



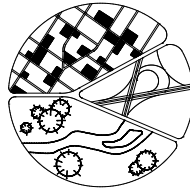
Hall County Regional Planning Commission

Wednesday, May 3, 2017
Regular Meeting

Item E1

Minutes 4-5-17

Staff Contact: Chad Nabity



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

Minutes
for
April 5, 2017

The meeting of the Regional Planning Commission was held Wednesday, April 5, 2017, in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" on March 25, 2017.

Present: Pat O'Neill Jaye Monter
 Les Ruge Carla Maurer
 Hector Rubio Dean Kjar
 Judd Allan Leonard Rainforth
 Greg Robb John Hoggatt

Absent: Dean Sears, Derek Apfel

Other: Hall County Supervisors Karen Bredthauer, Steve Schuppan and Gary Quandt; Merrick County Zoning Administrator Jennifer Myers; Grand Island City Councilman Mitch Nickerson; City Administrator Marlan Ferguson.

Staff: Chad Nabity, Tracy Overstreet Gartner.

Press: Austin Koeller, Grand Island Independent; Rasheeda Kabba, NTV.

1. Call to order.

Chairman O'Neill called the meeting to order at 6:00 p.m.

O'Neill 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 are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O'Neill also noted the Planning Commission may vote to go into Closed Session on any agenda item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

2. Minutes of the March 1, 2017 meeting.

A motion was made by Maurer and seconded by Hoggatt to approve the minutes of the March 1, 2017 meeting as resent. The minutes had been sent out and then resent with the sentence "O'Neill then re-entered the meeting room and Ruge passed the gavel back to O'Neill for the remainder of the meeting," added to Item 4 of the resent copies in order to clarify when O'Neill resumed leadership of the meeting.

The motion carried with eight members in favor (O'Neill, Ruge, Maurer, Robb, Rainforth, Rubio, Hoggatt and Kjar) and Monter abstaining.

Allan arrived at the meeting at 6:02 p.m. just after the minutes had been voted upon.

3. Request Time to Speak.

Andy Baack, 204 N. Wheeler, Item 8; Steve Clark, 11381 W. Loup River Road, Dannebrog, Item 8; Wayne Hongsermeier, 603 Oasis Place, Cairo, Item 4; Dick Hartman, Scotia, Item 8; Ken Kohlhof, C&I Cattle Co., Dannebrog, Item 8; K.C. Henke, 8406 N. 110th Road, Dannebrog, Item 8.

4. Public Hearing – Rezone-Cairo – A request to rezone all of Robinson Estates Subdivision from R-9 Single-Family Residential to R-6 Multiple-Family Residential in the Village of Cairo, Hall County, Nebraska. (C-12-2017C)

Nabity said this is a return of the zoning that Cairo previously had in this area. It would allow for duplexes to be built on the empty lots in Robinson Estates Subdivision. It's consistent with the zoning to the south where there is a mobile home park. He recommended approval.

Wayne Hongsermeier expressed concern about the lots being used for low-income housing that would be a drain on the tax base. Charity Adams, the community development director for Cairo, said the duplexes will not be low-income housing. They will be market-rate duplexes. The plan is for three duplexes, each with about 1,000-square-feet and an attached garage. She said the owner and developer were also present to answer questions if needed.

Troy Millspaugh, 602 Suez St., Cairo, asked if sidewalks would be required in the area and who would pay for the extension of Suez Street. Cairo Village Board Chairman Gordy Sorensen said the current plan is to gravel the section of Suez in the project as a

cul-de-sac or dead-end and the cost would not impact adjacent property owners. Nabity said that decision lies with the village board, not the commission.

A motion was made by Monter and seconded by Kjar to recommend approval of the rezoning.

The motion carried with 10 members voting in favor (Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Rubio, Hoggatt and Kjar) and no members voting no.

5. **Public Hearing - Zoning Text Amendment – Wood River** – A request from the City of Wood River to amend Article 5, Section 5.11.02(4) of the Wood River Zoning Ordinances to include dwelling units as a permitted use. (C-13-2017WR)

Nabity said the Wood River City Council had requested that dwellings be allowed in the business district. There are already homes there and there is interest in building a new home on an existing vacant lot in the business district. Homes were allowed in the business district prior to the 2004 update and this would add them back in as a permitted use.

Ruge said it may have been easier just to extend the R6 residential zoning on the west side of Wood River to pick up the vacant lots in the business district, however adding dwellings back in as a permitted use will allow for any existing homeowner to repair damages to homes in the business district that may be damaged by fire or storms.

A motion was made by Ruge and seconded by Rainforth to recommend approval of the zoning text amendment change.

The motion carried with 10 members voting in favor (Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Rubio, Hoggatt and Kjar) and no members voting no.

Consent Agenda

6. **Final Plat – Meadowlark West 10th Subdivision** – located north of Faidley Avenue and west of Allen Drive. (2 lots and 2.9 acres)
7. **Final Plat – Mike Dobesh Subdivision -HC**– located south of Stolley Park Road and east of 110th Road. (1 lot and 3.3 acres)

A motion was made by Hoggatt and seconded by Maurer to approve the final plats of Meadowlark West 10th Subdivision and Mike Dobesh Subdivision.

The motion carried with 10 members voting in favor (Allan, O'Neill, Ruge, Maurer, Robb, Monter, Rainforth, Rubio, Hoggatt and Kjar) and no members voting no.

8. **Hall County Zoning Review Subcommittee (C-06-2017HC)** – Nabity said the subcommittee was ready to open public discussion with some recommendations it had regarding A-1 Primary Agriculture Zoning changes. He showed a map of the county to illustrate that A-1 Primary Ag zoning covers most of Hall County.

The committee is recommending that hoop house, impact easement and non-farm residence be added to the definitions in the zoning regulations. Medium and large confined animal feeding operation would be stricken from the definitions. The committee is also proposing the use of a livestock feeding operation siting matrix, as adapted from the Nebraska Department of Agriculture Siting Matrix. The committee is recommending that livestock feeding operations up to 5,000 animal units could be a permitted use (instead of a conditional use) if they score 75 points or more on the matrix. The first 25 points is mandatory and based on compliance with Nebraska Department of Environmental Quality regulations. The second 25 points is mandatory and based on setback distances or the acquisition of impact easements from neighbors within the setback distance. The final 25 points are based on operational and management factors.

The committee is recommending the addition of an intermediate class of livestock feeding operation from 3,001 to 5,000 animal units. This would mean five classes of livestock feeding operations instead of four. The proposed classes would be Class I of 1,000 or fewer animal units. Class II for 1,001 to 3,000. Class III is for 3,001 to 5,000 animal units. Class IV is 5,001 to 20,000 animal units and Class V is more than 20,000 animal units.

The proposed setbacks on open lots would be 1,320 feet for Class I; 1,980 feet (instead of 2,640) for Class II; 2,640 feet for Classes III and IV; and 3,960 feet for Class V. For environmentally-controlled housing the proposed setbacks are 1,320 feet for Class I; 5,280 feet for Class II, Class III and Class IV; and 7,920 feet for Class V.

Baack said he is concerned with the definitions. He said there is inconsistency with using the terms "livestock feeding operation" and "animal feeding operation siting matrix." He also raised concerns with no longer requiring a conditional use permit for feeding operations ranging from 1,001 to 3,000 animal units and he objected to reducing the setback on open lots from one-half mile to three-eighths of a mile on operations with 1,001 to 3,000 animal units. Baack said making that setback change could be viewed as infringing on the property rights of people who built homes and had an existing one-half mile setback from livestock feeding operations.

Ruge suggested changing the name of the siting matrix. Hoggatt asked Nabity whether the subcommittee had considered the reduction in setback for Class II operations. Nabity said the subcommittee had considered the setbacks and came up with the recommendation after reviewing setbacks recommended by the Nebraska Department of Agriculture and setbacks recommended by odor control studies presented at the Nebraska Planning and Zoning Conference. Nabity said the subcommittee's suggested setbacks are more restrictive than the state's recommendations and slightly less than Hall County's current practice on operations from 1,001 to 3,000 animal units.

Clark said he built his house prior to any feedyards being in the area and now there are two near his home. One is three-eighths of a mile away and one is one-quarter of a mile away. He said flies are a problem and he believes the value of his home has been lowered due to the proximity of the feedyards. He said he was there first.

Hartman said people who move into the country who don't care for livestock should move back into town. He said if you take agriculture out of Hall County, you might as well roll up the streets. The State Fair is here and it's 75 to 80 percent ag related. Ak-Sar-Ben is coming and it's 100 percent ag related. Hartman said 47 other Nebraska counties are livestock friendly and Hall County should be too.

Kohlhof said he owns the feedyard that everybody is talking about. He said it's an emotionally charged topic, but he contributes to the economy with more than \$6 million in inputs every year. Kohlhof said the feedyard is 1,980 feet from Clark's house. He said livestock feeding is a viable business and a good thing for Hall County.

Hehnke said he moved into the country 13 years ago and there were cattle nearby in pastures. Now he said there are two feedlots. He said it wasn't a big issue when there were 1,000 cattle, but the feedlots went to 2,000 and then to 3,000 cattle and that's had a huge impact. Hehnke said flies are the biggest problem. Hehnke said a half-mile set back is not far enough for a feeding operation with more than 1,000 head. He said feedlots should not be allowed around existing homes. He questioned how the county will get compliance, how it will enforce regulations and what process is/will be used for counting head.

Hoggatt questioned whether two 1,000 head feedlots can locate next door to one another – or if that would actually be a 2,000-head lot. Nabity said if the lots are under separate ownership they are considered separate lots even if they are adjacent.

Nabity said the subcommittee reviewed the zoning policies of the adjacent counties and Hall County is less restrictive than most, including those surrounding counties that have been declared livestock friendly. In response to questions from the commission, Nabity said the Nebraska Department of Environmental Quality gets involved with a feedlot when it has more than 1,000 animal units or when the feedlot is discharging/affects waters of the state.

Hoggatt asked for a spreadsheet comparing setbacks in Hall County, of neighboring counties and of state recommendations.

Nabity then discussed the Livestock Friendly County designation. He said he has been resistant to the designation for many years because it seemed like a program that took a lot of paperwork with little, to no, benefit to the county. However, the program has matured and now appears to be less onerous. The county would apply to the Nebraska Department of Agriculture and submit its zoning regulations for state review. Nabity said the current zoning regulations could be submitted for the designation – there is not a need to change the current zoning regulations to apply for Livestock Friendly status.

Nabity said there is no monetary benefit to the Livestock Friendly Designation, but the logo can be used by the county and Hall County would be added to a state website that shows Livestock Friendly counties. Those maps are sometimes used by ag-related businesses looking to expand or relocate, so the designation could have a positive impact on business growth and economic development. O'Neill said the designation is like a "gold star" but it would be nice to hear from Steve Martin of the Nebraska

Department of Agriculture on what the designation is or isn't. O'Neill said he's heard concerns that there would be a loss of local control and doesn't believe that would be the case, but would like those assurances from state officials. Nabity said he would see if Martin was available to speak to either the Regional Planning Commission, and/or the Hall County Board. The county board would be the local government entity that would need to hold a public hearing and take a vote on whether to pursue the Livestock Friendly County designation.

11. Director's Report – Nabity said Grand Island and Hall County won three awards at the Nebraska Planning and Zoning Association annual conference in Kearney. The awards were on display for the commission to see.

12. Next Meeting May 3, 2017.

13. Adjourn

O'Neill adjourned the meeting at 7:46 p.m.

Leslie Ruge, Secretary
By Tracy Overstreet Gartner