that such sale has not not previously been exercised on the large tract, and/or
 - B. Owners of an existing ranch or farm dwelling that is ten years old or more may sell a small tract containing such dwelling
3. Child Care Home.
4. Home Occupations, pursuant to Home Occupation standards in Section 7.10.
5. Public service facilities.
6. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities and natural wildlife habitats and preserves.
7. Roadside stands offering the sale of agriculture products produced on the premises
8. Commercial Greenhouses

5.06.03 ***Permitted Conditional Uses:***

1. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
2. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools
3. Livestock Feeding Operations, provided that such operations have no more than five hundred (500) animal units
4. Mining and extraction of natural resources.
5. Agricultural storage facilities for equipment and grain, excluding packing and rendering facilities.
6. Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools.
7. Hospitals, nursing and convalescent homes.
8. Broadcast towers, pursuant to Section 7.11.
9. Cemeteries, provided all structures are located one hundred feet (100') from all property lines.
10. Water supply and storage, wastewater treatment, sewage and solid waste disposal facilities.
11. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
12. Veterinarians' offices and hospitals, and boarding kennels.
13. Wind energy systems on tracts of more than ten (10) acres, pursuant to Section 7.15.
14. Public campgrounds.
15. RV Parks.
16. Commercial Kennels, stables, and riding clubs.
17. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
18. Livestock Waste Control Facilities if such facilities are required to bring an existing Livestock Feeding Operation (LFO) into compliance with state or federal regulations pertaining to livestock waste regulations and if such facilities are located further from the corporate boundaries of the Village of Doniphan and further from established residential subdivisions of 5 or more houses on 10 acres or less than alternative locations. Such approval by conditional use permit for the construction of livestock waste control facilities shall have no impact on the status of an LFO as an existing non-conforming use and shall be considered a separate use of such property.

Robb Feed Yard

Irrigation Distribution

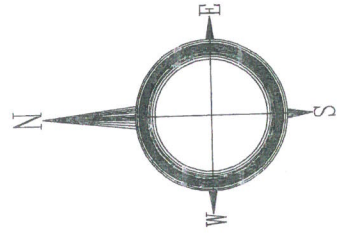


- Pump
- Gated Pipe
- Surface Pipe
- Underground Pipe
- Facility Border
- Sections
- Irrigation Distribution Land

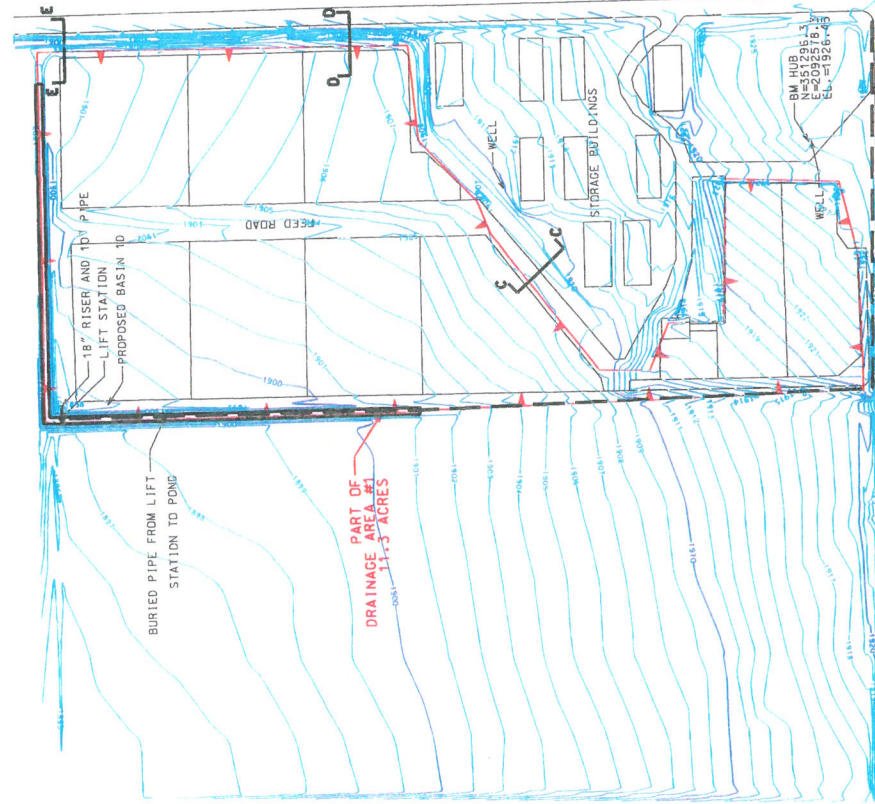
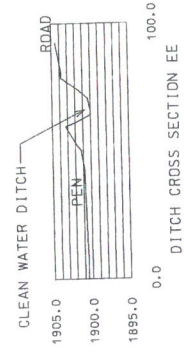
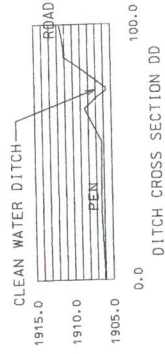
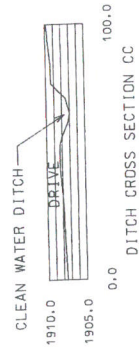
0 750 1,500 3,000 4,500 6,000 Feet



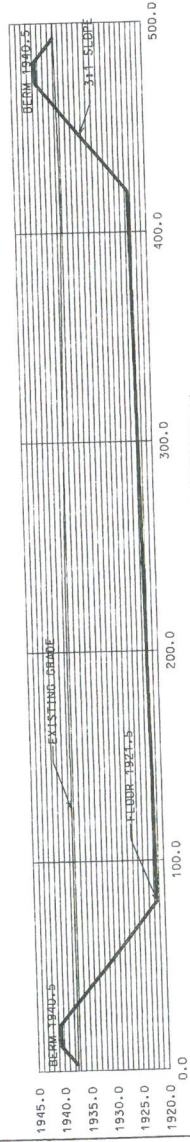
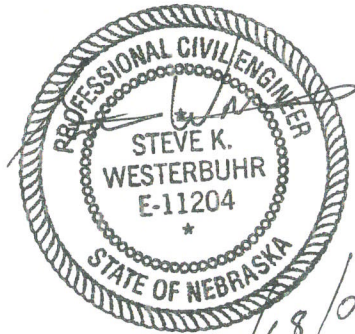
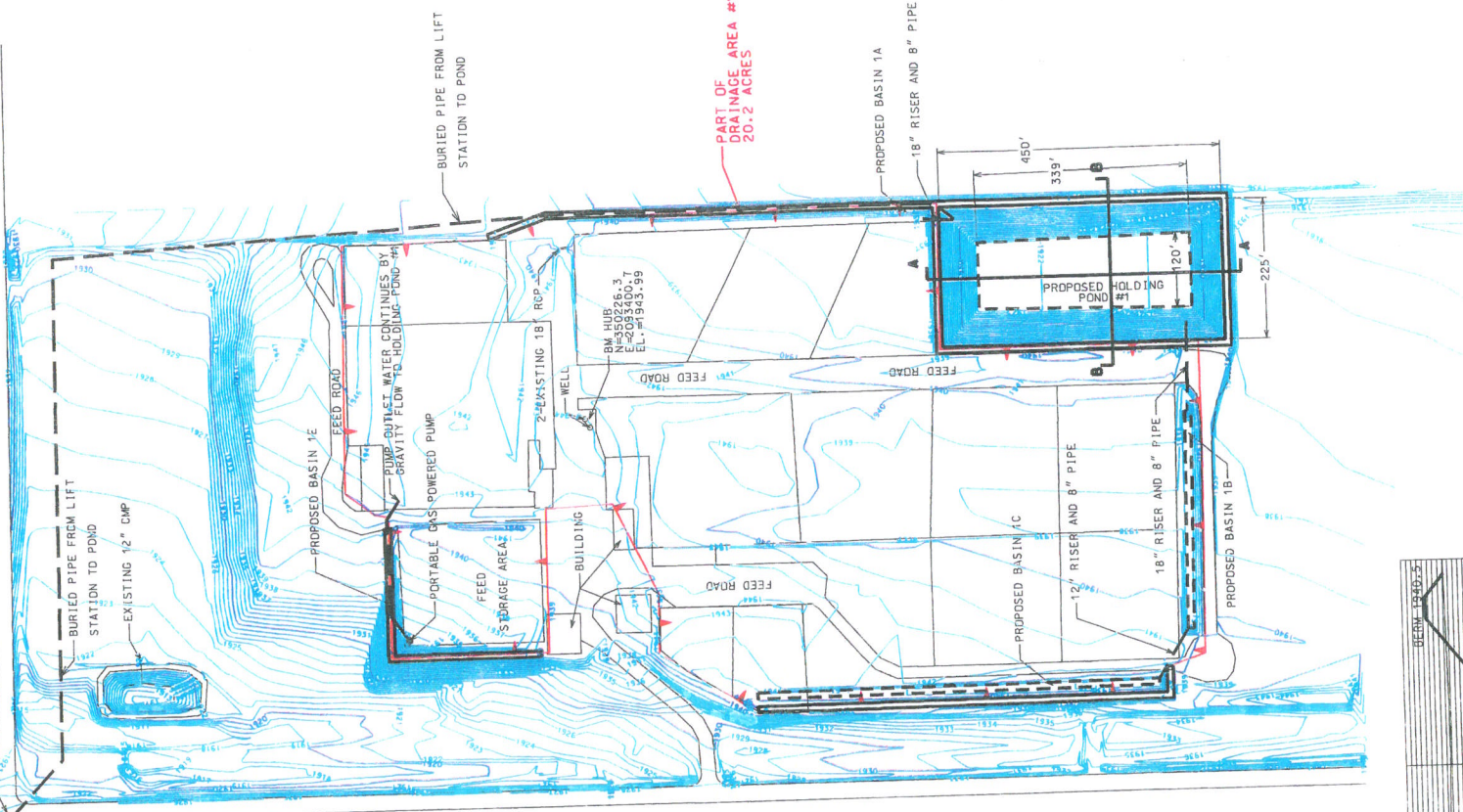
Settje Agri-Services & Engineering, Inc.



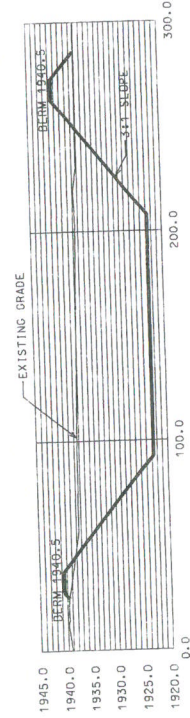
SCALE: 1"=300'



NW CORNER OF THE NE 1/4 OF SEC. 5, T 9 N, R 9 W



HOLDING POND #1 CROSS SECTION AA



HOLDING POND #1 CROSS SECTION BB

SITE PLAN
ROBB FEEDYARD INC.
SE 1/4, SW 1/4, SEC 32, T 10 N, R 9 W
W 1/2, NE 1/4, SEC 5, T 9 N, R 9 W
HALL COUNTY
SETTJE AGRI SERVICES
AND ENGINEERING, INC.