



Hall County Regional Planning Commission

**Wednesday, February 1, 2017
Regular Meeting**

Item 2

Hall County Zoning Review Subcommittee Report

Staff Contact: Chad Nabity

Agenda Item # 10

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING January 24, 2017

SUBJECT: Hall County Zoning Regulations Review Subcommittee

Background:

At the January 4, meeting of the Hall County Regional Planning Commission, a subcommittee was formed to review the Hall County Zoning Regulations. The County Board asked for the creation of this committee at the meeting on December 13, 2016. Les Ruge, Pat, O'Neill, Leonard Rainforth, Greg Robb, and Judd Allan all agreed to serve on the committee as planning commission members. Chad Nabity and Loren "Doone" Humphrey, representing county staff, were also appointed to the committee. Two county board members, Supervisors Karen Bredthauer and Steve Schuppan, were appointed by the Chair of the Board of Supervisors to represent the Board on the committee. Other committee members may be added by the committee for review of specific topics.

The committee met for the first time on January 19. Minutes of that meeting are included with this packet. Minutes from those meeting will be included with every Planning Commission meeting until this committee is no longer needed.

The Planning Department has created a Dropbox for the committee's finalized documents and minutes of the meetings. This can be found at: <http://tinyurl.com/HCzoningCommittee>.

_____ Chad Nabity AICP, Planning Director

**Hall County Zoning Review Subcommittee
Meeting Minutes
Thursday, Jan. 19, 2017**

Present: Loren Humphrey, Hall County Facilities/Zoning; Hall County Planning Commissioners Leslie Ruge, Leonard Rainforth, Greg Robb (arrived at 7:45 a.m.); Planning Commission Chairman Pat O'Neill; Hall County Supervisor Karen Bredthauer; Regional Planning Director Chad Nabity.

Absent: Hall County Supervisor Steve Schuppan; Regional Planning Commissioner Judd Allan.

Introduction: Nabity called the meeting to order at 7:35 a.m. at Grand Island City Hall. He explained that on Dec. 13, 2016 the Hall County Board directed that a review of the county's zoning laws be conducted. Hall County had a significant update to its zoning regulations in 2004 when the Comprehensive Plan was updated. Those 2004 regulations have had piecemeal updates over the years on topics including, wind farms, group homes and adult entertainment regulations. Nabity suggested a full update to the Comprehensive Plan would be timely, however, the county doesn't have the funding for that update. Instead, the county board directed the Regional Planning Commission to do a review via a subcommittee. Two supervisors were appointed to serve on the subcommittee with the commissioners, along with Nabity and Humphrey. The commission met January 4 and appointed five members to the subcommittee.

A copy of the 2004 regulations, including updates through the present, was distributed to the committee. Nabity said one of the first issues the committee may want to review is livestock regulations. Hall County previously regulated only hog operations, but through the 2004 update decided not to single out any animal. Instead the regulations are based on animal units, which refers to the allowed number of various types of farm and husbandry animals that can be kept in either open pens or in confinement. Currently 1,000 head of cattle are allowed on 20 acres, 500 horses or 700 dairy cows. Nabity said Hall County's regulations were written to encourage agricultural use of the rural land and discourage residential use – meaning a 1,000 head feed yard is required to be setback a quarter mile from an existing house, but if the house comes after the feed yard, the house must have a 1.5 times setback, or three-eighths of a mile. Hall County implemented a way to protect feed yards by offering a no-fee registration. Only two feed yards registered. The county can only protect setback distances from feed yards that register, Nabity said.

Hall County Zoning Regulations: A spreadsheet showing Hall County's livestock feeding setbacks and minimum numbers compared with the neighboring counties of Buffalo, Howard, Merrick, and Adams, showed that Hall County is already more permissive than most neighboring counties on livestock issues. Hamilton County is in the process of drafting new regulations that should be complete later in 2017. Adams County has started using an odor footprint model to determine setbacks for feeding operations, which varies depending on prevailing winds and whether development occurs on the west, east, north or south side of a feedlot.

Robb said there are some changes in agriculture that he would like to see addressed in Hall County's regulations – such as the use of hoop houses with dry bedding as opposed to lagoons for receiving animal waste. Nabity said the county may also want to look at animal days instead of animal units on land. He cited the use of large herds of goats in some states that are brought in to intensely clear ground over a matter of days, which could be disallowed under some of the current municipal and village regulations. Nabity said there also be the need for livestock owners to identify temporary pens from ones for permanent use. He also cited a need for discussing the use of land for agricultural related activities, such as a livestock trailer washout.

Robb said he feels that Hall County's livestock feeding regulations are fair. He likes the 1,000 head number for regulating cattle because that's the same number where the Nebraska Department of Environmental Quality gets involved. Robb said having feed yards at least a half mile from homes is smart and in the best interest of sparing the feedlot owner a barrage of complaints from neighbors. Robb said he considers himself the posterchild of headaches from neighbors. Robb said he doesn't see Hall County as a prime candidate for expansion in feed yards because a lot of the available ag ground is prime irrigated ground, with the exception of the northwest part of the county.

Robb said he's seen a lot of rural residential growth in Adams County and wondered if that was a focus for Hall County. O'Neill said rural residences can generate more tax revenue than farm ground if it's in an area that works, such as Amick Acres. Bredthauer said rural residential growth can also spur expectations from homeowners on road access and fresh odor-free air that may not be realistic every single day.

Bredthauer shared an animal feeding operation siting matrix proposed by the Nebraska Department of Agriculture as part of LB606. The matrix scores a proposed operation on issues such as size, environmental protection, setbacks, zoning, water quality protection, odor control, manure application, traffic, economic impact and appearance. Any site that scores high enough on the matrix would automatically be approved for a conditional use permit or special siting permit. The committee didn't like the idea of the matrix being approved on the state level for mandated use on the local level, however, the committee did like the matrix approach and generally supported the possible development of a local matrix of issues that should be addressed for an ag use to be approved. The committee said the matrix could even be developed so that any applicant meeting all the matrix requirements in a satisfactory manner would be approved as a permitted use, instead of having to go through the conditional use permit process. Robb liked that idea because he said Hall County is developing a reputation that the need for a conditional use permit means no permit following a public crucifixion.

The committee discussed meeting every couple of weeks to review livestock regulations and other zoning issues that need review. Hall County's zoning regulations, as well as those from neighboring counties, will be placed in an electronic drop box for members to access.

Meeting adjourned at 8:30 a.m. Members will be asked to complete a DoodlePoll to set the next meeting time.

Documents handed out at the meeting were:

- Hall County Zoning Regulations last updated November 2015.
- Spreadsheet comparing Hall County livestock regs to surrounding county regs.
- Nebraska Department of Ag livestock siting matrix (LB106.)

Respectfully submitted,
Tracy Overstreet
Planning Administrative Assistant