



# Hall County Regional Planning Commission

**Wednesday, March 14, 2018  
Regular Meeting Packet**

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## **Commission Members:**

<b>Judd Allan</b>	<b>Hall County</b>	
<b>Tony Randone</b>	<b>Grand Island</b>	
<b>Derek Apfel</b>	<b>Grand Island</b>	
<b>Hector Rubio</b>	<b>Grand Island</b>	
<b>Leonard Rainforth</b>	<b>Hall County</b>	
<b>Carla Maurer</b>	<b>Doniphan</b>	
<b>Dean Kjar</b>	<b>Wood River</b>	
<b>Robin Hendricksen</b>	<b>Grand Island</b>	
<b>Jaye Monter</b>	<b>Cairo</b>	<b>Vice Chairperson</b>
<b>Pat O'Neill</b>	<b>Hall County</b>	<b>Chairperson</b>
<b>Greg Robb</b>	<b>Hall County</b>	
<b>Leslie Ruge</b>	<b>Alda</b>	<b>Secretary</b>

**Regional Planning Director: Chad Nabity**

**Planning Technician:**  
**Rashad Moxey**

**Administrative Assistant:**  
**Krystal Eucker**

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**6:00 PM  
City Hall**

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## **Call to Order**

## **Roll Call**

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### **A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS**

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

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### **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.

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### **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, March 14, 2018

Regular Meeting

## Item A1

### Agenda

Staff Contact:

**AGENDA AND NOTICE OF MEETING**

**Wednesday, March 14, 2018**

**6:00 p.m.**

**City Hall Council Chambers — Grand Island**

**1. Call to Order.**

**This is a public meeting subject to the open meetings laws of the State of Nebraska. The requirements for an open meeting are posted on the wall in this room and anyone who would like to find out what those are is welcome to read through them.**

**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 February 7, 2018.**

**3. Request Time to Speak.**

**4. Public Hearing Annexation Wood River-** Concerning annexation of land, located between Green Street and Wood River Road and Dodd Street and Walnut Street in Wood River. (C-12-2018WR)

**5. Public Hearing – Amendment to the Wood River Future Land Use Map –** Public hearing to consider changes to the Wood River Comprehensive Plan and Future Land Use Map to designate property located north of U.S. 30 and east of 150<sup>th</sup> Road for Industrial use. A copy of the proposed changes is available at the Hall County Regional Planning Department office (C-13-2018WR)

**6. Public Hearing – Amendment to the Wood River Zoning Map –** Public hearing to consider changes to the Wood River Zoning Map to change the zoning on property located north of U.S. 30 and east of 150<sup>th</sup> Road for from AG-Agriculture to I2-Heavy Industry. A copy of the proposed changes is available at the Hall County Regional Planning Department office (C-13-2018WR)

**7. Public Hearing – Redevelopment Plan – Weinrich Developments Inc.–** Concerning an amendment to the redevelopment plan for CRA Area 1 for a Site Specific Redevelopment Plan of 408 E. Second, Grand Island, Hall

County, Nebraska (C-14-2018GI)

**8. Public Hearing - Text Amendment of Hall County Zoning Resolution.**

Concerning proposed amendments to various parts of Article 2 Section 2.03 Definition of Terms, and Article 4 Section 4.02 Agricultural – Primary District and Section 4.03 A-2 Secondary Agricultural District relative to livestock production. (C-06-2017HC)

**9. Public Hearing - Text Amendment of Grand Island Zoning Ordinance**

Concerning proposed amendments to Section 36-22 Yard Requirements and Section 36-96 Off Street Parking Requirements relative to garages with doors facing the street. (C-15-18G)l

**10. Public Hearing - Text Amendment of Grand Island Subdivision Ordinance**

Concerning proposed amendments to Section 33-12 Streets and Alleys relative to street design standards. (C-15-18GI)

**11. Directors Report**

**12. Next Meeting April 4, 2018.**

**13. Adjourn.**

**PLEASE NOTE: This meeting is open to the public, and a current agenda is on file at the office of the Regional Planning Commission, located on the second floor of City Hall in Grand Island, Nebraska.**



# Hall County Regional Planning Commission

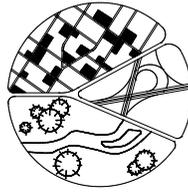
Wednesday, March 14, 2018

Regular Meeting

## Item E1

Minutes of the February 7, 2018 Meeting

Staff Contact:



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

Minutes  
for  
February 7, 2018

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The meeting of the Regional Planning Commission was held Wednesday, February 7, 2018, in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" on January 26, 2018.

Present: Pat O'Neill                      Leonard Rainforth  
          Les Ruge                             Tony Randone  
          Hector Rubio                       Judd Allan  
          Carla Maurer

Absent: Robin Hendricksen, Dean Kjar. Derek Apfel Jaye Monter Greg Robb

Other: Grand Island City Councilman Mitch Nickerson, Hall County Engineer Steve Riehle, Assistant Grand Island Public Works Director Keith Kurz.

Staff: Chad Nabity, Krystal Eucker, Rashad Moxey.

Press: Austin Koeller, Grand Island Independent.

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**1. Call to order.**

Chairman O'Neill called the meeting to order at 6:02 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 December 6, 2017 meeting.**

A motion was made Maurer and seconded by Rubio to approve the minutes of the December 6<sup>th</sup>, 2017 meeting.

The motion carried with seven members in favor (Allan, O'Neill, Ruge, Maurer, Rainforth, Rubio and Randone) and no members voting no or abstaining.

**3. Request Time to Speak.**

The following requested time to speak during discussion: Amos Anson, 4234 Arizona Ave, Item 7; Brian Schultz, 812 West 15<sup>th</sup> Street, Item 7; Leanne Doose, 4010 Norseman Ave, Item 7; Dana Jelinek (Habitat for Humanity), 502 West 2<sup>nd</sup> Street Item 7; Kristin Johnson, 2001 West 11<sup>th</sup> Street Item 7; Bruce Smith 2209 Arrowhead Road.

**4. Request for Conservation Easement - Concerning a Conservation Easement – Sections 13 and 14 in Township 9 N, Range 11 W. of the 6th P.M. (C-09-2018HC)**

Nabity introduced the conservation easement including the location and proposed restrictions. He showed the commission the following maps from the Directors recommendation: Future Land Use, Zoning Flood Plain and Location. He also explained the three reasons which the County Board can use to deny a conservation easement.

- (a) the easement is inconsistent with a comprehensive plan for the area which had been officially adopted and was in force at the time of the conveyance,
- (b) the easement is inconsistent with any national, state, regional, or local program furthering conservation or preservation, or
- (c) the easement is inconsistent with any known proposal by a governmental body for use of the land. NRSS 76-2,112(3)

Nabity stated that this property is in the flood plain, is zoned for agricultural uses in the river protection corridor and that it appears this easement is in conformance with the Hall County Comprehensive Plan.

Bruce Smith representing the William Vanarsdale Wolbach Trust, stated that Mr. Wolbach is the trustee, he lives out of state and is in full support of granting the easement. Mr. Wolbach has been a supporter of the Whooping Crane Trust for many years.

Commissioner Rainforth asked if this easement would have a negative impact on drainage across the property. Mr. Smith assured him that the existing drainage would not be impacted by the easement. The drainage that is in place today will have to be

maintained.

Commissioner Allan asked if the easement was a permanent easement and if it needed to be permanent. It is a permanent easement and because of IRS rules for the easements it does need to be permanent.

Following a review of the Hall County Comprehensive Plan General Land Use Policies, and a discussion of the proposed easement on the property, it was determined by the Regional Planning Commission that this easement would not be detrimental to the Comprehensive Plan.

A motion was made by Ruge and seconded by Maurer to approve the conservation easement and recommend that Hall County Board of Supervisors approve the conservation easement.

A roll call vote was taken and the motion passed with 4 members present (O'Neill, Ruge, Maurer, and Rubio) voting in favor of the motion and 3 members present (Allan, Rainforth, and Randone) and voting against the motion.

5. **Public hearing – Adoption of the Grand Island Zoning Map** – Public hearing to re-adopt the City of Grand Island Zoning Map, with proposed changes as produced using the Hall County Geographic Information System. This map will serve to give notice to all parties that the zoning districts, Grand Island City limits, and 2-mile extraterritorial zoning jurisdiction are as shown on the zoning map. A copy of the proposed changes is available at the Hall County Regional Planning Department office (C-11-2018GI)

O'Neill opened the public hearing.

Nabity explained that the map includes the five zoning changes that were approved in Grand Island in 2017 along with five additional changes proposed by City staff to clean up some boundaries and inconsistencies in the map. Several of the changes include designating property that is in the Grand Island City Limits but currently used for agricultural purposes as R2-Low Density Residential.

No members of the public spoke at the hearing.

O'Neill closed the public hearing.

A motion was made by Randone and seconded by Rainforth to recommend approval to re-adopt the City of Grand Island Zoning Map, with proposed changes as produced using the Hall County Geographic Information System.

The motion carried with seven members in favor (Allan, O'Neill, Ruge, Maurer, Rainforth, Rubio and Randone) and no members voting no or abstaining.

6. **Final Plat – Gard Subdivision – Grand Island** – located south of U.S. Highway 34 and east of Blaine Street in the City of Grand Island, in Hall County, Nebraska (3 lots,

19.024 acres)

Nabity explained that some changes to the lot configuration had been done since the original submission including changes the access point for lots 2 and 3 so that it included the existing driveway into the property. This subdivision is adjacent to the City of Grand Island and is being platted as an addition to the City.

Ruge questioned whether there was adequate room on Lot 3 to build a new house and Nabity showed that there is at least 2.5 acres to the southwest of the house on lot 2 that can be built on.

A motion was made by Allen and seconded by Randone to recommend approval of the Final Plat for Gard Subdivision (3 lots, 19.024 acres).

The motion carried with seven members in favor (Allan, O'Neill, Ruge, Maurer, Rainforth, Rubio and Randone) and no members voting no or abstaining.

7. **Preliminary Plat – Lassonde 3rd Subdivision – Grand Island** – located south of Capital Avenue and east of St. Paul Road in the City of Grand Island, in Hall County, Nebraska (23 lots, 3.593 acres)

**Final Plat – Lassonde 3rd Subdivision – Grand Island** – located south of Capital Avenue and east of St. Paul Road in the City of Grand Island, in Hall County, Nebraska (23 lots, 3.593 acres)

Nabity explained that this is the first subdivision using in the R3-SL zoning district. The subdivision will create 23 lots. The lots on in the south east corner of the subdivision have been designed to potentially provide access to the property to the south.

Commissioner O'Neill asked if the City should require lot 14 to be dedicated as street right of way at this point. O'Neill was concerned that the City has required dedication of streets in other subdivisions to provide access to adjoining properties. Nabity said that it had been discussed by City Staff but that the recommendation from staff was to design the lot so it could be dedicated as a street in the future but the that City Staff was concerned about the maintenance of the property if it were to be dedicated at this point.

Amos Anson, representing Habitat confirmed that Habitat is working with the property owner to the south regarding access.

Several members of the public, representing the Grand Island Area Habitat for Humanity spoke in favor of this subdivision including: Amos Anson, Brian Schultz, Leanne Doose, Dana Jelinek and Kristin Johnson.

A motion was made by Ruge and seconded by Rubio to recommend approval of the Preliminary Plat & Final Plat for Lassonde 3rd Subdivision consisting of 23 lots on 3.593 acres.

The motion carried with six members in favor (Allan, Ruge, Maurer, Rainforth, Rubio and Randone) and one member voting no (O'Neill).

**8. Director's Report.**

Nabity introduced Rashad Moxey, the new planning technician at the department and Brent Lucke, a senior at Northwest High School that is interning with the department for the semester.

Members were invited to attend the Nebraska Planning Conference in March.

Nabity then

**9. Next Regular Meeting March 14<sup>th</sup> , 2017.**

**10. Adjourn**

O'Neill adjourned the meeting at 7:16 p.m.

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Leslie Ruge, Secretary  
By Chad Nabity, and Rashad Moxey



# Hall County Regional Planning Commission

Wednesday, March 14, 2018

Regular Meeting

## Item F1

### Annexation Wood River

Staff Contact:

## **Agenda Item # 4**

### **PLANNING DIRECTOR MEMO TO REGIONAL PLANNING February 26, 2018**

#### **SUBJECT: Annexation in Wood River Nebraska.**

The City of Wood River has approved Resolution 2018-121 submitting property planned for platting as Thelen Subdivision, located between Green Street and Wood River Road and Dodd Street and Walnut Street adjacent to Wood River to the Hall County Regional Planning Commission for a recommendation on approval of annexation of the property.

The owners of the property and the City are both interested in pursuing this application and have submitted an annexation plat for approval.

An annexation plan has been prepared and is included with the resolution and plat..

Planning Commission will hold a public hearing to take testimony on the proposed annexation and make a recommendation regarding the annexation.

This specific property is identified within the Wood River Comprehensive Plan as adopted in January of 2016 as property that should be annexed prior to development. Annexation of this property is consistent with the Wood River Comprehensive Plan.

It is recommended that the Hall County Regional Planning Commission recommend in favor of annexing the property as presented.

\_\_\_\_\_ Chad Naby AICP, Planning Director

## ANNEXATION PLAN –Wood River Nebraska

February 26, 2018

### OVERVIEW

Section 17-405 of The Nebraska State Statute allows Cities of the Second Class to annex any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character and in such direction as may be deemed proper.

Regulations governing municipal annexation were implemented in order to develop an equitable system for adding to and increasing municipal boundaries as urban growth occurs. Areas of the community that are urban in nature, and are contiguous to existing boundaries, are appropriate for consideration of annexation.

Annexation of urban areas adjacent to existing municipal boundaries can be driven by many factors. The following are reasons annexation should be considered:

1. Governing urban areas with the statutorily created urban form of government, municipalities have historically been charged with meeting the needs of the expanded community.
2. Provide municipal services. Municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and well being of residents in areas that are used primarily for residential, industrial, and commercial purposes.
3. Ensure orderly growth pursuant to land use, building, street, sidewalk, sanitary sewer, storm sewer, water, and electrical services.
4. Provide more equitable taxation to existing property owners for the urban services and facilities that non-village residents in proposed annexation areas use on a regular basis such as parks, streets, public infrastructure, emergency services, retail businesses and associated support.
5. Ensure ability to impose and consistently enforce planning processes and policies.
6. Address housing standards and code compliance to positively impact quality of life for residents.
7. Enable residents of urban areas adjacent to village to participate in municipal issues, including elections that either do or will have an impact on their properties.
8. Anticipate and allocate resources for infrastructure improvements. This would include extension of sewer, water and electrical infrastructure.
9. Provide long term visioning abilities as it relates to growth and provision of services.

## Other Factors

The City and the property owner have caused to be prepared an annexation plat of the parcel under consideration and the City has forwarded a request to make a recommendation on annexation of these properties to the Hall County Regional Planning Commission

A comprehensive inventory of services and facilities has been developed, with the types and level of services currently being provided as well as the types of level of services anticipated as a result of annexation.

The inventory includes general information concerning:

- Existing infrastructure in affected area(s)
- Summary of expenditures to extend existing infrastructure
- Emergency services
- Summary of operating expenditures associated with increased services

The service plan incorporates detailed elements of the inventory. The inventory and resulting service plan should be the basis for discussions concerning each specific area identified for potential annexation. ***It should be noted that the capital improvements to existing infrastructure and extending services if necessary will take place over a reasonable period of time in order to ensure adequate time for planning, designing, funding and constructing such a sizable number of projects while protecting the financial integrity of the Village's enterprise funds. Individual property owners will be responsible for the cost of extending services through neighborhoods and for connecting their properties to the public systems.***

## **Inventory of Service and Service Plan**

The parcel under consideration is located adjacent to the Wood River City Limits between Green Street and Wood River Road and Dodd Street and Walnut Street at the north end of Wood River.

### INVENTORY OF SERVICES

1. Police Protection. The Hall County Sheriff's Department under contract with the City of Wood River will provide protection and law enforcement services in the annexation area. These services include:

- Normal patrols and responses
- Handling of complaints and incident reports
- Investigation of crimes
- Standard speed and traffic enforcement
- Special units such as traffic enforcement, criminal investigations, narcotics, and gang suppression

These services are offered by contract for all properties within the municipal limits of Wood River.

2. Fire Protection. The Wood River Rural Fire Department will provide emergency and fire prevention services in the annexation area. These services include:

- Fire suppression and rescue
- Hazardous materials regulation
- Periodic inspections of commercial properties
- Public safety education

3. Wastewater (Sanitary Sewer). The City of Wood River currently maintains the wastewater utilities services for the proposed annexation area. Wastewater services to new development and subdivisions will be provided according to standard policies and procedures of the Village. Wastewater service to this area is available through existing lines.

4. Maintenance of Roads and Streets. The City of Wood River will maintain public streets over which the City has jurisdiction. A section of Wood River Road north of the property will be included within the municipal limits. These services include:

- Snow and ice removal
- Emergency pavement repair
- Preventative street maintenance
- Asphalt resurfacing
- Ditch and drainage maintenance
- Sign and signal maintenance

5. Water Utilities. The City of Wood River currently maintains the water utilities services for the proposed annexation area. Water service to this area is available through existing water lines.

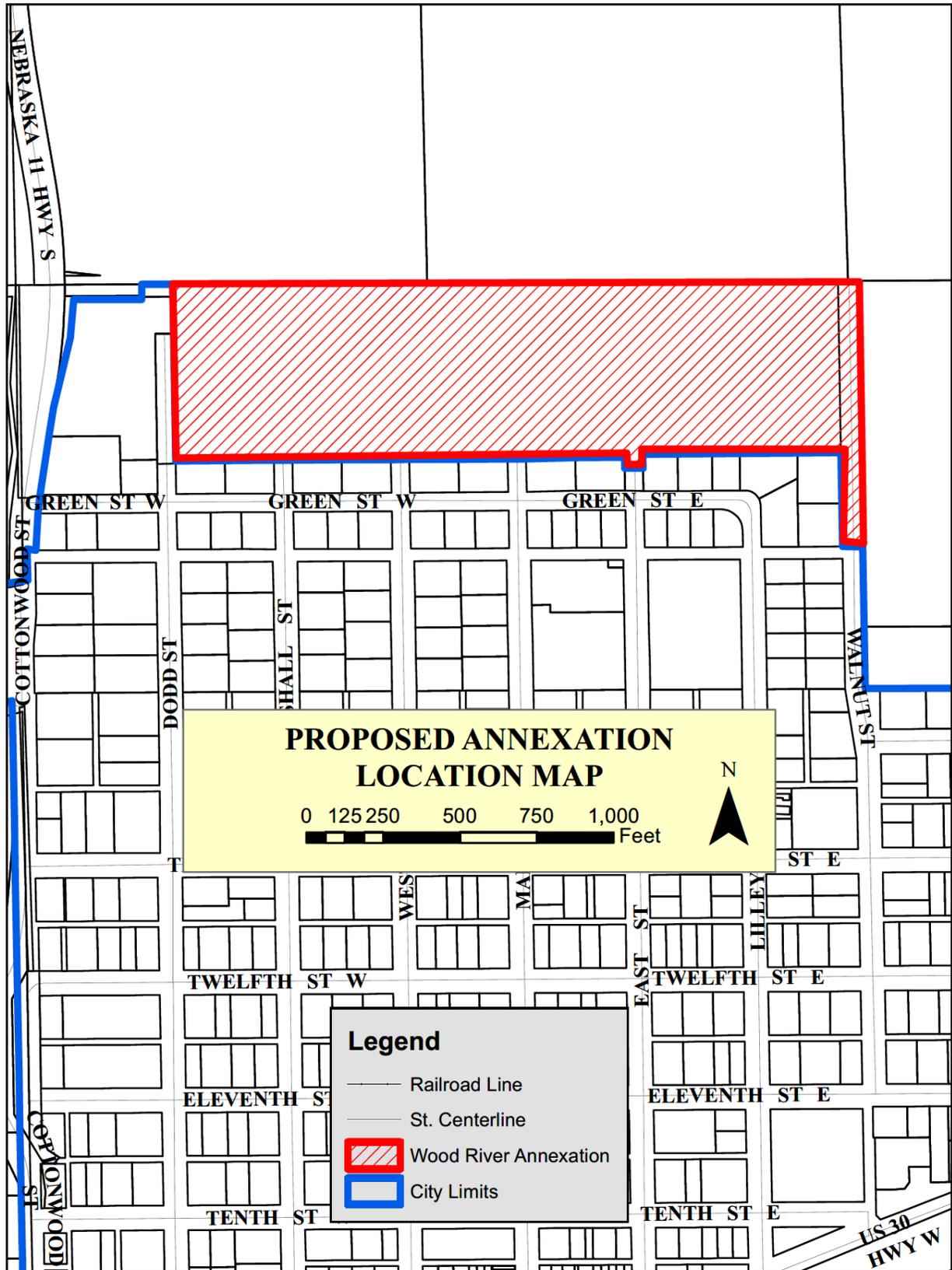
6. Maintenance of Parks, Playgrounds, and Swimming Pools. No impact on public or private recreation facilities is anticipated as a result of annexation. Recreation facilities and area amenities, including parks and pools, that are privately owned and operated, or operated and maintained by another governmental entity, will be unaffected by the annexation.

7. Zoning Regulations. The City of Wood River is enforcing building regulations. Building permits and inspections are issued through an agreement with Hall County by the Building Inspector. Hall County will continue to oversee services associated with zoning regulations, including:

- Building Permit Issuance

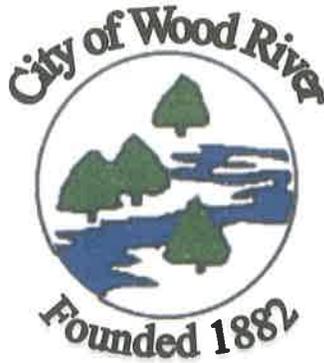
8. Summary of Impacts

<b>Summary of Impacts</b>	
Police Protection	No Impact
Fire Protection	No Change
Wastewater	Available
Roads and Streets	Possible Change of Maintenance responsibilities along the northern perimeter
Water Service	Available
Parks, Playgrounds and Swimming Pools	No Impact
Zoning Regulations	Already Subject to Wood River Regulations
School District	District 8 (Wood River)





108 W. 10th Street  
PO Box 8  
Wood River, NE 68883



Phone: 308-583-2066  
Fax: 308-583-2316  
clerkcwr@gmail.com

February 9, 2018

Chad Nabity  
Regional Planning Commission  
100 E 1<sup>st</sup> Street  
Grand Island, NE 68801

Dear Chad:

Enclosed are the documents regarding the annexation resolution regarding property owned by Thelen Grain Company. Please add this item to your next meeting agenda for March 14, 2018.

Let me know if you need anything.

Sincerely,

Holly Plejdrup, City Clerk

Enclosures



**RESOLUTION NO 2018-121**

**RESOLUTION TO ANNEX CERTAIN REAL ESTATE OWNED BY THELEN GRAIN COMPANY TO THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA.**

WHEREAS, a survey of certain property owned by Thelen Grain Company has been completed by G.P.S., LLC and the real estate is contiguous to the corporate limits of the City of Wood River.

WHEREAS, a preliminary plat was prepared by a competent surveyor and approved by the City of Wood River, March 1997.

WHEREAS, a copy of the survey and the preliminary plat have been filed with the Clerk of the City of Wood River together with a request in writing by Thelen Grain Company, who represents the majority of property owners, in number and value of the territory described in the survey for annexation of said territory.

WHEREAS, the Council has previously approved a plan to extend water and sewer services to the property to be annexed.

WHEREAS, the City of Wood River requires any future developer of further subdivision to provide water, sewer and street extension.

WHEREAS, the Council finds that the property should be annexed to the City of Wood River.

WHEREAS, the Council directs that the survey shall be submitted to the Regional Planning Commission for approval.

WHEREAS, on approval of the survey by Regional Planning Commission, an Ordinance shall be prepared for the purpose declaring annexation of said territory to the corporate city limits of the City of Wood River and extending the limits thereof accordingly.

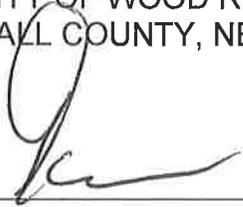
NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA AS FOLLOWS:

1. The survey prepared describing property to be annexed to the City of Wood River, Hall County, Nebraska, should be and hereby is approved. A copy of said survey is attached hereto as Exhibit "1" and a copy of a preliminary plat is attached hereto and incorporated herein as Exhibit "2". A copy of the plan to extend water and sewer services is attached hereto and incorporated herein as Exhibit "3"

2. The Clerk is directed to submit this Resolution with the attachments to the Regional Planning Commission for their consideration and approval forthwith

Passed and approved this 16<sup>th</sup> of February, 2018.

CITY OF WOOD RIVER,  
HALL COUNTY, NEBRASKA

  
\_\_\_\_\_  
Greg Cramer, Mayor

ATTEST:

  
\_\_\_\_\_  
Holly Plejdrup, City Clerk



DUANE A. BURNS  
SUSAN KOENIG  
JEROME E. JANULEWICZ

LAW OFFICES OF  
**Mayer, Burns, Koenig & Janulewicz**  
308 NORTH LOCUST STREET, SUITE 308  
P.O. BOX 2300  
GRAND ISLAND, NEBRASKA  
68802-2300  
TELEPHONE 308-384-1120 FAX 308-384-3526

A.C. MAYER  
(1920-2004)  
EARL D. AHLSCHEDE  
(1940-2004)

February 2, 2018

Chad Nabity  
Regional Director  
Grand Island/Hall County Regional  
Planning Department  
P. O. Box 1968  
100 East 1st Street  
Grand Island, Nebraska 68802-1968

RE: Wood River Annexation

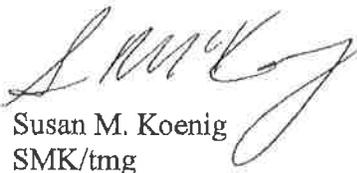
Dear Chad:

The following are the land owners within the area proposed to be annexed by Wood River, pursuant to a Resolution entered on February 6, 2018:

1. Thelen Grain Co.  
2925 S 26<sup>th</sup>  
Lincoln, NE 68502
2. Kevin A. & Karen D. Davis  
6499 S. Hwy 11  
Wood River, NE 68883
3. Wood River School District 13  
c/o Wood River Rural School District  
P.O. Box 518  
Wood River, NE 68883

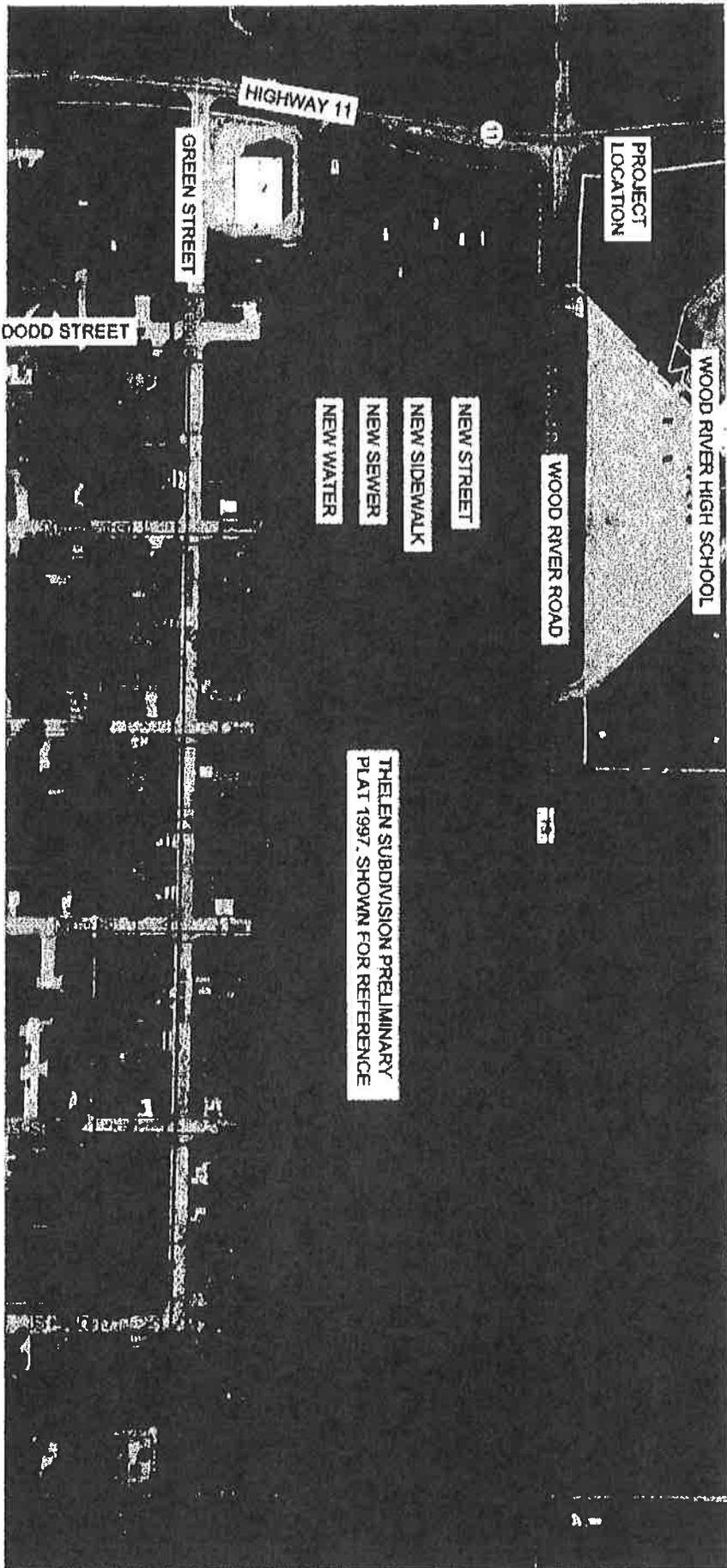
If you have any questions, please feel free to contact me

Sincerely,



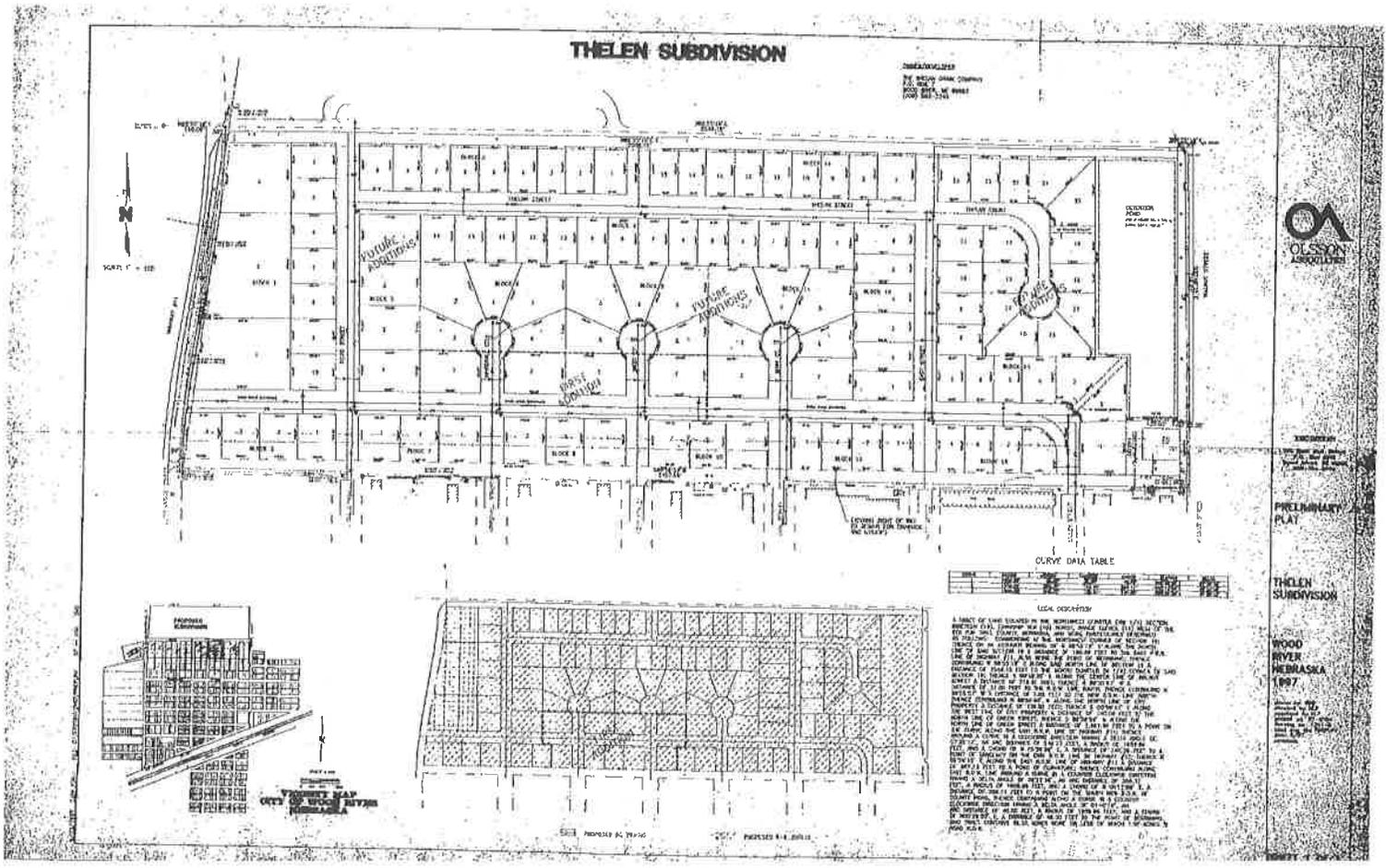
Susan M. Koenig  
SMK/tmg

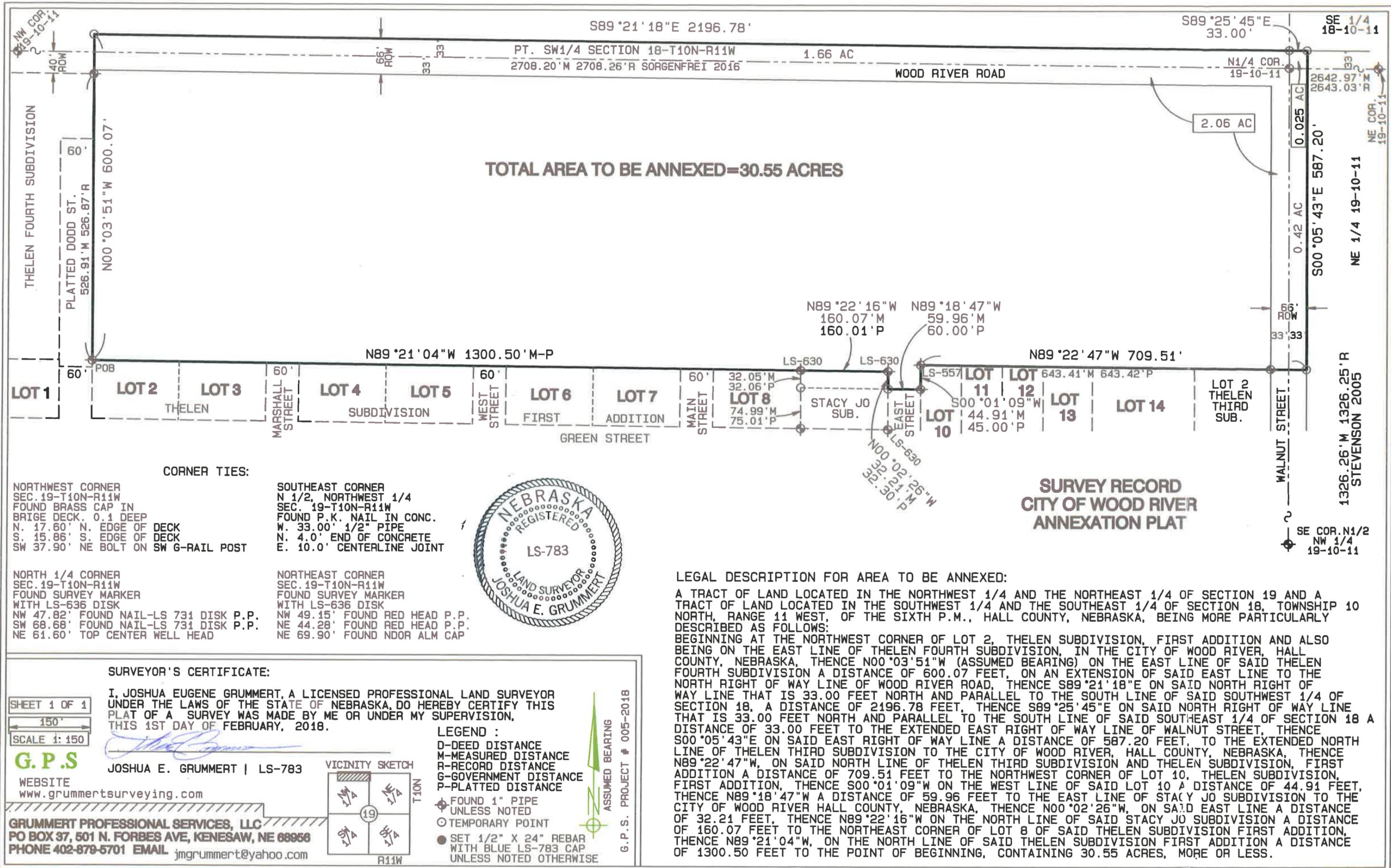




ISSUES FOR DISCUSSION AT COUNCIL MEETING ON 11/21/2017. (Discussion SK/SW)

1. Area of Paving and Utility District
2. No contracts can be issued before the District is formed. Possible schedule.
  - a. Advertise November 29
  - b. Bids due December 14
  - c. Approve contractor selection and notice of award in the form of a letter of intent issued after December 19
  - d. Street District complete January 16
  - e. Contracts signed after 1/16/18 council meeting





**TOTAL AREA TO BE ANNEXED=30.55 ACRES**

**SURVEY RECORD  
CITY OF WOOD RIVER  
ANNEXATION PLAT**

**CORNER TIES:**

**NORTHWEST CORNER**  
SEC. 19-T10N-R11W  
FOUND BRASS CAP IN  
BRIDGE DECK, 0.1 DEEP  
N. 17.60' N. EDGE OF DECK  
S. 15.86' S. EDGE OF DECK  
SW 37.90' NE BOLT ON SW G-RAIL POST

**SOUTHEAST CORNER**  
N 1/2, NORTHWEST 1/4  
SEC. 19-T10N-R11W  
FOUND P.K. NAIL IN CONC.  
W. 33.00' 1/2" PIPE  
N. 4.0' END OF CONCRETE  
E. 10.0' CENTERLINE JOINT

**NORTH 1/4 CORNER**  
SEC. 19-T10N-R11W  
FOUND SURVEY MARKER  
WITH LS-636 DISK  
NW 47.82' FOUND NAIL-LS 731 DISK P.P.  
SW 68.68' FOUND NAIL-LS 731 DISK P.P.  
NE 61.60' TOP CENTER WELL HEAD

**NORTHEAST CORNER**  
SEC. 19-T10N-R11W  
FOUND SURVEY MARKER  
WITH LS-636 DISK  
NW 49.15' FOUND RED HEAD P.P.  
NE 44.28' FOUND RED HEAD P.P.  
NE 69.90' FOUND NDOR ALM CAP



**SURVEYOR'S CERTIFICATE:**

I, JOSHUA EUGENE GRUMMERT, A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION, THIS 1ST DAY OF FEBRUARY, 2018.

JOSHUA E. GRUMMERT | LS-783



- LEGEND :**  
 D-DEED DISTANCE  
 M-MEASURED DISTANCE  
 R-RECORD DISTANCE  
 G-GOVERNMENT DISTANCE  
 P-PLATTED DISTANCE

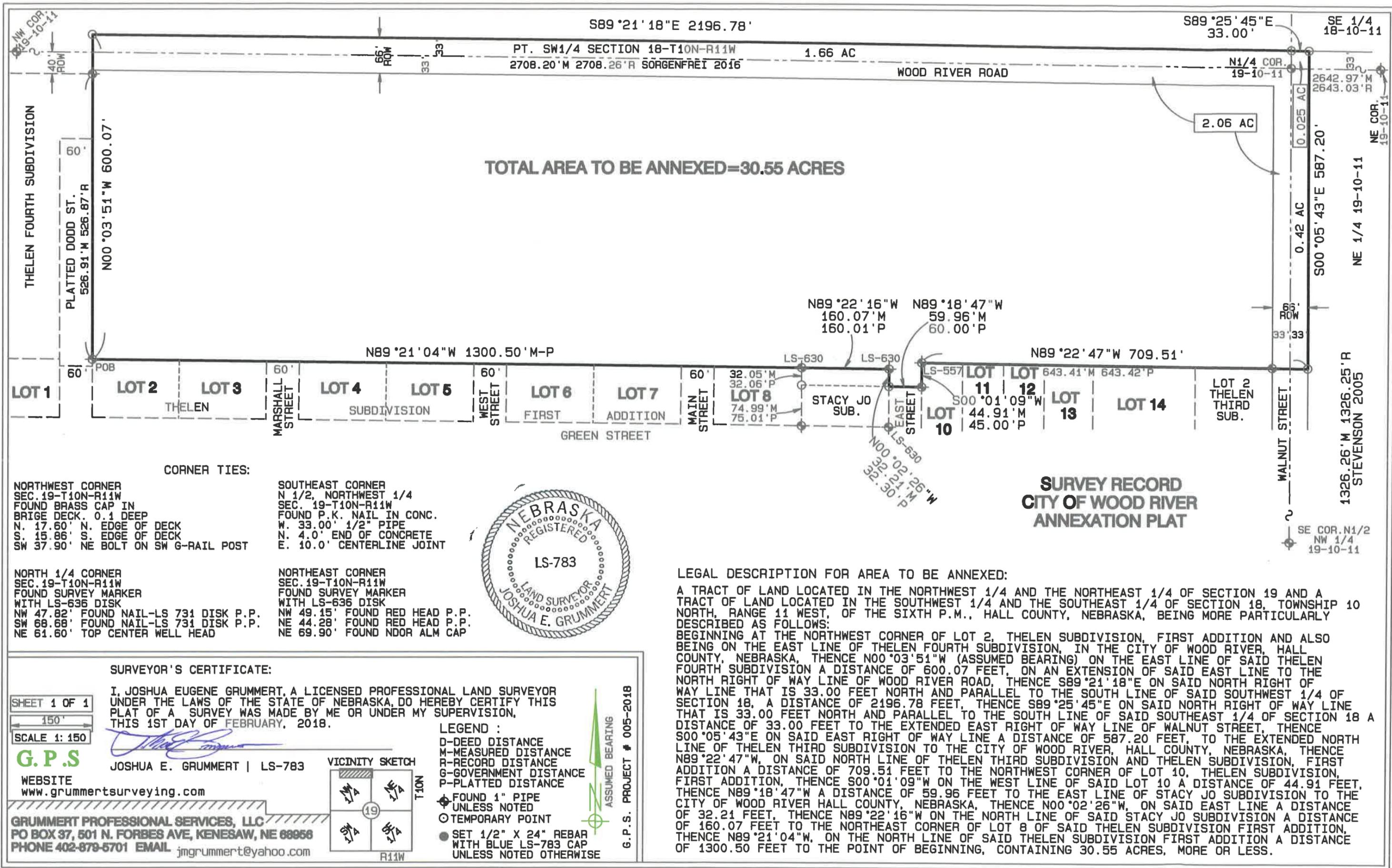
- ◆ FOUND 1" PIPE UNLESS NOTED
- TEMPORARY POINT
- SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE



G.P.S. PROJECT # 005-2018

**LEGAL DESCRIPTION FOR AREA TO BE ANNEXED:**

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF SECTION 19 AND A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 11 WEST, OF THE SIXTH P.M., HALL COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF LOT 2, THELEN SUBDIVISION, FIRST ADDITION AND ALSO BEING ON THE EAST LINE OF THELEN FOURTH SUBDIVISION, IN THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA, THENCE N00°03'51"W (ASSUMED BEARING) ON THE EAST LINE OF SAID THELEN FOURTH SUBDIVISION A DISTANCE OF 600.07 FEET, ON AN EXTENSION OF SAID EAST LINE TO THE NORTH RIGHT OF WAY LINE OF WOOD RIVER ROAD, THENCE S89°21'18"E ON SAID NORTH RIGHT OF WAY LINE THAT IS 33.00 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 18, A DISTANCE OF 2196.78 FEET, THENCE S89°25'45"E ON SAID NORTH RIGHT OF WAY LINE THAT IS 33.00 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 18 A DISTANCE OF 33.00 FEET TO THE EXTENDED EAST RIGHT OF WAY LINE OF WALNUT STREET, THENCE S00°05'43"E ON SAID EAST RIGHT OF WAY LINE A DISTANCE OF 587.20 FEET, TO THE EXTENDED NORTH LINE OF THELEN THIRD SUBDIVISION TO THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA, THENCE N89°22'47"W, ON SAID NORTH LINE OF THELEN THIRD SUBDIVISION AND THELEN SUBDIVISION, FIRST ADDITION A DISTANCE OF 709.51 FEET TO THE NORTHWEST CORNER OF LOT 10, THELEN SUBDIVISION, FIRST ADDITION, THENCE S00°01'09"W ON THE WEST LINE OF SAID LOT 10 A DISTANCE OF 44.91 FEET, THENCE N89°18'47"W A DISTANCE OF 59.96 FEET TO THE EAST LINE OF STACY JO SUBDIVISION TO THE CITY OF WOOD RIVER HALL COUNTY, NEBRASKA, THENCE N00°02'26"W, ON SAID EAST LINE A DISTANCE OF 32.21 FEET, THENCE N89°22'16"W ON THE NORTH LINE OF SAID STACY JO SUBDIVISION A DISTANCE OF 160.07 FEET TO THE NORTHEAST CORNER OF LOT 8 OF SAID THELEN SUBDIVISION FIRST ADDITION, THENCE N89°21'04"W, ON THE NORTH LINE OF SAID THELEN SUBDIVISION FIRST ADDITION A DISTANCE OF 1300.50 FEET TO THE POINT OF BEGINNING, CONTAINING 30.55 ACRES, MORE OR LESS.



**CORNER TIES:**

**NORTHWEST CORNER**  
 SEC. 19-T10N-R11W  
 FOUND BRASS CAP IN BRIGE DECK, 0.1 DEEP  
 N. 17.60' N. EDGE OF DECK  
 S. 15.86' S. EDGE OF DECK  
 SW 37.90' NE BOLT ON SW G-RAIL POST

**NORTH 1/4 CORNER**  
 SEC. 19-T10N-R11W  
 FOUND SURVEY MARKER WITH LS-636 DISK  
 NW 47.82' FOUND NAIL-LS 731 DISK P.P.  
 SW 68.68' FOUND NAIL-LS 731 DISK P.P.  
 NE 61.60' TOP CENTER WELL HEAD

**SOUTHEAST CORNER**  
 N 1/2, NORTHWEST 1/4  
 SEC. 19-T10N-R11W  
 FOUND P.K. NAIL IN CONC.  
 W. 33.00' 1/2" PIPE  
 N. 4.0' END OF CONCRETE  
 E. 10.0' CENTERLINE JOINT

**NORTHEAST CORNER**  
 SEC. 19-T10N-R11W  
 FOUND SURVEY MARKER WITH LS-636 DISK  
 NW 49.15' FOUND RED HEAD P.P.  
 NE 44.28' FOUND RED HEAD P.P.  
 NE 69.90' FOUND NDOR ALM CAP



**SURVEYOR'S CERTIFICATE:**

I, JOSHUA EUGENE GRUMMERT, A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION, THIS 1ST DAY OF FEBRUARY, 2018.

**LEGEND:**  
 D-DEED DISTANCE  
 M-MEASURED DISTANCE  
 R-RECORD DISTANCE  
 G-GOVERNMENT DISTANCE  
 P-PLATTED DISTANCE  
 \* FOUND 1" PIPE UNLESS NOTED  
 ○ TEMPORARY POINT  
 ● SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE

**VICINITY SKETCH**

**G.P.S. PROJECT # 005-2018**

SHEET 1 OF 1  
 SCALE 1:150  
**G.P.S.**  
 WEBSITE  
 www.grummertsurveying.com

**GRUMMERT PROFESSIONAL SERVICES, LLC**  
 PO BOX 37, 501 N. FORBES AVE, KENESAW, NE 68956  
 PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com



# Hall County Regional Planning Commission

Wednesday, March 14, 2018

Regular Meeting

## Item F2

### Readoption of and Amendment to the Wood River Future Land Use Map

Staff Contact:

## **Agenda Item # 5 and 6**

### **PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:**

February 27, 2018

**SUBJECT:** Re-adoption of the Wood River Future Land Use Map and consideration of a *Zoning Change* (C-13-2018WR). An application was received requesting that property on the western edge of Wood River be rezoned from Agriculture to Heavy Industry. Along with this application Staff is recommending changes to the Wood River Future Land Use Map.

**PROPOSAL:** To amend and readopt the Future Land Use Map from the 2016 Wood River Comprehensive Plan.

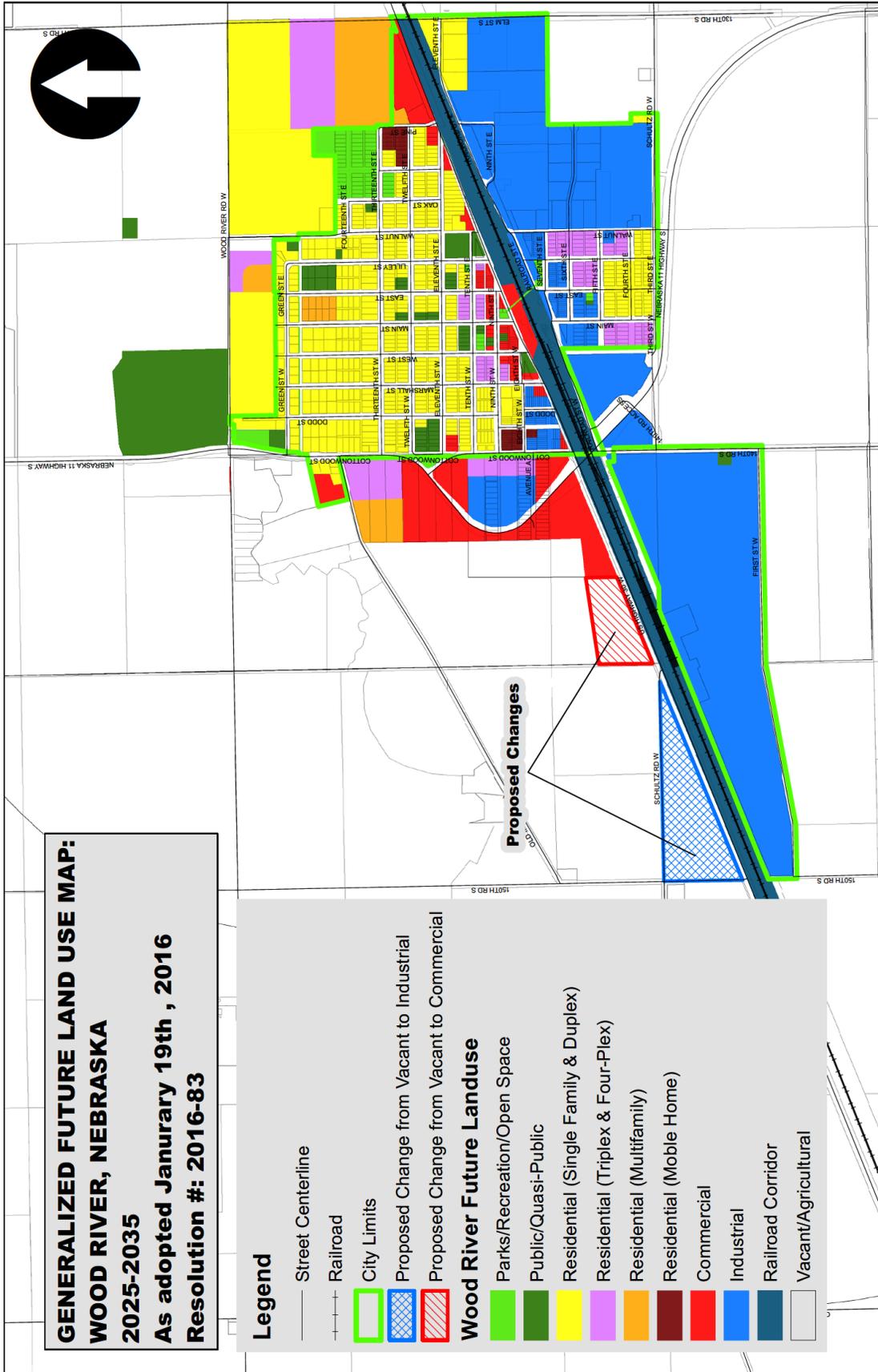
### **OVERVIEW:**

The Wood River Comprehensive Plan as prepared by Hanna:Keelan Associates was adopted by the Wood River City Council in January of 2016. Geographic Information System (GIS) data for the maps in the Comprehensive Plan was not provide to the Planning Department. Planning staff has recreated the data from Plan as adopted in a GIS format that. In addition, staff is recommending that the area proposed for rezoning be changed from Vacant/Agriculture to Industrial and that the property immediately north of U.S. Highway 30 east of the intersection of Schultz Road and U.S. Highway 30 be changed from Vacant/Agriculture to Commercial to provide for continuous development along the Highway corridor. A map of the proposed future land use map with changes is attached.

### **RECOMMENDATION:**

That the Regional Planning Commission recommend that the Wood River City Council readopt the Future Land Use map as drawn using the Hall County Geographic Information System with the proposed changes as shown.

**GENERALIZED FUTURE LAND USE MAP:  
WOOD RIVER, NEBRASKA  
2025-2035  
As adopted January 19th , 2016  
Resolution #: 2016-83**



**REZONING PROPOSAL:** To rezone a tract of land located between Schultz Road and U.S. Highway 30 east of 150<sup>th</sup> Road from AG- Agriculture to I2- Heavy Industrial District in the jurisdiction of the City of Wood River.

**OVERVIEW:**

**Site Analysis**

*Current zoning designation:* **AG-** Agriculture District  
*Permitted and conditional uses:* **AG-** Agricultural Uses including limited raising of livestock  
*Comprehensive Plan Designation:* Agriculture  
*Existing land uses:* Crop Ground

**Adjacent Properties Analysis**

*Current zoning designations:* **West and North: AG-** Agriculture District  
**South: I2-**Heavy Industrial District  
**East: TA-**Transitional Agriculture District  
*Permitted and conditional uses:* **TA-** Agricultural Uses including raising of livestock up to 300 animal units with some limited housing.  
**I2-**Commercial, Office, Warehousing, Fabrication, Ethanol production and Manufacturing uses. Residential uses are not permitted in this district.  
**AG-** Agricultural Uses including limited raising of livestock  
*Comprehensive Plan Designation:* **North:** Agriculture  
**South:** Industrial  
**East:** Commercial  
**West:** Agriculture  
*Existing land uses:* **North:** Farm Ground  
**East:** Farm Ground  
**West:** Farm Ground, Highway Overpass  
**South:** Ethanol Plant

**EVALUATION:**

**Positive Implications:**

- *Consistent with the Wood River Comprehensive Plan as amended:* This property is planned for industrial development. A comprehensive plan amendment is included with this application and needs to be approved prior to approving the zoning map amendment.
- *Is adjacent to a similar use in an Industrial zone:* This property is immediately south of this was rezoned several years ago for the development of the ethanol plant. The extension of industrial uses to this area of the community would be beneficial to the community and consistent with existing development.
- *Economic Development for Wood River:* This development could have a substantial economic impact on the community of Wood River adding jobs, provision of utilities

and valuation to the community.

- *Good Transportation Access:* This property is adjacent to U.S. Highway 30 even if the development of access is from 150<sup>th</sup> Road or Schultz Road it will have ready access to U.S. Highway 30.

**Negative Implications:**

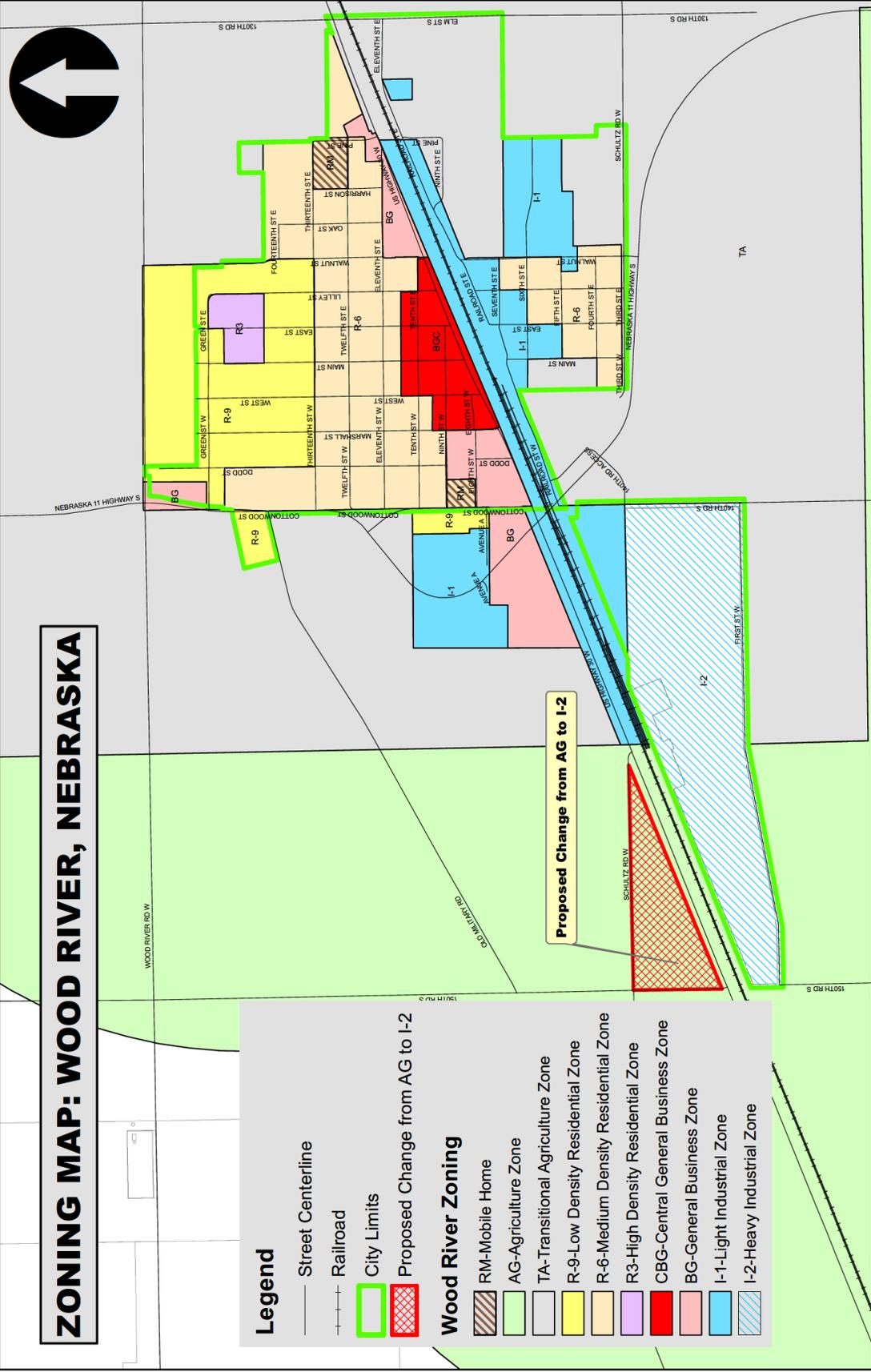
- *Lack of Municipal Infrastructure: At this time Wood River does not have sewer and water available to serve this property. The property can be developed for many of the uses allowed in the I2 zoning district with well and septic especially if the water usage is for restrooms rather than production.*

**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Wood River City Council change the zoning on this site from AG- Agriculture District to I2-Heavy Industrial Zone.

\_\_\_\_\_ Chad Nability AICP, Planning Director

# ZONING MAP: WOOD RIVER, NEBRASKA



**Legend**

- Street Centerline
- Railroad
- City Limits
- Proposed Change from AG to I-2

**Wood River Zoning**

- RM-Mobile Home
- AG-Agriculture Zone
- TA-Transitional Agriculture Zone
- R-9-Low Density Residential Zone
- R-6-Medium Density Residential Zone
- R3-High Density Residential Zone
- CBG-Central General Business Zone
- BG-General Business Zone
- I-1-Light Industrial Zone
- I-2-Heavy Industrial Zone



# Hall County Regional Planning Commission

Wednesday, March 14, 2018

Regular Meeting

## Item F3

### Amendment to the Wood River Zoning Map

*See the memo for the previous item Wood River Future Land Use Map*

Staff Contact:

# 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 Mark Wooldrik Phone (c) 402-380-8560 (w) 402-372-0112

Applicant Address 1952 Hwy 32 West Point NE 68788

Registered Property Owner (if different from applicant) Mettenbrink Family Investments, L.L.C., A Nebraska Limited Liability Company

Address 3042 N. Engleman Rd. Grand Island 68803 Phone (C) 308-380-0674(w)

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

Property Address \_\_\_\_\_

Legal Description: The N1/2 of the NW1/4 of Section 25, Township 10 North, Range 12, West of the 6th P.M., Hall County, Nebraska, North of the Highway 30 right-of-way

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_, and/or

All/part \_\_\_\_\_ 1/4 of Section \_\_\_\_\_ Twp \_\_\_\_\_ Rge \_\_\_\_\_ W6PM

## C. Requested Zoning Change:

1. Property Rezoning (yes X) (no \_\_\_\_\_)  
(provide a properly scaled map of property to be rezoned)

From Agricultural to I2

2. Amendment to Specific Section/Text of Zoning Ordinance (yes \_\_\_\_\_) (no \_\_\_\_\_)  
(describe nature of requested change to text of Zoning Ordinance)

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

To further develop the area near Wood River with a quality business. This business will provide jobs and have synergy with the ag community in the area. It will look appealing as people enter Wood River.

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

- Evidence that proper filing fee has been submitted.
- A properly scaled map of the property to be rezoned (if applicable), and copy of deed description.
- 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).
- 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 Mark Wooldrik

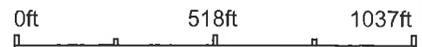
Date Feb 13<sup>th</sup>, 2018

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).

### Aerial Map

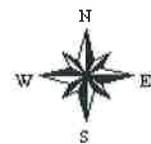


map center: 40° 48' 49.74, -98° 37' 18.21



Maps Provided By  
  
 CUSTOMIZED ONLINE MAPPING  
 © AgriData, Inc. 2018 www.AgrIDataInc.com

**25-10N-12W**  
**Hall County**  
**Nebraska**



2/12/2018

Field borders provided by Farm Service Agency as of 5/21/2008.



# Hall County Regional Planning Commission

Wednesday, March 14, 2018

Regular Meeting

## Item F4

**Redevelopment Plan CRA Area #1 408 E 2nd Street Weinrich  
Developments Inc.**

Staff Contact:

## Agenda Item # 7

### PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

February 26, 2018

#### SUBJECT:

*Redevelopment plan amendment for property located in Blight and Substandard Area 1 for a Site Specific Redevelopment Plan for property located at the 408 E 2<sup>nd</sup> Street in Grand Island, in Hall County, Nebraska to support this development. (C-14-2018GI)*

#### PROPOSAL:

The Weinrich Development Inc. is proposing to purchase a vacant lot at this location and build a three unit apartment building at this location. The property is zoned B-3 Heavy Business District as such this is a permitted principal use.

#### OVERVIEW:

The purpose of the CRA and the designated blight and substandard areas is to provide incentives for development in underdeveloped areas of the community. This proposed plan encourages a mix of commercial and residential uses that has been identified as a priority for development in the downtown area. This area has already been declared blighted and substandard by the CRA, the Hall County Regional Planning Commission and the Grand Island City Council.

This project is **consistent** with the **existing zoning** and the **future land use plan** for this area within the City of Grand Island. This is evident by the fact that the property is zoned B-3 Heavy Business District. The B-3 zone allows for a residential uses with no maximum density. The lot in question is 8,712 square feet. The only real limitation to the number of units that can be built here is the requirement that the owner provide 2 parking spaces per dwelling unit.

The Regional Planning Commission recommendation is limited to the appropriateness of the proposed use at this location. The Grand Island Comprehensive Plan calls for commercial and residential uses here.

The Planning Commission is required to comment on these applications to confirm that expenditure of public funds through TIF is not supporting uses that would be inconsistent with the comprehensive plan. The proposed use for a mixed use development at this location appears to be supported by the plan.

**RECOMMENDATION:**

That the Regional Planning Commission recommends that City Council **approve** of the redevelopment plan amendment as submitted. A resolution is attached for your consideration.

\_\_\_\_\_ Chad Nability AICP, Planning Director

**Redevelopment Plan Amendment  
Grand Island CRA Area 1  
February 2018**

**The Community Redevelopment Authority (CRA) of the City of Grand Island intends to amend the Redevelopment Plan for Area 1 within the city, pursuant to the Nebraska Community Development Law (the “Act”) and provide for the financing of a specific infrastructure related project in Area 1.**

**Executive Summary:**

**Project Description**

THE REDEVELOPMENT PROPERTY LOCATED AT 408 E 2<sup>nd</sup> STREET FOR RESIDENTIAL USES, INCLUDING ACQUISITION OF PROPERTY, SITE WORK AND CONSTRUCTION OF A NEW THREE-UNIT APARTMENT BUILDING AND ALL REQUIRED OFFSTREET PARKING.

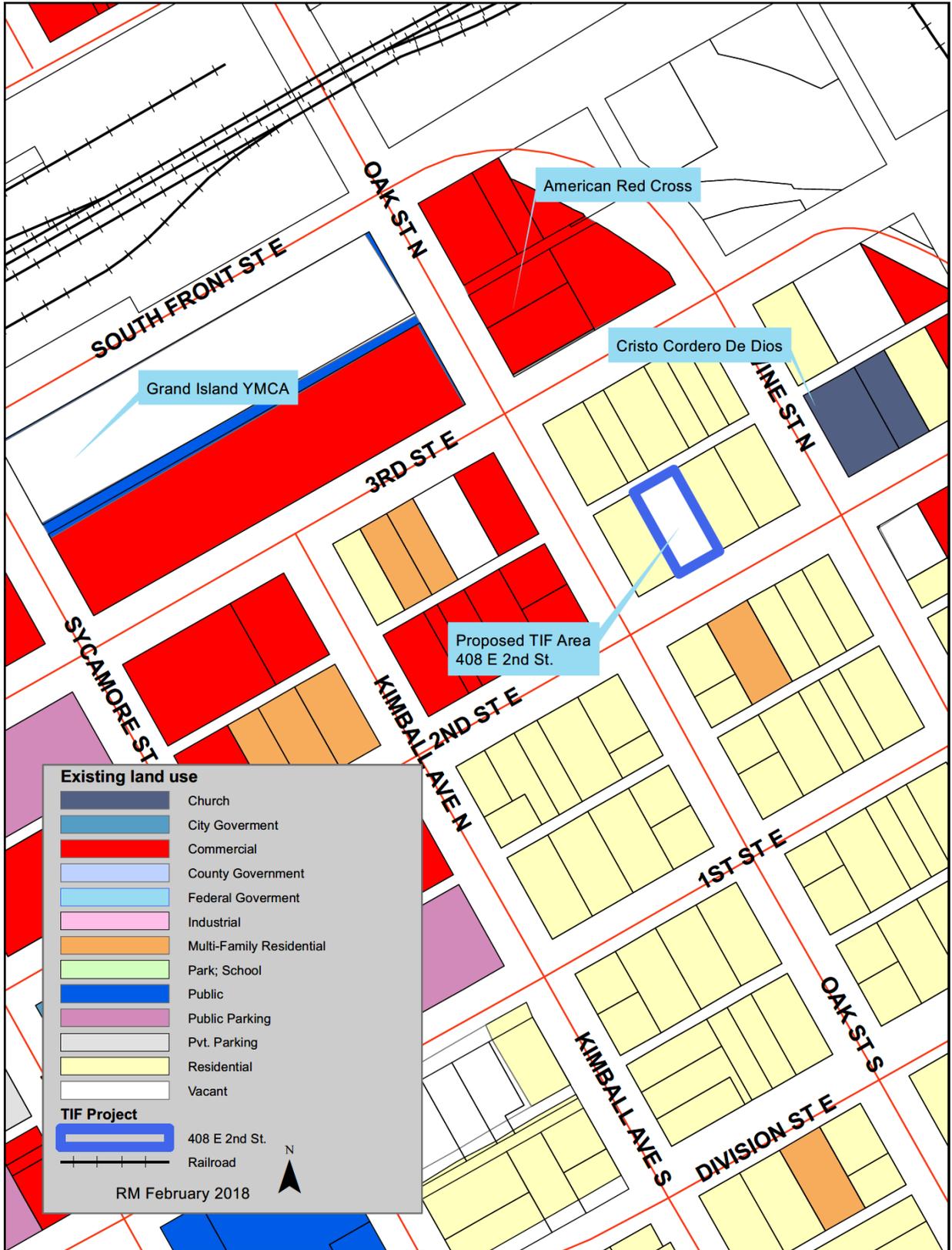
**The use of Tax Increment Financing to aid in expenses associated with redevelopment of the property located at 408 E. 2<sup>nd</sup> Street from a vacant lot to a three unit apartment building. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in developing a piece of property that has been vacant since 2005 into three new apartment units. A structural fire damaged the house that was on the property in 2004; the CRA acquired the property and removed the damaged structure in 2005. The addition of the residential units is consistent with B-3 Heavy Business District and the neighborhood. The additional units are needed to meet the goals of the 2014 Housing Study. This also adds units near Railside consistent with the plans to increase housing opportunities in the area. This project as proposed would not be possible without the use of TIF.**

Weinrich Developments Inc. has made an offer to purchase the property from the CRA with the plan to build 3 apartments. Their offer is contingent on the approval of TIF. The property is currently vacant. The developer is responsible for and has provided evidence that they can secure adequate debt-financing to cover the costs associated with this project. The Grand Island Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated for up to 15 years for a period beginning January 1, 2020 towards the allowable costs and associated financing for the renovation of this building.

TAX INCREMENT FINANCING TO PAY FOR THE REHABILITATION OF THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:  
Property Description (the “Redevelopment Project Area”)

408 E 2<sup>nd</sup> Street in Grand Island Nebraska

**Legal Descriptions:** Lot Six (6) in Block Seventy (70) Original Town in the City of Grand Island, Hall County, Nebraska



**Existing Land Use and Subject Property**

**The tax increment will be captured for the tax years for which the payments become delinquent in years 2020 through 2033 inclusive.**

**The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase will come from the construction of the proposed apartment building as permitted in the B-3 Heavy Business Zoning District.**

**Statutory Pledge of Taxes.**

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of up to 15 years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan. Said taxes shall be divided as follows:

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

**1. The Redevelopment Project Area has been declared blighted and substandard by action of the Grand Island City Council on December 19, 2000.[§18-2109] Such**

**declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**

**2. Conformation to the General Plan for the Municipality as a whole. [§18-2103 (13) (a) and §18-2110]**

Grand Island adopted a Comprehensive Plan on July 13, 2004. This redevelopment plan amendment and project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended. This plan merely provides funding for the developer to rehabilitate the building for permitted uses on this property as defined by the current and effective zoning regulations. **The Hall County Regional Planning Commission held a public hearing at their meeting on \_\_\_\_\_ and passed Resolution 2018-?? confirming that this project is consistent with the Comprehensive Plan for the City of Grand Island.**

**3. The Redevelopment Plan must be sufficiently complete to address the following items: [§18-2103(13) (b)]**

***a. Land Acquisition:***

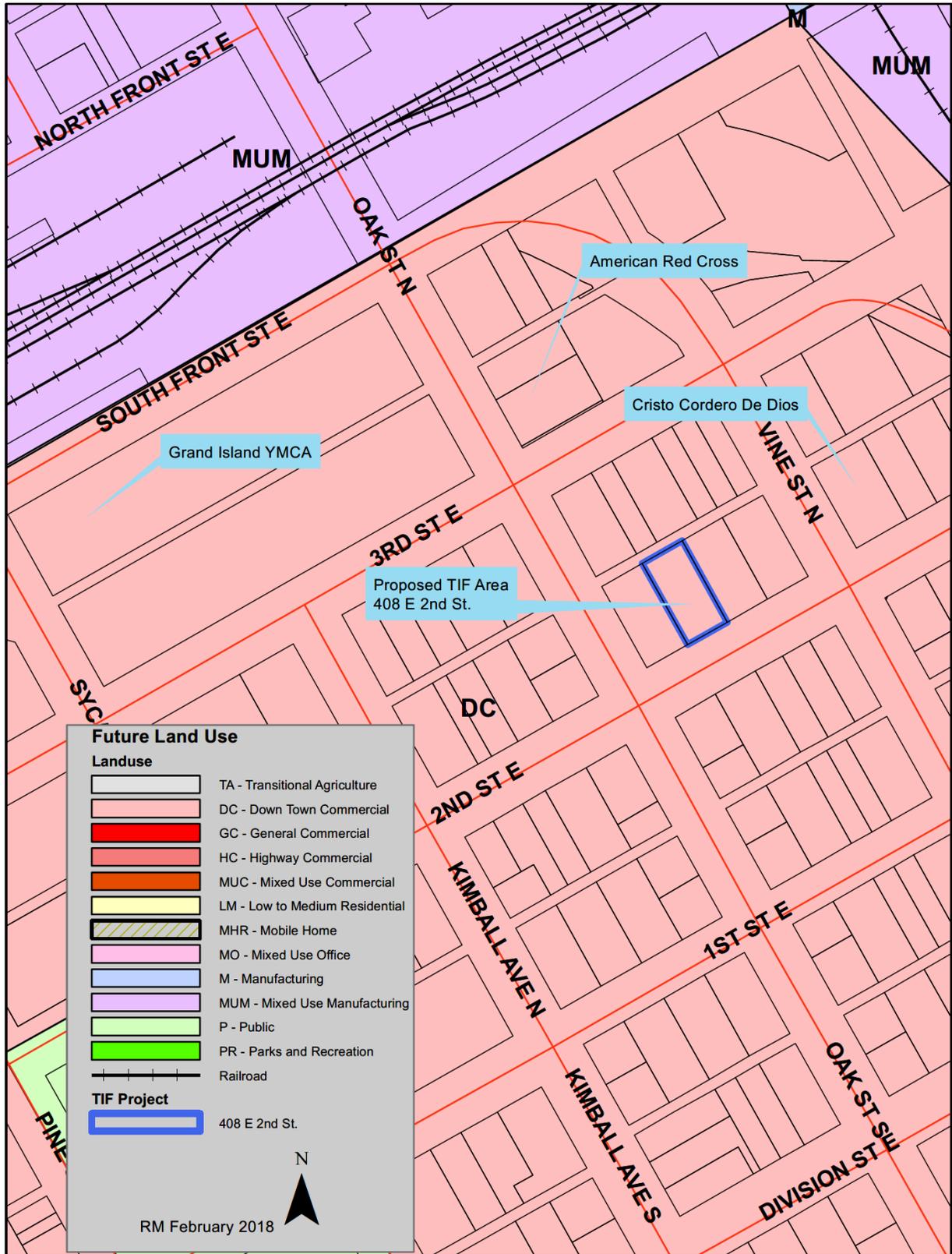
The Redevelopment Plan for Area 1 provides for real property acquisition and this plan amendment does not prohibit such acquisition. The developer is proposing to acquire the property from the authority. There is no proposed acquisition by the authority.

***b. Demolition and Removal of Structures:***

The project to be implemented does not involve the removal or demolition of any structures.

***c. Future Land Use Plan***

See the attached map from the 2004 Grand Island Comprehensive Plan. All of the area around the site in private ownership is planned for Downtown Commercial use which includes higher density housing. This property is in private ownership. [§18-2103(b) and §18-2111]



City of Grand Island Future Land Use Map

***d. Changes to zoning, street layouts and grades or building codes or ordinances or other Planning changes.***

The area is zoned B-3 Heavy Business zone. No zoning changes are anticipated with this project. No changes are anticipated in street layouts or grades. No changes are anticipated in building codes or ordinances. Nor are any other planning changes contemplated. [§18-2103(b) and §18-2111]

***e. Site Coverage and Intensity of Use***

The developer is proposing to increase the number of dwelling units on the property from zero to three. The size of the building and lot coverage will increase, but remain in conformance with the applicable regulations regarding site coverage and intensity of use. [§18-2103(b) and §18-2111]

***f. Additional Public Facilities or Utilities***

Sewer and water are available to support this development. The developer will be required meet the minimum sewer and water line sizing requirements to serve the number of dwelling units and fixtures.

Electric utilities are sufficient for the proposed use of this building.

No other utilities would be impacted by the development.

The developer will be responsible for replacing any sidewalks damaged during construction of the project.

No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]

**4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property has been owned by the Authority since 2005 an no structures have been on the property since that time. No relocation is contemplated or necessary. [§18-2103.02]**

**5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106]** No members of the authority or staff of the CRA have any interest in this property. The property is owned by the Authority.

**6. Section 18-2114 of the Act requires that the Authority consider:**

***a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.***

The developer has offered the Authority \$15,000 for this property. The estimated costs for this project including acquisition are \$216,178. Site improvements including: tree removal, utility improvements, sidewalks and other flat concrete of \$18,346. Architectural and Engineering planning services of \$2,000 and are included as a TIF eligible expense. Legal, Developer and Audit Fees including a reimbursement to the City and the CRA of \$5,600 are included as TIF eligible expense. The total of eligible expenses for this project is \$40,946.

**This property will be transferred to redevelopers by the Authority. The developer will provide and secure all necessary financing.**

***b. Statement of proposed method of financing the redevelopment project.***

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$40,946 from the proceeds of the TIF. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2019 through December 2033.

***c. Statement of feasible method of relocating displaced families.***

No families will be displaced as a result of this plan.

**7. Section 18-2113 of the Act requires:**

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Comprehensive Plan. This will have the intended result of preventing recurring elements of unsafe buildings and blighting conditions. This will develop a vacant property with three brand new dwelling units in a manner consistent with the goals of the 2014 Housing Study for the City of Grand Island.

**8. Time Frame for Development**

Development of this project is anticipated to be completed between May 2018 and May of 2019. Excess valuation should be available for this project for up to 15 years beginning with the 2019 tax year.

**9. Justification of Project**

This is a lot that has been vacant since 2005. The proposed construction with a three-unit apartment building will provide new quality housing in an existing neighborhood and remove a structure contributing to blight within the neighborhood.

**10. Cost Benefit Analysis** Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Grand Island has analyzed the costs and benefits of the proposed Redevelopment Project, including:

**Project Sources and Uses.** Public funds from tax increment financing in the amount of \$40,946 provided by the Grand Island Community Redevelopment Authority will be required to complete the project. This investment by the Authority will leverage \$175,232 in private sector financing and \$42,876 equity investment; a private investment of \$5.32 for every TIF dollar invested.

Use of Funds.			
Description	TIF Funds	Private Funds	Total
Site Acquisition	\$15,000	\$	\$15,000
Site Improvements/Utilities	\$18,346		\$18,346
New Construction Costs		\$175,232	\$175,232
Legal and Plan	\$3,500		\$4,400
Engineering/Arch	\$2,000		\$2,000
City Fees/Reimbursements	\$2,100		\$2,100
Financing Fees		\$4,100	\$4,100
<b>TOTALS</b>	\$40,946	\$179,108	\$220,278

**Tax Revenue.** The property to be redeveloped has January 1, 2018, valuation of approximately \$8,712. Based on the 2017 levy this would result in a real property tax of approximately \$196. It is anticipated that the assessed value will increase by \$292,000 upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$6,560 annually. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF

bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2018 assessed value:	\$ 8,712
Estimated taxable value after completion	\$ 300,000
Increment value	\$ 291,288
Annual TIF generated (estimated)	\$ 6,561
TIF bond issue	\$ \$40,946

***(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;***

The redevelopment project area currently has an estimated valuation of \$8,712. The proposed redevelopment will create additional valuation of \$291,288. No tax shifts are anticipated from the project. The project creates additional valuation that will support taxing entities long after the project is paid off.

***(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;***

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. It is not anticipated that this will impact schools. The Grand Island Public School system was notified of this application prior to consideration of this plan by the Grand Island CRA, Regional Planning Commission or City Council. Fire and police protection are available and should not be negatively impacted by this development.

***(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project;***

This will provide additional housing options consistent with the 2014 Housing Study for the City Grand Island.

***(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and***

This project will not have a negative impact on other employers in any manner different from any other expanding business within the Grand Island area.

***(e) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.***

This project is consistent with the goals of Grow Grand Island and the 2014 Housing Study.

### **Time Frame for Development**

Development of this project is anticipated to be completed during between May of 2018 and May of 2019. The base tax year should be calculated on the value of the property as of January 1, 2018. Excess valuation should be available for this project for 15 years beginning in 2019 with taxes due in 2020. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years or an amount not to exceed \$40,946 the projected amount of increment based upon the anticipated value of the project and current tax rate. The developer will spend at least \$40,946,345 on eligible activities based on the estimates presented. Based on the projected increment the bonds on this project will be paid off in year 7 or 8 depending on final valuation.



## BACKGROUND INFORMATION RELATIVE TO TAX INCREMENT FINANCING REQUEST

### Project Redeveloper Information

Business Name:

Weinrich Developments Inc

Address:

1522 South Gunbarrel Rd, Grand Island, NE 68801

Telephone No.: (308) 218-9497 Fax No.:

Contact:

Sonja Weinrich

### Brief Description of Applicant's

Business: Weinrich Developments Inc. is a construction company and  
a rental property business. We incorporated in Feb 2014 and have been growing  
the property business since that time. We are currently in the middle of a 4 Plex  
TIF project.

Present Ownership Proposed Project Site: Community Redevelopment Authority

Proposed Site: 408 E. 2nd St, Grand Island, NE 68801

Proposed Project: Building square footage, size of property, description of buildings – materials, etc. Please attach site plan, if available.

Townhome style tri-plex, each unit approximately 1280 sq feet, 3 bedroom with 1 bath plus 1/2 bath. Vinyl siding. Concrete poured parking area off of the alley.

Each unit is 2 story and 40' x 16'

If Property is to be Subdivided, Show Division Planned:

VI. Estimated Project Costs:

Acquisition Costs:

A. Land \$ 15,000

B. Building \$ NA

Construction Costs:

A. Renovation or Building Costs: \$ 162,282.40

B. On-Site Improvements: \$ 27,196.00

Soft Costs:

A. Architectural & Engineering Fees: \$ 2,000.00

B. Financing Fees: \$

C. Legal/Developer/Audit Fees: \$ 5,600

City Fees and Attorney Reimbursement

D. Contingency Reserves: \$

E. Other (Please Specify) \$ 4,100

TIF Financing Fees

TOTAL \$ 216,178.40

Total Estimated Market Value at Completion: \$ 300,000.00

Source of Financing:

A. Developer Equity: \$

B. Commercial Bank Loan: \$ 206,478.40

Equitable Bank

Tax Credits:

1. N.I.F.A. \$

2. Historic Tax Credits \$

D. Industrial Revenue Bonds: \$

E. Tax Increment Assistance: \$

F. Other \$

Name, Address, Phone & Fax Numbers of Architect, Engineer and General Contractor:

General Contractor- Gary Weinrich 1522 S. Gunbarrel, Grand Island, NE 68801

308-390-2710, wnrk@gmail.com

Draftsman- Kevin Edgren, Edgren Designs, 308-850-2546, kevinedgren78@gmail.com

Estimated Real Estate Taxes on Project Site Upon Completion of Project:  
(Please Show Calculations)

Approximate Property Value upon completion x 1.872%

\$ 290,000 x .01872 = \$ 5,428.80

Base 15,000 Finished 300,000

285,000 x 0.0225491 = 6420

Project Construction Schedule:

Construction Start Date:

June 1, 2018

Construction Completion Date:

December 1, 2018

If Phased Project:

\_\_\_\_\_ Year \_\_\_\_\_ %  
Complete

\_\_\_\_\_ Year \_\_\_\_\_ %  
Complete

XII. Please Attach Construction Pro Forma

XIII. Please Attach Annual Income & Expense Pro Forma

(With Appropriate Schedules)

**TAX INCREMENT FINANCING REQUEST INFORMATION**

Describe Amount and Purpose for Which Tax Increment Financing is Requested:

Amount of Incremental Prospective Annual Real Estate Taxes over 2018 and 2019

Real Estate Taxes on the subject property for 15 years will be used to

develop the property.

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing

for Proposed Project: There is a shortage of housing in the Grand Island area.

This project would improve a blighted area and provide a new Tri Plex.

Cost would be high to build this multifamily property.

Municipal and Corporate References (if applicable). Please identify all other  
Municipalities, and other Corporations the Applicant has been involved with, or

has completed developments in, within the last five (5) years, providing contact person, telephone and fax numbers for each:

Currently in the build stage of a TIF project at 206 S. Plum St, Grand Island, NE

Contact Person: Sonja Weinrich (308) 218-9497

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IV. Please Attach Applicant's Corporate/Business Annual Financial Statements for the Last Three Years.

Post Office Box 1968  
Grand Island, Nebraska 68802-1968  
Phone: 308 385-5240  
Fax: 308 385-5423  
Email: [cnabfty@grand-island.com](mailto:cnabfty@grand-island.com)

Base Value \$ 15,000

Finished Value \$ 300,000

Increment \$ 285,000

Years

15 Total Incr \$96,293.99

Tax Entity	Bond	2017 Levy	2017 Base Taxes
City Levy		0.349845	\$52
	City Bond	0.025768	\$4
CRA		0.02243	\$3
Hall County		0.390571	\$59
Rural Fire			\$0
	Fire Bond*		\$0
GIPS School		1.08	\$162
	2nd Bond	0.06834	\$10
	4th Bond	0.034813	\$5
	5th Bond	0.109327	\$16
ESU 10		0.012375	\$2
CCC		0.094302	\$14
CPNRD		0.03239	\$5
Ag Society		0.002828	\$0
Airport		0.009564	\$1
	Airport Bond	0.019938	\$3
<b>Total Combined</b>		<b>2.252491</b>	<b>\$338</b>

Tax Entity	Bond	2017 Levy	2017 Taxes
City Levy		0.349845	\$997
	City Bond	0.025768	\$73
CRA		0.02243	\$64
Hall County		0.390571	\$1,113
Rural Fire			\$0
	Fire Bond*		\$0
GIPS School		1.08	\$3,078
	2nd Bond	0.06834	\$195
	4th Bond	0.034813	\$99
	5th Bond	0.109327	\$312
ESU 10		0.012375	\$35
CCC		0.094302	\$269
CPNRD		0.03239	\$92
Ag Society		0.002828	\$8
Airport		0.009564	\$27
	Airport Bond	0.019938	\$57
<b>Total Combined</b>		<b>2.252491</b>	<b>\$6,420</b>

**Projected Tri-Plex Cost  
408 E. 2nd St Grand Island, NE**

**Acquisition**

\$15,000.00

**Kitchen**

Cabinets	White Shaker Style	\$2,500.00
Hardware		\$100.00
Appliances	Stainless Steel	\$1,700.00
Countertops		\$300.00
Backsplash		\$250.00
Sink		\$250.00
Faucet		\$125.00
Garbage Disposal		\$100.00

<b>Per Unit</b>	<b>\$5,325.00</b>	X	<b>3</b>	
			<b>All Units</b>	<b>\$15,975.00</b>

**2nd Floor Full Bath**

Tub/Shower Combo		\$400.00
Toilet		\$225.00
Vanity w/ Top and Sink		\$329.00
Tri-View Med Cabinet		\$100.00
Backsplash		\$100.00
Towel Bar Set		\$50.00
Lighting		\$150.00

<b>Per Unit</b>	<b>\$1,354.00</b>	X	<b>3</b>	
			<b>All Units</b>	<b>\$4,062.00</b>

**1st Floor 1/2 Bath**

Toilet		\$225.00
Vanity		\$219.00
Cabinet		\$100.00
Backsplash		\$60.00
Lighting		\$100.00

<b>Per Unit</b>	<b>\$704.00</b>	X	<b>3</b>	
			<b>All Units</b>	<b>\$2,112.00</b>

**Flooring**

Luxury Vinyl Plank	555 sq ft x \$1.10	\$655.00
Plank Adhesive		\$141.00
2nd Floor Carpet		\$1,000.00
2nd flr Vinyl Plank	282 sq ft x \$1.10	\$310.20

	Per Unit	\$2,106.20	X	3		
					<b>All Units</b>	<b>\$6,318.60</b>
<b>EXTERIOR</b>						
Front Door & Hardware	\$250.00	x	3	\$750.00		
Windows- Bedrooms	\$115.00	x	6	\$690.00		
Windows- Lvgrm & Kitch	\$150.00	x	6	\$900.00		
Patio Doors & Hrdware	\$250.00	x	3	\$750.00		<b>\$3,090.00</b>
<b>Siding</b> <b>3,424 sq ft</b>						
						Need 20 sq/ 20 in stock already
						<b>\$1,780.00</b>
Have most of the siding already						
Have all soffit, facia, J-mold, outside corners and F-channel						
<b>Front Porch Gable</b>	\$750	x			3	<b>\$2,250.00</b>
<b>Exterior Wall Studs</b>						
2 x 6	240	x		4.69	\$1,125.60	
Top Plate					\$290.00	
Sill Plate					\$210.00	
Headers					\$150.00	<b>\$1,775.60</b>
<b>2nd Story Floor Joists</b>					Qty 38	\$2,504.20
Joist Hangers						\$320.00
LVL Beam						\$493.00
Ridge Beam						\$304.00
						<b>\$3,621.20</b>
<b>Interior Wall Studs</b>						
Between Units					x 6s - 1st & 2nd Stories	\$465.00
1st Story					2 x 4s	\$250.00
2nd Story					180 Qty - 2 x 4s	\$450.00
Stair Banister					3 @ \$50.00	\$150.00
						<b>\$1,315.00</b>
<b>Sheet Rock</b>						
Ceiling 1st & 2nd Story				5/8"		\$1,340.00
Exterior walls		1st & 2nd story		1/2"		\$1,005.00
Between Units		1st & 2nd story		5/8"		\$960.00
1st Floor walls				1/2"		\$580.00
2nd floor walls				1/2"		\$1,080.00
						<b>\$4,965.00</b>
<b>Sub Floor</b>						
OSB					2nd story 3/4"	<b>\$1,140.00</b>

**Stairs**

Stringers			\$432.00	
Steps			\$132.00	
Nails			\$50.00	
Stair Nose	\$100 per unit x 3		\$300.00	
				<b>\$914.00</b>

**Insulation**

Walls	1st & 2nd story	R-15	\$221.00	
Ceiling		R-19	\$645.00	
Insulation between units		13" deep	\$222.00	<b>\$1,088.00</b>

**Sheathing**

House Wrap			\$235.00	
Ext Wall Sheathing	100 pieces		\$1,300.00	
Nails			\$100.00	
Roof Sheathing	75 Pieces		\$935.00	
Nails			\$100.00	<b>\$2,670.00</b>

**Trusses (Gabel)**

Common	38 Pieces		\$5,000.00	
End	2		\$322.00	
Misc.			\$150.00	<b>\$5,472.00</b>

**Brick & Mortar**

Brick	Bottom 4 ft back building			<b>\$1,764.00</b>
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**Gutters**

				<b>\$552.00</b>
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**Vinyl Fencing**

Concrete and forms	Back patio fence and patio dividers		\$1,260.00	
Posts			\$200.00	
			\$192.00	<b>\$1,652.00</b>

**Interior Doors**

8 per unit	Price includes hardware	24	x	\$100.00	<b>\$2,400.00</b>
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**Sub Contract Labor**

**Roof**

Shingles	31 sq		\$1,970.00	
Wind and ice barrier			\$175.00	
Starter			\$41.00	
Vent			\$150.00	
Felt			\$108.00	
Ridge cap			\$40.00	
Nails			\$100.00	
Gutter apron			\$96.00	
Fascia board			\$150.00	
Drip edge			\$49.00	<b>\$2,879.00</b>

**Concrete**

Footings	176 L.F.	x \$25.00	\$4,400.00	
House pad	1920 sq ft		\$8,160.00	
Patio pads	3 x 48 = 144 sq ft		\$612.00	
Sidewalk	552 sq ft		\$2,346.00	
Parking Lot	40 x 55 = 2,200 sq ft		\$9,350.00	<b>\$24,868.00</b>

**Sheetrock Finisher**

**\$4,815.00**

**HVAC**

**\$15,000.00**

**Electrical**

**\$15,000.00**

New service to building				<b>\$1,500.00</b>
Pole light in parking lot		1 @	\$1,500.00	<b>\$1,500.00</b>

**Plumbing**

**\$15,000.00**

New sewer line to building				<b>\$4,000.00</b>
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**Drafting Fees**

**\$2,000.00**

**Sub Contract Labor**

**\$14,000.00**

Site prep				<b>\$1,500.00</b>
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**Gary Weinrich Labor**

**\$14,500.00**

Site prep				<b>\$1,500.00</b>
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**Tree Removal**

**\$6,000.00**

**Landscaping**

Rocks, mulch and greenery				<b>\$2,500.00</b>
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**TOTAL**

**\$206,478.40**

**408 E 2nd Street Tri-Plex Project**

Prepared January 9, 2018 by Sonja Weinrich

**Net Operating Income**

**Revenue Assumptions:**

<b>Unit #1</b>	<b>Monthly rent</b>	<b>Annual Rent</b>
3 bedroom 1.5 bath	\$1,100.00	\$13,200.00
<b>Unit #2</b>		
2 bedroom w/ Den or office 1.5 bath	\$1,100.00	\$13,200.00
<b>Unit #3</b>		
3 bedroom 1.5 bath	\$1,100.00	\$13,200.00
	<b>\$3,300.00</b>	<b>\$39,600.00</b>

<b>Annual Rent</b>	<b>\$39,600.00</b>	<b>Gross Potential Income</b>
<b>5% Vacancy Rate</b>	<b>\$1,980.00</b>	<b>Gross Operating Income</b>
	<b>\$37,620.00</b>	

**Project Costs**

Land	\$15,000	New Building/patio	3984	sq ft
Hard Construction Costs	\$191,478.40			

**Project Cost**      **\$206,478.40**      **\$57.01 per building sq ft**

**Cash Flow**

Project Cost	add 10% contingency			\$227,126.24
Monthly Payment			<b>Monthly</b>	<b>Annual</b>
Taxes			\$1,171.00	\$20,148.00
Insurance			\$452.40	\$5,428.80
Trash			\$125.00	\$1,500.00
Maintenance			\$40.00	\$480.00
			\$125.00	\$1,500.00
			<b>\$1,913.40</b>	<b>\$29,056.80</b>

**Annual Cash Flow above debt service and operating expenses**      **\$8,563.20**



Address

Address: 408 2ND ST E  
(  
Type: Multi-Family  
Sub Type:  
BHID: 33733



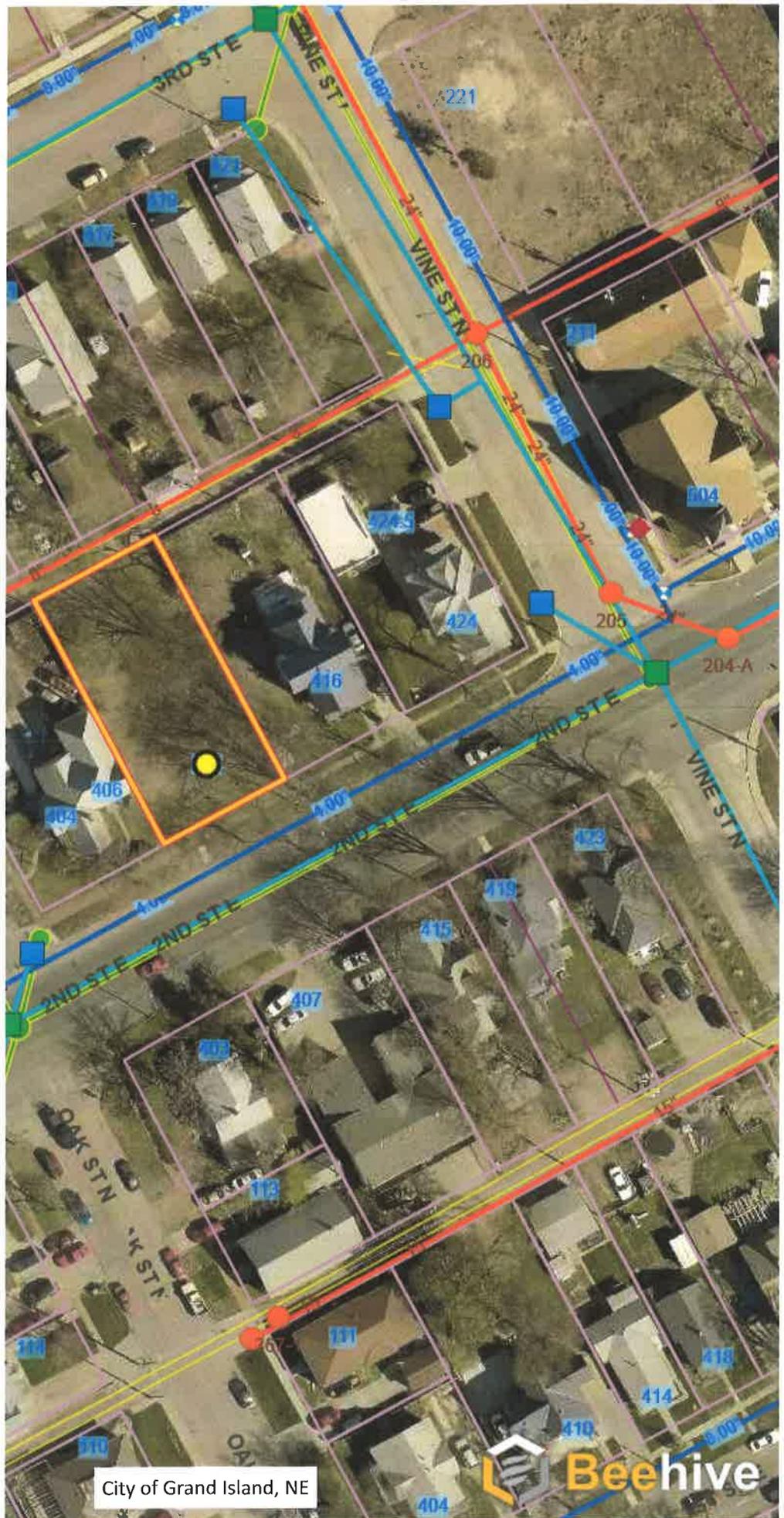
Lot

Register of Deeds  
(  
Subdivision: Grand Island Original Town  
(  
Block: 70  
Lot: 6



Parcel

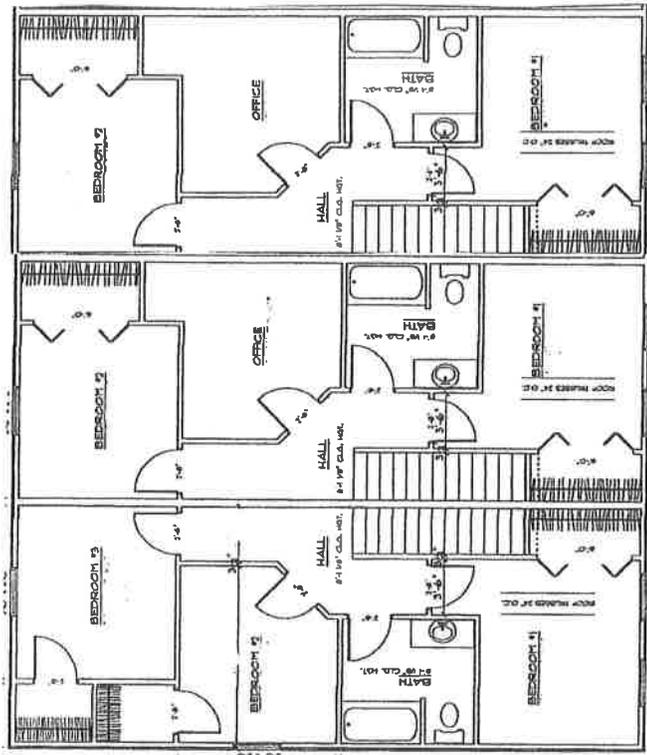
Assessor  
(  
Treasurer  
(  
District Information  
(  
Photos/Sketches  
(  
Pictometry Online  
(  
Parcel: 400006022  
Owner: COMMUNITY REDEVELOPMENT AUTHORITY  
Situs: 00408 \E 2ND



City of Grand Island, NE

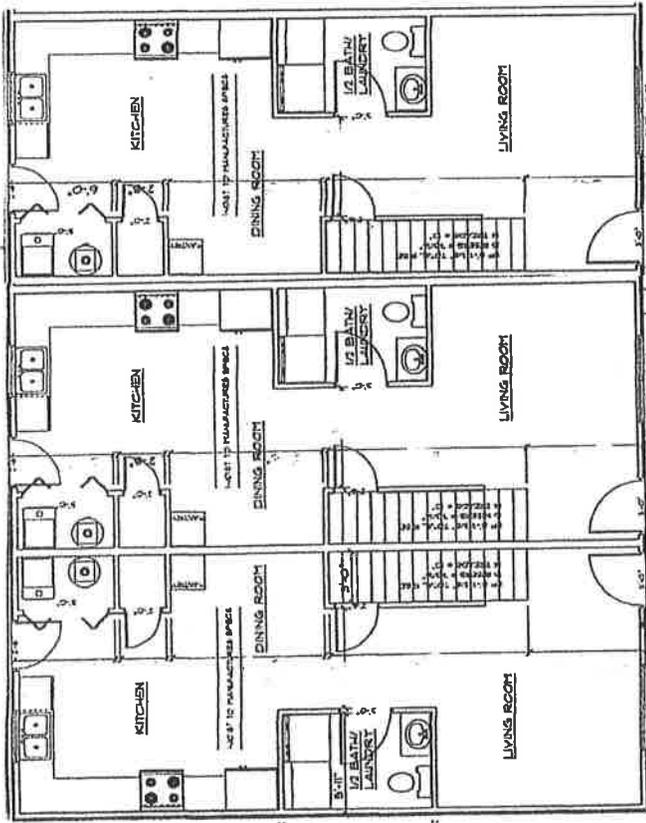


STORM SHELTER



2nd Floor

40'



1st Floor



NEW SIDEWALK

2nd Street

Proposed layout for 408 E. 2nd St. Tri-Plex

**COMMUNITY REDEVELOPMENT AUTHORITY  
OF THE CITY OF GRAND ISLAND, NEBRASKA**

**RESOLUTION NO. 264**

**RESOLUTION OF THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY  
OF GRAND ISLAND, NEBRASKA, SUBMITTING A PROPOSED  
REDEVELOPMENT CONTRACT TO THE HALL COUNTY REGIONAL PLANNING  
COMMISSION FOR ITS RECOMMENDATION**

WHEREAS, this Community Redevelopment Authority of the City of Grand Island, Nebraska ("Authority"), pursuant to the Nebraska Community Development Law (the "Act"), prepared a proposed redevelopment plan (the "Plan") a copy of which is attached hereto as Exhibit 1, for redevelopment of an area within the city limits of the City of Grand Island, Hall County, Nebraska; and

WHEREAS, the Authority is required by Section 18-2112 of the Act to submit said to the planning board having jurisdiction of the area proposed for redevelopment for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Authority submits to the Hall County Regional Planning Commission the proposed Plan attached to this Resolution, for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska.

Passed and approved this 14<sup>th</sup> day of February, 2018

COMMUNITY REDEVELOPMENT  
AUTHORITY OF THE CITY OF  
GRAND ISLAND, NEBRASKA.

By   
Chairperson

ATTEST:

  
Secretary

408 E 2<sup>nd</sup> Street-Weinrich Developments Inc.

**Resolution Number 2018-06**

**HALL COUNTY REGIONAL PLANNING COMMISSION**

**A RESOLUTION RECOMMENDING APPROVAL OF A SITE SPECIFIC REDEVELOPMENT PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF RELATED ACTIONS**

**WHEREAS**, the Chairman and Board of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the “**Authority**”), referred **the Redevelopment Plan for 408 E 2<sup>nd</sup> Street by Weinrich Development Inc.** to the Hall County Regional Planning Commission, (the “**Commission**”) for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to Section 18-2112 of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”); and

**WHEREAS**, the Commission has reviewed said Redevelopment Plan as to its conformity with the general plan for the development of the City of Grand Island, Hall County finding;

The proposed use as described in this plan is in compliance with the Comprehensive Plan for the City of Grand Island.

**NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:**

**Section 1.** The Commission hereby recommends approval of the Redevelopment Plan.

**Section 2.** All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

**Section 3.** This resolution shall be in full force and effect from and after its passage as provided by law.

**DATED:** March 14, 2018

**HALL COUNTY REGIONAL PLANNING COMMISSION**

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Secretary



# Hall County Regional Planning Commission

Wednesday, March 14, 2018

Regular Meeting

## Item F5

**Text Amendments Hall County Zoning Resolution Article 2  
Section 2.03 Definitions and Article 4 Sections 4.02 Agricultural-  
Primary District; 4.03 Secondary Agricultural District**

**Staff Contact:**

## **Agenda Item # 8**

### **PLANNING DIRECTOR MEMO TO REGIONAL PLANNING March 2, 2018**

#### **SUBJECT: Proposed changes regarding livestock operations in Hall County.**

In January of 2017 the Hall County Regional Planning Commission appointed a committee to review livestock zoning regulations within Hall County. The committee was composed of five planning commissioners - all four of those appointed by Hall County, Pat O'Neill, Len Rainforth, Judd Allan, and Greg Robb, and Les Ruge of Alda, who was appointed in 1990 and is the longest-serving planning commissioner. The Planning Commission requested that the Hall County Board assign one or two members of the board to the committee as well and Steve Schuppan and Karen Bredthauer were appointed. The committee began meeting in the latter part of January and has met several times since then to review the A-1 zoning regulations, livestock definitions, livestock operation siting matrix as developed for the Nebraska Department of Agriculture (NDA) and the Livestock Friendly County designation through the Nebraska Department of Agriculture.

The committee began with a review of the current Hall County agriculture regulations and a comparison of those regulations with regulations from the surrounding counties. It was concluded that Hall County's regulations, allowing 1,000 animal units as a permitted use on a farming operation were less strict than Adams, Buffalo and Howard Counties. Hamilton County regulations do not provide any guidance regarding the size of operation and Merrick County regulations would permit 2,500 animal units without a conditional use permit. Hamilton, Merrick, Howard and Adams counties have all been designated as Livestock Friendly by the Nebraska Department of Agriculture.

The ag zoning regulation changes as proposed add a localized version of the Livestock Siting Matrix into the decision-making process. They do not proposed to change size categories within the livestock operation mix although earlier versions did contemplate adding a size between 1001 and 5000. They do address newer confinement technologies, such as hoop buildings. The committee did review the Nebraska Department of Agriculture definitions of types of feeding operations based on the manure management and the setbacks proposed by the NDA. The committee is recommending that Hall County continue to divide Livestock Feeding Operations (LFOs) by open lots and environmentally-controlled housing. It is recommended that the separation distances between LFOs and other uses remain as they are in the current regulations. The required separation for environmentally-controlled housing would remain the same for all classes.

The Livestock Siting Matrix is a major change to the regulations. As proposed, the LFO Class II and above (1,001 animal units or more) would need to score at least 75 points to be considered as a permitted use. The first 25 point would come from approval and compliance with Nebraska Department of Environmental Quality (NDEQ) permits and regulations that apply to all LFOs with more than 1,000 animal units. The second 25 points would come from meeting the county separation distances or having impact easements that waive the separation distance. Those 50 points would be required. The other 25 points would be based on management practices including, but not limited to, environmental compliance, water quality protection, odor and dust control, manure application practices, traffic, economic impact and aesthetics.

Another significant change that has been suggested is that the county would recognize impact easements that could be agreed upon by all property owners that would allow feeding operations to locate closer to a neighboring use than the regulations would allow or allow a house to locate closer to a feeding operation than would otherwise be allowed. The Nebraska courts have validated these mutually agreed upon impact easements for livestock operations.

The Planning department did receive a number of comments on the proposed regulations after the meeting in April of 2017 many of the comments referenced both the Livestock Friendly County Designation and the proposed changes. Copies of those comments are included with these proposed changes.

In May of 2017, the Hall County Board authorized the Planning Department to make an application to the State of Nebraska Department of Agriculture for Hall County to be designated as Livestock Friendly. The Livestock Friendly County Designation was officially awarded to the Hall County during the Governor's Breakfast the first Sunday of the 2017 Nebraska State Fair.

\_\_\_\_\_ Chad Naby AICP, Planning Director

HALL COUNTY, NEBRASKA

ZONING RESOLUTION

A resolution, consistent with the Comprehensive Development Plan, Adopted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Hall County, Nebraska, to regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; the percentage of lot areas which may be occupied, building setback lines; size of yards, courts, and other open spaces; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; to divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of non-farm buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County; to provide for the adoption of a zoning map; to provide for a board of adjustment, its members, powers, and duties; to provide for off-street parking and loading area requirements; to provide for conditional uses by conditional use permit; to provide for the proper subdivision and development of land, as provided in the Subdivision Regulations; to provide for non-conforming uses, to provide for the administration and the enforcement of these provisions, and for the violations of its provisions and the prescribed penalties, and including among others such specific purposes as:

- (1) Developing both urban and non-urban areas;
- (2) Lessening congestion in the streets or roads;
- (3) Reducing the waste of excessive amounts of roads;
- (4) Securing safety from fire and other dangers;
- (5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
- (6) Providing adequate light and air;
- (7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- (8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- (9) Protecting the tax base;
- (10) Protecting property against blight and depreciation;
- (11) Securing economy in governmental expenditures;
- (12) Fostering the County's agriculture, recreation, and other industries;
- (13) Encouraging the most appropriate use of land in the County; and
- (14) Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with the comprehensive plan.

WHEREAS Nebraska Revised Reissued Statutes, 1943, Sections 23-114 through 23-114.05 and 23-164 through 23-174.06 as amended, empowers the County to adopt a zoning and subdivision resolution and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Hall County Board of Supervisors deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and  
WHEREAS, the Hall County Board of Supervisors has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Hall County Comprehensive Development Plan, 2003, as amended; and

WHEREAS, the Hall County Planning Commission has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Development Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the

**ARTICLE 4: DISTRICTS AND INTERPRETATION OF DISTRICT BOUNDARIES**

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overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

WHEREAS, the County Planning Commission has given reasonable consideration, among other things, to the prevailing agricultural and rural characteristics now predominant in the County, to the character of the districts and their peculiar suitability for the particular permitted uses, with a reasonable understanding of the objective to conserve the value of lands and improvements while encouraging the development of the most appropriate uses of land throughout the County; and

WHEREAS, the County Planning Commission has made a preliminary report, held public hearings, submitted its recommended final report to the County Board of Supervisors; and the County Board of Supervisors have given due public notice of hearings relating to the Comprehensive Development Plan, to the zoning districts, regulations, subdivision regulations, and restrictions, and has held such public hearing; and

WHEREAS, The County Board of Supervisors have deemed it necessary to adopt the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of the conservation of the existing rural agricultural developments and land uses, of providing for the harmonious development and orderly expansion of urban areas radiating outwardly from existing rural communities, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and health drinking water, and for reducing flood damage potentials; and

WHEREAS, the requirements of Neb. R.R.S. 1943, Section s 23-114 through 23-124.05, Sections 23-164 through 23-174, and Section 23-174.02, as amended, with regard to the recommendations of the Planning Commission, the Comprehensive Development Plan, the zoning districts, regulations, subdivision regulations and restrictions and the subsequent action of the County Board of Supervisors have been met;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF HALL COUNTY, NEBRASKA.



~~2.03.122 **CONFINED ANIMAL FEEDING OPERATION, MEDIUM** shall mean an farming operation which meets the following minimum numbers:~~

<del>200 mature dairy cows</del>	<del>37,500 chickens except laying hens (other than liquid manure handling system)</del>
<del>300 beef cattle or heifers</del>	<del>25,000 laying hens (other than liquid manure handling system)</del>
<del>750 swine (each 55lbs or more)</del>	<del>300 veal calves</del>
<del>3,000 swine (each under 55 lbs.)</del>	<del>150 horses</del>
<del>10,000 ducks (other than liquid manure handling system)</del>	<del>3,000 sheep or lambs</del>
<del>1,500 ducks (liquid manure systems)</del>	<del>16,500 turkeys</del>
<del>9,000 chickens (liquid manure systems)</del>	

~~Any combination of animals shall follow the definition of Animal Units in order to establish the intensity of Confined Animal Feeding Operation~~

- 2.03.123 **CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.
- 2.03.124 **CONFLICTING LAND USE** shall mean the use of property that transfers over neighboring property lines, negative economic or environmental effects. Including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.03.135 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.
- 2.03.170 **ENVIRONMENTALLY CONTROLLED HOUSING** shall mean any livestock operation meeting the definition of a Livestock Feeding Operation (LFO) and is contained within a building which is roofed, and may or may not have open sides and contains floors which are hard surfaced, earthen, slatted or other type of floor. The facility is capable of maintaining and regulating the environment in which the livestock are kept. Does not include Hoop Houses with dry bedding.
- 2.03.179 **FARM** shall mean an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed; provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- 2.03.180 **FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- 2.03.181 **FARMSTEAD**, In contrast to a farmstead dwelling, a tract of land of not less than one (1) acre and not more than 20 acres, upon which a farm dwelling and other outbuildings and barns existed at the time of the adoption of this resolution and was used for single-family resident purposes.
- 2.03.182 **FEED LOT** shall mean the confinement of horses, sheep, pigs, and other food animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals.

HOOP HOUSE shall mean a temporary or permanent structure typically constructed with, but not limited to, piping or other material covered with translucent material. Hoop houses are typically used for the purpose of growing food, ornamental crops and livestock, but not for storage of inorganic materials. A hoop house for raising livestock that uses a dry bedding systems shall be treated as an open feed lot. A hoop house for raising livestock with a slatted floor, deep pit or other liquid manure management system shall be treated as environmentally controlled housing."

**IMPACT EASEMENT** shall mean an easement or deed restriction recorded in the office of the County Register of Deeds. Impact easements shall run with the land. Impact easements are an agreement between property owners where the grantor shall hold the grantee harmless for odor, smoke, dust, or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction. Eg. The owner of a home may grant an impact easement to a Livestock Feeding Operation allowing the operation to expand or locate closer to the home than permitted by the County regulations. Conversely, the owner of a Livestock Feeding Operation may grant an impact easement to allow the construction of a house within the separation distance required between the feeding operation and a new residential structure under different ownership than the feeding operation.

2.03.233 **LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

2.03.239 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface.

2.03.240 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production.

2.03.241 **LIVESTOCK** (See Animals, Farm)

2.03.242 **LIVESTOCK FEEDING OPERATION (LFO)** shall mean any farming operation exceeding the per acre Animal Unit (A.U.) ratio as defined under "farming" or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than six (6) months in any one calendar year, and where the number of animals so maintained exceeds three 300 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two (2) or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:

- One (1) A.U.= One (1) Cow/Calf combination;
- One (1) A.U.= One (1) Slaughter, Feeder Cattle;
- One (1) A.U.= One-half (1/2) Horse;
- One (1) A.U.= Seven Tenths (.7) Mature Dairy Cattle;
- One (1) A.U.= Two and One Half (2.5) Swine (55 lbs or more);
- One (1) A.U.= Twenty Five (25) Weaned Pigs (less than 55 lbs);
- One (1) A.U.= Two (2) Sows with Litters;
- One (1) A.U.= Ten (10) Sheep;
- One (1) A.U.= One Hundred (100) Chickens;
- One (1) A.U.= Fifty (50) Turkeys;
- One (1) A.U.= Five (5) Ducks.

**LIVESTOCK SITING MATRIX** shall mean the matrix attached to this zoning resolution as APPENDIX B as adopted by the Hall County Board of Supervisors for the purposed of determining if a new or existing livestock operation in classes II, III, and IV should be allowed to or considered for expansion or construction.

2.03.243 **LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock

cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

2.03.282 **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

NON-FARM RESIDENCE any residential dwelling not located on a farm.

2.03.289 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

2.03.309 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

2.03.438 **WASTE HANDLING SYSTEM** shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems

1. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
2. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.
3. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
4. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.

2.03.439 **WASTEWATER LAGOON** (See Lagoon)

2.03.440 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

### **Article 3: General Regulations**

#### **Section 3.23 Building Setback**

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.

All new non-farm residences shall locate no less than at the corresponding distances provided in Section 4.02.08 from an Existing Agricultural Operation or permitted LFO with more than 100 animal units ~~located in any affected adjacent Zoning District.~~

**Section 4.02: A-1 Agricultural – Primary District**

**4.02.01 Intent**

The A-1 Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major uses to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses. The A-1 Agricultural District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

The nature of the A-1 Agricultural District and the uses allowed outright or by conditional use permit precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

**4.02.012 Permitted Principal Uses**

The following principal uses are permitted in the Agriculture A-1 District.

- A Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
  - 1. State Agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
  - 2. The spreading of manure by a “Farming” Operation. (as defined in Article 2 of this Resolution)
  - 3. Agricultural operations having up to 1,000 A.U.’s are considered a farm and are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Hall County Regional Planning Director is done.
  - 4. Operations having up to 1,000 animal units shall locate at least 1,320 feet from a platted residential area, Public Park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.
  - 5. Mobile homes are permitted only when the land is used or intended to be used only for agricultural operations. All mobile homes require a special one- (1) year permit which must be renewed annually and which shall be subject to the conditions of the permit.
- B Ranch and farm dwellings, subject to Section 4.02.08.
- C Recreational camps, parks, playgrounds, golf courses, country clubs, tennis courts, riding academies and other similar recreational uses.
- D Single family dwelling subject to Section 4.02.08
- E Utility substation, pumping station, water reservoir and telephone exchange
- F Fire Stations.
- G Churches, seminary and convent.
- H Public and parochial school; college.
- I Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
- J Private kennels and facilities, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- K Roadside stands offering agricultural products for sale on the premises.
- L Seed and feed sales, machine repair shop, livestock equipment construction and sales, as a primary occupation in conjunction with an agricultural operation and be operated on the premises.

- M Farm and industrial equipment sales.
- N Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept is no closer than 100 feet from the property line
- O All other Permitted Uses as indicated as Permitted within the Zoning Matrix.

**4.02.03 Conditional Uses**

The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the A-1 Agricultural District.

- A Bed and breakfast residence subject to the following conditions in addition to those imposed by the Planning Commission:
  - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
  - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
  - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
  - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
- B Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
- C Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- D Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- E All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- F Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary Regulations.
- G Radio, cellular and television towers and transmitters and are subject to the requirements of Section 6.01 of the Supplementary Regulations.
- H Airports.
- I Manufacture of light sheet metal products including heating and ventilation equipment.
- J Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
- K Truck and freight terminals.
- L Commercial mining, quarries, sand and gravel pits and accessory uses.
- M Storage of trucks, tractors, and trailers engaged in the transportation of explosives.
- N Race tracks, drag strips and similar uses and associated accessory uses.
- O Wind Energy devices.

- P Community sewage disposal facilities.
- Q Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than 1,000 feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution, see Section 6.04 of the Supplemental Regulations.
- R Lawn and Garden Nurseries.
- S Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
- T The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
- U The application of livestock manure in Hall County by operations located outside the County.
- V Class II, III, and IV Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Hall County Comprehensive Plan.

**4.02.04 Standards for Livestock Feeding Operations**

1. The following setbacks and design standards are the minimum sanitation and odor practices for Hall County. In addition, the Hall County Board of Supervisors, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
  - property values,
  - dust,
  - lighting,
  - waste disposal and
  - Dead livestock.
2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
2. Agricultural Operations of 1,000 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit.
- 3.
4. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 1, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:
  - A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:
    - Class I Facility = 301-1,000 animal units;
    - Class II Facility = 1,001-5,000 animal units;
    - Class III Facility = 5,001-20,000 animal units; and
    - Class IV Facility = 20,001 or more animal units.

LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

**TABLE 1: LFO SPACING AND DISTANCE** (Distances given in feet/miles)

Size of Proposed LFO in Animal Units.	Non-farm or Other Residence and Other LFOs (feet)
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<b>Class I</b> <b>301-1000</b>	ECH	1,320
	OPEN	1,320
<b>Class II</b> <b>1001-5000</b>	ECH	5,280
	OPEN	2,640
<b>Class III</b> <b>5001-20,000</b>	ECH	5,280
	OPEN	2,640
<b>Class IV</b> <b>20,000+</b>	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing

OPEN = Open Lot Operations

- B. LFOs having more than a 1,000 animal units shall also locate at a distance as specified under the ECH or Open Lots, in Table 1 from a house under different ownership than the owner/operator of the LFO a platted, a residential area, public park, recreational area, church, cemetery (excluding abandoned and personal historic cemeteries), religious area, school, state or nationally designated historical site, and Rresidential Ddistrict. LFO’s may locate closer than the specified distance if the owner of said property has granted an impact easement (distance waiver) and filed said documents against the property granting the easement.
- C. All LFO’s over 20,000 Animal Units shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.
- D. The producer shall have a Pre-submission meeting with the Hall County Regional Planning Director and Hall County Building Inspector to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for Livestock Feeding Operations.
1. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (NDEQ) or any other applicable State Agency.
  2. The applicant shall submit all pertinent materials and designs, as per the Conditional Use Permit Application for Livestock Feeding Operations.
  3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEQ approval if different from the proposed. Said plans shall be filed with the Hall County Regional Planning Director.
  4. Shall also file a copy of all approved NDEQ plans and permits with the Hall County Regional Planning Director within 30 days after they are issued by the NDEQ.
  5. An annual manure management plan shall be submitted to the Hall County Regional Planning Director which shall follow “best possible management practices” as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
  6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also located on the proposed site plan indicated in number (A) above.
  7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
  8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
  9. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize offer

and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.

10. The setbacks from an LFO to any non-farm dwelling, other residence or other LFO are as follows in Table 2:

5. Exceptions:

A. Any Class I Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with **all** of the following limitations:

1. Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.
2. Any physical expansion of the existing LFO shall be immediately contiguous with the facilities of the existing LFO.
3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a LFO that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this Resolution. Any expansion beyond this limitation is prohibited unless a Conditional Use Permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the County Board of Supervisors.
4. If such expansion results in such LFO being required to obtain a new construction permit from NDEQ, introduction of additional animals shall be prohibited until said permit is issued by NDEQ or other applicable or successor agency has been issued and such LFO shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this Resolution.

**4.02.05. Accessory Uses**

The following accessory buildings and uses are permitted in the A-1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Home occupation.
3. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

**4.02.06 Lot Requirements and Intensity of Use**

1. The following table lists the minimum lot requirements and maximum building requirements in an A-1 District. These requirements shall be followed unless otherwise modified by this Resolution

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
<b>Permitted Uses</b>	<b>20</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>
<b>Conditional Uses</b>	<b>20</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>
<b>Agricultural uses</b>	<b>1</b>	<b>100</b>	<b>35</b>	<b>35</b>	<b>20</b>	<b>10%</b>	<b>20,000</b>	<b>35<sup>1</sup></b>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

2. The following requirements are allowed in specific situations within the jurisdiction of Hall County. These requirements are:
  - A. ANY PERSON OR PERSONS WHO:
    - (1) owns a tract of 80 acres or more may sell one tract per 80 acres for a single family dwelling, providing such sale has not been previously exercised on the large tract; and/or

- (2) owns an existing ranch or farm dwelling that is 10 years old or more may sell a tract containing such dwelling;
- (3) providing the following space limitations are complied with:

Min Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Max. Building Height (feet)
		Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
20,000	80	30	25	15	40%	35 <sup>1</sup>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

**4.02.07 Prohibited Uses**

- 1. Any use not specifically listed as a permitted principal use or permitted accessory use.

**4.02.08. Supplementary Regulations**

- 1. Residential dwelling units on non-agricultural land existing at the time of passage of these regulations, may construct accessory structures, make repairs, replace, remodel, rebuild or replace the residential structure in case of damage regardless of the percent of damage or extent of structural change provided the use does not change.
- 2. All new and existing livestock feeding operations and farms with livestock of 10300 animal units or less shall require a no-fee livestock registration permit. In addition, all new or expanded Livestock Feeding Operations of over 31000 animal units shall need to score at least 75 points on the Livestock Siting Matrix found in Appendix B and require a Conditional Use Permit as subject to in Section 4.03, subsection B of this Article.
  - A. New non-farm residences shall be located no less than at the following distances and those shown in Table 2: Non-farm Residential Spacing and Distance, from an existing agricultural operation having between 50 and 3001000 animal units and an LFO based upon the type of operation. New residences may be located closer to an LFO if the owner of such residence has been granted an impact easement from the owner of the LFO and the owner of the residence has granted an impact easement to the LFO.. Both easements shall be filed with the Register of Deeds.

**TABLE 2: NON-FARM RESIDENTIAL SPACING AND DISTANCE (Distances given in feet)**

	1000-1000300	301001-1t5,000	5,001-20,000	20,000+
<b>New Residence* near open lots</b>	1,980	1,9803960	3,960	5,940
<b>New Residence* near ECH</b>	1,980	1,9807,970	7,920	11,880

\*This shall not prohibit building a residence within the specified distance as part of the farming/feeding operation.

**Section 4.03: A-2 – Secondary Agricultural Secondary District**

**4.03.01 Intent**

The intent of this district is to recognize the agricultural uses of land and communities; to encourage the continued use of that land which is suitable for agriculture, but limit the land uses that may be a detriment to the efficient pursuit of agricultural production.

**4.03.02 Permitted Principal Uses**

The following principal uses are permitted in the A-2 – Secondary Agricultural Secondary District:

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises; provided that the operation is no more than 500 animal units and, that any building, structure or yard for the raising, confinement, housing, or sale of livestock or poultry shall be located at least 1,320 feet from a neighbor's dwelling, and further provided, that there shall be no feeding, spreading, accumulation or disposal of garbage, rubbish, or offal on any open surface of the land.
2. Churches and publicly owned and operated community buildings, public museums, public libraries.
3. Single-family dwellings, provided the intensity of use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road.
4. Fish hatcheries, apiaries, aviaries.
5. Forests and wildlife reservations, or similar conservation projects.
6. Fur farming for the raising of fur bearing animals.
7. Golf courses and clubhouses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
8. Hospitals, sanitariums, homes for the aged and feeble minded.
9. Private Kennels, provided the buildings and pens shall be located at least 100 feet from the property line and 300 feet from any neighboring residence.
10. Mushroom barns and caves.
11. Nurseries, greenhouses, and truck gardens.
12. Philanthropic or eleemosynary institutions.
13. Picnic groves.
14. Publicly owned parks and playgrounds, including public recreation or service building within such parks, public administrative building, police and fire stations and public utility buildings and structures.
15. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
16. Railroad rights-of-way not including railroad yards.
17. Riding stables and riding tracks.
18. Cemeteries and mortuaries.
19. All Permitted Uses as indicated in the Zoning Matrix.

#### **4.03.03 Conditional Uses**

The following conditional uses may be allowed as per Article 5 of this Resolution. Approval shall depend upon the ability of the application to meet specific minimum conditions/requirements. The final consideration may require additional conditions to be met that are specific to the site in question.

1. Airports and heliports.
2. Bed and breakfast residence subject to the following conditions in addition to those imposed by the Governing Body:
  - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
  - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
  - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
  - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
3. Commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
4. Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.

- C. Meets minimum sanitary sewer requirements for the proposed use.
- D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 5. Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 6. All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
  - A. Meets minimum lot requirements as established by this Resolution.
  - B. Meets minimum off-street parking requirements as established by this Resolution.
  - C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
- 7. Farm and industrial equipment sales
- 8. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand and soil and conditions referred to in Section 6.02 of the Supplemental Regulations.
- 9. Wind Energy systems
- 10. The application of manure by any livestock feeding operation (LFO as defined in these Regulations) from inside or outside the County.
- 11. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 12. Radio, Cellular and television towers and transmitters and subject to the requirements of Section 6.01 of the Supplemental Regulations.

**4.03.04 Permitted Accessory Uses.**

The following accessory buildings and uses are permitted in the A-2 District.

- 1. Buildings and uses customarily incidental to the permitted and conditional uses.
  - 2. Home occupation.
  - 3. Temporary buildings and uses incidental to construction work and shall be removed upon the completion or abandonment of the construction work.

**4.03.05 Area and Intensity Regulations**

In the A-2 - Secondary

Agricultural Secondary District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

The minimum lot requirements shall be as follows:

Uses	Min Lot Area (acres)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage	Min Lot Area per dwelling unit (sq. ft.)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)			
<b>Permitted Uses</b>	<b>3</b>	<b>100</b>	<b>30</b>	<b>25</b>	<b>15</b>	<b>25%</b>	<b>20,000<sup>2</sup></b>	<b>35<sup>1</sup></b>
<b>Conditional Uses</b>	<b>3</b>	<b>100</b>	<b>30</b>	<b>25</b>	<b>15</b>	<b>25%</b>	<b>20,000<sup>2</sup></b>	<b>35<sup>1</sup></b>

<sup>1</sup> for structures intended for human occupancy, all others no restrictions.

**4.03.06 Prohibited Uses**

Any use not specifically listed as a permitted principal use or permitted accessory use.

## Hall County Nebraska Animal Feeding Operation Siting Matrix

Livestock Operation Name  
 Address  
 Legal Description  
 Acreage of Property Owned with Operation

### BASIC INFORMATION

A Livestock Operation Size		Number		Points	Score
1	Number of animals (for multiple species or production phases, record separately)			X	X
2	Animal Units (see Animal Units tab for calculator)			X	X
		Yes	No		
1	Class II or Larger+ livestock operation (1,001 animal units or more)			X	X
2				X	X
3				X	X

### NDEQ STATUS

B Environmental Protection Plans		Yes	No	Points	Score
1	NDEQ has issued letter that no construction and/or operating permit is required			25	
2	All NDEQ construction and operating permit(s) will be in place prior to operation, as required, including the following (if not applicable, write NA):			25	
3	Nutrient Management Plan			X	X
4	Animal Mortality Management Plan			X	X
5	Request for Inspection of Animal Feeding Operation (Title 130 - Form A)			X	X
6	Permit Application (Title 130 - Form B)			X	X
7	Applicant Disclosure (Title 130 - Form C)			X	X
8	Livestock Feeding Operation Narrative			X	X
9	Livestock Feeding Operation Site Plan, Construction Drawings, and Maps			X	X
10	Construction Quality Assurance Plan			X	X
11	Manure Production and Storage/Treatment Calculations			X	X
12	Operation and Maintenance Plan			X	X
13	Chemical Management Plan			X	X
14	Emergency Response Plan			X	X
15	Sludge Management Plan			X	X
16	Livestock Operation Closure Plan			X	X
17	Best Management Practices for Odor Control			X	X
<b>SUBTOTAL (subtotal not to exceed 25 points for this section)</b>					0

### SETBACKS/SEPARATION DISTANCES

C Siting relative to dwellings and public places (refer to Separation Distances tab)		Yes	No	Points	Score
1	Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place			25	
<b>SUBTOTAL (total not to exceed 25 points for this section)</b>					0

**OTHER CONSIDERATIONS**

<b>D Environmental Compliance Record</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Owner has operated an animal feeding operation (AFO) for at least 5 years AND is in good standing with all State and Federal enforcement agencies			5	
<i>SUBTOTAL</i>					0
<b>E Water Quality Protection - Livestock Facilities</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	The majority of animals housed within a confinement building			2	
	For only the facility that contains the majority of manure or effluent, select any that describe the livestock waste control facility:	<del></del>	<del></del>	<del></del>	<del></del>
2	Open lot with stockpile			0	
3	Vegetative treatment system for runoff			1	
4	Runoff containment structures			2	
5	Roofed manure containment			2	
6	Concrete-equivalent containment structure			2	
7	Clay-lined or Geomembrane-lined containment structure			1	
10	Additional storage capacity (25% or more than NDEQ requirements)			2	
8	Select the smallest separation distance between any well used for domestic purposes and a Livestock Waste Control Facility:	<del></del>	<del></del>	<del></del>	<del></del>
	100 to 150 feet			0	
	151 to 300 feet			1	
	301 feet to 1,000 feet			2	
<i>SUBTOTAL (total not to exceed 15 points for this section)</i>					0

<b>F Odor and Dust Control for Facilities</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
	Check all that apply for the majority of animal confinement or manure storage:	<del></del>	<del></del>	<del></del>	<del></del>
1	Biofilter treatment of exhaust air from fans (primarily for odor control)			3	
2	Oil/water sprinkling for dust control in animal areas			2	
3	Electrostatic/Ionization system for dust control in animal areas			2	
4	Windbreaks placed to intercept air emissions			2	
5	Solids routinely separated from liquids and:			1	
	Stockpiled for later application to land			0	
	Composted, dried and used for bedding, or equivalently treated.			1	
6	Cover on manure storage or first (settling) cell of multi-cell system			1	
	Impermeable cover with flare or gas treatment			2	
7	Aerobic treatment			1	
8	Anaerobic digester			3	
9	Other supplemental odor reduction measures (supported by verifiable scientific data)			2	
<i>SUBTOTAL</i>					0

G Manure Application Practices		Yes	No	Points	Score
1	Select the primary method of manure application under normal conditions for the majority of manure applied and indicate any control practices followed for application to 50% or more of the land receiving manure:				
1a	Subsurface application (also referred to as "injection")			3	
1b	Surface-applied solids			-2	
	Incorporated within 2 days of application			3	
	Incorporated within 3 to 7 days of application			2	
	Incorporated prior to planting but more than 7 days after application			1	
1c	Surface-applied slurry or effluent (excl. sprinkler irrigation)			-5	
	Application equipment discourages drift and encourages entry into soil			2	
	Incorporated within 2 days of application			3	
	Incorporated within 3 to 7 days of application			1	
1d	Sprinkler irrigation			-3	
	Utilize drop nozzles or distribution hoses			1	
	Utilize a monitoring and alarm system			1	
	Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDEQ, during application			1	
	Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDEQ			-2	
2	Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure)				
	Conservation tillage is implemented			1	
	No-till farming is implemented			2	
	Application is primarily to fields with a growing crop			1	
	Application is primarily to fields with an established crop canopy			2	
	Cover crops or additional approved erosion-control practices are used			2	
<b>SUBTOTAL (total not to exceed 6 points for this section)</b>					0
H Manure Application Separation		Yes	No	Points	Score
1	Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas.				
	Additional 50 to 100 feet			1	
	Additional 101 to 500 feet			2	
	Additional 501 to 1,320 feet			3	
	Additional 1,321 to 2,640 feet			4	
	Additional 2,641 feet and greater			5	
2	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places			2	
3	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters			3	
4	Vegetative buffers present on 25 to 50% of natural surface drains on all application areas			1	
5	Vegetative buffers present on 51 to 100% of natural surface drains			3	
<b>SUBTOTAL</b>					0

I Additional Assurance of Environmental Protection		Yes	No	Points	Score
1	Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation:				
	Operation and Maintenance Plan			1	
	Animal Mortality Composting Plan			1	
	Chemical Management Plan			1	
	Emergency Response Plan			1	
	BMP for Odor Control Plan			1	
	Nutrient Management Plan			1	
2	Assurance that earthen livestock waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate $\leq 0.125$ inch/day			1	
3	Assurance that earthen livestock waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained			1	
<b>SUBTOTAL</b>					0
J Traffic		Yes	No	Points	Score
1	Main entrance to livestock operation located on minimum maintenance road			-3	
2	Livestock operation has a cost-share agreement with the county for road maintenance			5	
3	Vehicle entrance and turnaround is designed so that traffic will not be required to back into the livestock operation from the county road			3	
4	Heavy vehicle route established that avoids bridges or roads with weight restrictions			3	
5	For the primary application method under normal conditions, the livestock operation can avoid county roads to apply:				
	Up to 25% of manure nutrients generated			1	
	25 to 50% of manure nutrients generated			2	
	More than 50% manure nutrients generated			3	
<b>SUBTOTAL</b>					0

<b>K Authorized Representative and Manager Residency</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Authorized representative lives or will live within one year of beginning operation:	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
2	On the site or within the separation distance for odor			5	
3	Between separation distance for odor and 10 miles of the livestock operation			3	
4	Between 10 miles and 50 miles of the livestock operation			1	
5	Manager lives or will live within one year of beginning of operation:	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
6	On the site or within the separation distance for odor			5	
7	Between separation distance for odor and 10 miles of the livestock operation			3	
8	Between 10 miles 50 miles of the livestock operation			1	
<b>SUBTOTAL</b>					0
<b>L Economic Impact Factors</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
1	Will add property value as of county permit issue date by:	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
	\$50,000-\$250,000			1	
	\$250,000-500,000			2	
	\$500,000-\$1,000,000			3	
	More than \$1,000,000			4	
2	Will create the following number of new full-time or equivalent jobs:	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
	1 to 3			1	
	4 to 9			2	
	10 or more			3	
<b>SUBTOTAL</b>					0
<b>M Landscape and Aesthetic Appearance</b>		<b>Yes</b>	<b>No</b>	<b>Points</b>	<b>Score</b>
Check all that will apply:		<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
1	Landscaping plan will be implemented			2	
2	Visual barriers (i.e. fences, gating, trees) will be put in place			2	
3	Animal mortality will be managed so as to not be viewable from a public road			1	
	Handling of animal mortalities will be viewable from public road			-3	
4	Site designed to facilitate clean surface water drainage away from livestock operation			2	
5	Separation distance of at least 1.5 times county required distance from centerline of frontage road to livestock facility			3	
<b>SUBTOTAL</b>					0
<b>Cummulative Points</b>					<b>#REF!</b>

Score (A project that reaches 75 points or above shall be granted a conditional/special use permit by the county) = **#REF!**

**LEININGER, SMITH, JOHNSON, BAACK,  
PLACZEK & ALLEN**

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TANYA J. HANSEN

April 12, 2017

Hall County Regional Planning Commission  
Attn: Chad Nabity  
PO Box 1968  
Grand Island, NE 68802-1968

Re: Proposed Revisions to Livestock Feeding Operation Zoning Regulations

Dear Chad:

I appreciated the opportunity to attend the hearing on April 5, 2017, and to provide my thoughts on behalf of my clients concerning the proposed change of zoning regulations relating to Livestock Feeding Operations. As further suggested by Chairman O'Neill, I believe it might be of some assistance to provide you with those concerns in a written format.

As I had mentioned, the Siting Matrix referenced in the proposal presented in the Hall County Zoning Review Committee report did not include important definitions that are actually found in the Matrix utilized by the Nebraska Department of Agriculture. I believe these definitions are important to take away subjectivity in respect to the proposed matrix and need to be consistent with definitions and concepts otherwise found in the proposed regulation.

As the course of discussion continued, it became apparent to me that with the exception of the lone situation involving Mr. Kohlhof, there really has been no issue with regard to the existing regulations adopted in 2004. As was the case, those 2004 regulations were not and could not be retroactively applied to existing cattle feeding operations at the time of adoption. Those operations constituted permitted non-conforming uses.

As is evident from your presentation, no other operators have even applied for a conditional use permit under the zoning provisions that have been in effect for almost thirteen (13) years, and there have been no other issues regarding Class I facility operations that have resulted in concerns by a rural residential property. In fact, as you have pointed out, although it is possible for a Class I facility to obtain a no-fee livestock registration permit to prevent residential properties being constructed within a prohibited distance of that facility, such action is rarely, if ever, taken by the Class I facility operators in Hall County.

In light of this lack of general clamor for change, I hope that the current push to revise existing regulations, which have been apparently working fine, does not result in the creation of a greater problem all for the sake of allowing expansion of an operation that knew of the rules and, instead of complying with those rules, has exceeded capacities without county or NDEQ approvals in advance.

As Mr. Hehnke stated, as long as the operation remained at the 1,000-or-under capacity levels, it did not pose a nuisance to his property. However, there are now two Class I facilities operating essentially adjacent to each other due to the technicality that there is a different operator identified as the owner. This has resulted in a situation where there are now 2,000 head of cattle creating the fly and odor concerns expressed by Mr. Hehnke.

In theory, based upon the scenario that there can be one Class I Livestock Feeding Operation in existence on each 20-acre parcel of farm ground, so long as adjacent operations are under separate ownership, under the existing regulations and there could be one Class II livestock Feeding Operation in existence on each 20-acre parcel under the proposal being considered by the Hall County Regional Planning Commission, it would mean that for each 80-acre parcel, so long as the required setback distance from a residential property is maintained, there could potentially be from 4,000 to 20,000 Animal Units affecting adjacent residential properties. Under the current proposal presented by the Zoning Review Committee, despite the concentration of livestock in a limited area, there would be no need to go through the conditional use process even though the combination far exceeds the Class III maximum for which the Siting Matrix would qualify a commonly-owned Livestock Feeding Operation as a permitted use in the A-1 Agricultural District.

It would appear to me that to prevent such potential abuse by creative operators, the regulations need to be revised to provide that no Livestock Feeding Operation of any class not requiring a conditional use permit should be allowed to operate within one (1) mile of any other Livestock Feeding Operation not requiring a conditional use permit.

As I mentioned, one of the most significant revisions being proposed is actually the removal of a provision for policing and enforcement of compliance when the regulations eliminate the need for Livestock Feeding Operations to obtain a conditional use permit before beginning operations if the particular operation does not exceed 5,000 in number. Again, while existing operations have not been required to obtain such a conditional use permit since they were grandfathered as existing non-conforming uses, the fact in point is that those operations are well-known to the communities where they have been established for some time and have a track record of good stewardship to those communities and neighbors who may have moved to encompass them over the years. It is the "new" operator that actually may need additional guidance in the protocol of operation and time to develop a record of compliance that probably needs to be encouraged along the right path through the conditional use process. This is really no different than many types of conditional business uses that are identified throughout the cities and villages of this County.

Automatically identifying a new Livestock Feeding Operation under 5,000 Animal Units as a permitted use by having that proposed operation complete responses to a Matrix without verification will definitely create a potential for fudging actual practices since the proposed Matrix includes responses for its scoring that actually would relate to operational practices after the proposed Livestock Feeding Operation is up and running. There is no procedure for actual verification of future operation nor a method of enforcement or sanction in the event the Matrix proves to be inaccurate in actual practices such that the operator would not have met the 75-point requirement for initial siting approval. At the very least there needs to be a procedure in place for verification of ongoing compliance by a representative of the County and the potential for loss of ability to continue operations for chronically failing to maintain compliance through an administrative procedure invoked by the County.

Finally, I believe any reduction in the spacing for operations of the sizes identified in the current zoning adopted in 2004 actually may provide a basis for all rural homeowners to pursue an action if a Livestock Feeding Operation is permitted under the proposed zoning regulations to operate at reduced distances from their homes. These homeowners who moved to or constructed rural residences in portions of the county with the expectation that Livestock Feeding Operations needed to at least be located by the specified setbacks in place since 2004 may be able to establish a claim against the County for devaluation of their property under color of law.

Although I believe that everyone recognizes the value of livestock operations to Hall County, there does need to be a balance afforded to encourage residential development in rural areas also. It would appear that the existing process affords such a balance and is actually less restrictive than some of the immediately surrounding counties. To date, as I believe was evident from the initial comments to this proposed zoning change, there is actually no pressing need for change other than to appease a single operator who has elected to carry on an operation in an area where he knew the rules in advance and now simply wants to change those rules to meet his individual objectives in a portion of the County where soils immediately adjacent to his operation are of a type that do not support Livestock Feeding Operations in any event.

As you continue to review the need for revisions to existing zoning regulations relating to Livestock Feeding Operations, if the only real reason for changing these regulations is to make it easier for a particular operator to expand an existing use, then that is not a legitimate reason for changing the existing regulations. Zoning regulations are intended to provide a reasonable level of certainty with regard to the location of permitted uses and the procedures for approval of uses that are not simply permitted uses in a particular zone and require further review as a conditional use.

Based upon the comments I heard during this initial presentation, I question any burning need for substantial revision to the existing regulations, although it would appear to be reasonable to revise existing regulations to prevent the siting of multiple low-number Livestock Feeding Operations having separate ownership within less than one (1) mile of each other. Multiple Livestock Feeding Operations with differing ownership obviously circumvent the intent of existing regulations and permit a situation to exist that would not otherwise be permitted if that activity were conducted by a single operator. It is the actual use being made of the land, not the

identity of the user that should be the focus for regulation to avoid the creation of a situation adversely affecting neighbors. Even though such a regulation cannot be applied retroactively to existing situations, such an addition could prevent further closely-located Livestock Feeding Operations with separate ownership of this type developing and resulting in unintended impact upon rural residential property owners.

Again, I appreciated the opportunity to express my concerns both during the public comment portion of your April 5, 2017, meeting and as further supplemented by this letter.

Very truly yours,

LEININGER, SMITH, JOHNSON,  
BAACK, PLACZEK & ALLEN



AREND R. BAACK  
ARB/skm

cc: K. C. Hehnke

5205-1/626852

Hall County Regional Planning Commission

RE: Proposed revisions to live stock feeding operations

Dear Chad,

Thank you for hosting the public session along with the Hall County Regional Planning commission concerning proposed revisions to Livestock Feeding Operations In Hall County.

As I mentioned at the meeting I really do not want to see any changes to the rules and regulations that are in place at this time. Should Hall County Regional Planning, choose to amend existing zoning regulations related to Livestock Feeding Operations, as a resident affected by existing operations, I believe that an increase in the distance from homes with the same number of cattle as in the regulations now may be warranted and that some consideration should be given to limiting the number of operators that are permitted to operate in a particular area and result in a higher concentration of cattle than would be permitted by a single operator.

My family and I are living proof that the zoning regulations that are in effect at this time work for both the homeowner and the livestock producer. We had no issues with the current livestock producer until he started going over the 999 allowed head with the setbacks that are now in effect per Hall County Zoning regulations. Once the current feedlot operator started to feed over 1,000 head of cattle is when we started having issues with flies, smell, along with damage to our home and outbuildings exterior due to fly droppings. The amount of flies that are in our home year round would not be acceptable to anyone. Once different operators were allowed to start operating the second feedlot without obtaining a conditional use permit, even though they initially applied for and were denied such a permit because they could not meet the current setbacks, things became even worse.

I also have asked if any other livestock producer has asked for changes to the current regulations and the answer has been "No one has ever asked with the exception of Mr. Kohlhop" since these were completed thirteen years ago. So with that being said why change? I have attended two Hall County supervisors meetings concerning the feedlot that I am having an issue with and both times the Supervisors wanted to know how Hall County Zoning Regulations stand versus our neighboring counties. We now know that Hall County has less stringent zoning regulations than our neighbors zoning regulations with the exception of Merick County. Once again, why would we change ours to become even less stringent? Something needs to be added so there cannot be more than one producer in the same area.

I hope the Hall County Planning Commission along with the Hall County Supervisors will take our situation in consideration for any change because I really don't know why anyone in Hall County would want to end up in the same situation that we are in.

Thank you for your time,



K. C. Hehne  
8406 North 110<sup>th</sup> Road (Hall County)  
Dannebrog NE, 68831  
308-380-6559

May 4, 2017

To: Hall County Planning Commission & Officials  
Re: Comments Concerning Changes in Livestock and CAFO  
Zoning and Land Use Regulations

**Comments of David A. Domina  
Lawyer for C & I Cattle Co., Inc., And Ken Kohlhof**

Planners and Officials:

**Introduction**

1. Ken Koholf and his company, C & I Cattle Co., Inc., became clients in my practice in 2015 as the result of referral by a well-regarded Grand Island lawyer. I think the referral occurred because my practice history includes several dozen livestock operation-related nuisance cases and consultations at the trial court level in Nebraska, and six (6) decisions of the Nebraska Supreme Court and Court of Appeals dealing with nuisance claims.<sup>1</sup> My work has included seminars sponsored by livestock organizations or suppliers to help producers, and communities deal with changes in the livestock industry.
2. The history of land use regulations involving confinement livestock operations in Nebraska started with hog facilities constructed in Holt County in the 1970s. Confinement hog operations produced much of the early controversy in the State. As beef packers consolidated and moved from stockyards to other locations with new plants, cattle feedyards grew dramatically and produced discord with neighbors in a few locations around the State. At this same time, zoning regulations came onto the County regulatory scene. So did extensive livestock regulations by both federal and state agencies.<sup>2</sup>
3. This history is important for context because the changes in the cattle feeding industry have been dramatic.

<sup>1</sup> The appellate decisions involved livestock operations.

<sup>2</sup> My own history in this area also includes more than a dozen pending nuisance cases awaiting trial involving industrial annoyances of neighbors from dust and noise, and more than a dozen additional nuisance cases involving industrial odor and sewage annoyances under active investigation.

4. Since 1980, the number of livestock facilities and the United States, and also in Nebraska, has dramatically dwindled. This description of the circumstances appears on the website of the USDA under its economic research compendium:

Feedlots with less than 1,000 head of capacity compose the vast majority of U.S. feedlots, but market a relatively small share of fed cattle. In contrast, lots with 1,000 head or more of capacity compose less than 5 percent of total feedlots, but market 80- to 90-percent of fed cattle. Feedlots with 32,000 head or more of capacity market around 40-percent of fed cattle.

The industry continues to shift toward a small number of very large specialized feedlots, which are increasingly vertically integrated with the cow-calf and processing sectors to produce high-quality fed beef. NASS [Nat'l Ag Statistics Service] [provides monthly Cattle on Feed reports.

<https://www.ers.usda.gov/topics/animal-products/cattle-beef/background.aspx>

5. A public compilation service, Manta, non-scientifically identifies 1508 companies under the heading "beef cattle feedlots in Nebraska." This number is not confirmed but is reported here. This figure is down by nearly 1,000 cattle feedyards in Nebraska since 2004. Mr. Kohlhof's northwest Hall County feedyard is an exception; it is a new, small yard created in 2006.

### Feeding Operations are Closely Regulated

6. **Federal Regulation.** A wide expanse of federal regulations apply to cattle feed yards. These include, among others, a) disease eradication, b) animal health surveillance, c) emergency management response, d) Natural Resources Conservation Service requirements, e) Environmental Quality Incentive Programs, f) Livestock Price Reporting programs, g) Conservation of Private Grazing Programs, and h) *especially* Concentrated Animal Feeding Operations regulations. These are just some of the regulatory initiatives at the federal level. Many of these federal regulations apply to issues related to where a feedyard is located and how it operates. An entire additional array of regulations apply to the beef packing plant, and yet another apply to Food Safety.
7. **State Regulation.** Cattle feeding operations are tightly regulated in Nebraska by the Nebraska Department of Environmental Quality. Specifically, Title 130 *Neb Admin Code* §§ 2-001 *et seq.* sets out a comprehensive regulatory code governing facilities, providing for a permit system, placing stringent limitations on

proportionate to the number of animals involved in the operation. Thus, a 3,000-head feedyard has significantly less capacity to produce these conditions than a 5,000, 10,000, 20,000, or 50,000-head operation.

19. Even voluntary easements, consents in writing, or ownership of a nearby home by the feedyard and occupancy by the feedyard owner, do not provide circumstances in which exemptions or exceptions are permitted. The virtually universal trend is away from such intense restrictions and unremitting demands.

#### **Changes Desired by Mr. Kohlhof**

20. **Change Existing Setback Requirements; Permit Waivers and Consent Easements** Mr. Kohlhof believes that most cattle feeders in Hall County favor changes in the existing zoning regulation. Core changes should include:

20.1. Graduated setback requirements based on the number of animals involved in the operation, and setback requirements not so restrictive as to make Mr. Kohlhof's current operation inoperable.

20.2. Provisions providing that setback requirements may be waived by neighbors residing within setback areas. Accordingly, if consent easements are granted authorizing the operation, notwithstanding the proximity of a nearby neighbor, then the consenting neighbor's residence should be excluded from setback requirements. This is a widely-used provision and is widely seen as an appropriate solution. The neighbor and the operator are the persons best situated to determine what circumstances are best for their setting.

21. **Become a Livestock-Friendly County.** The county's regulations should be modified to permit the county to qualify as "livestock-friendly." Mr. Kohlhof is aware the Regional Planning Director has considered the livestock-friendly regulations on past occasions and has not perceived them as especially beneficial to Hall County. Mr. Kohlhof respects the work of Mr. Nabity and believes he has given these matters fair consideration. But, Mr. Kohlhof urges the Committee, Planning Commission, and Supervisors to take the steps necessary to permit Hall County to qualify as "livestock friendly." There are many reasons for this to be done. These are among the most prominent:

21.1. The livestock business and production agriculture are the core of Hall County's economic base. Hall County is home to several cattle feeding operations larger than Mr. Kohlhof's. It is home to one of the state's largest beef slaughter plants. The county's employment base is heavily vested in the livestock industry.

28. Caution at adopting the matrix system is urged. Mr. Kohlhof is not against it per se. He urges that if it is adopted, the adopted system must, necessarily, meet the needs of his changing industry and keep pace with other jurisdictions and counties as they adapt.
29. Modifications in the County's setback requirements are needed for all the reasons outlined above. The current setback requirements are not reflective of circumstances created by the number of livestock on hand and distances required to assure reasonable protection against unreasonable conditions being imposed upon a neighbor. No set of regulations involving any industry can eliminate all annoyance. Some annoyance inevitably comes from living in a community with other people. This ranges from slamming car doors in the middle of the night, to sirens on the way to hospitals, to inevitable others that occur on occasion from one source or another. Regulations cannot eliminate annoyances; they can attempt to help keep them within reasonable limits.

### **Suggested Changes**

30. An effort has been made to draft proposed revisions to the existing Hall County Zoning Regulations governing livestock operations in order to allow very specific identification of areas in which changes are perceived as essential. The existing Regulation, in the sections deemed pertinent, appear below. The suggested changes are noted so they can be easily tracked.
31. Mr. Kohlhof urges consideration of changes of these types and in these areas. These areas of concern require attention under either a) the Nebraska Department of Agriculture model "Livestock-Friendly" Regulation, or b) the newer Matrix model. Mr. Kohlhof urges changes of the kinds highlighted, but expresses no other preference for the basic model to be selected.
32. Using the current Regulation as a guide, suggested changes are illustrated below:

#### **4.02.01 Intent**

The A-1 Agricultural District regulations are intended to provide for the preservation of lands best suited for agricultural uses of all types including feed lots and the commercial feeding of livestock and accessory uses; to prevent encroachment of uses of land that could be mutually incompatible and continue to provide for agricultural uses as a major uses to the economy of the area for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses. The A-1 Agricultural District is also intended to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization. The district intends to provide for the location and to govern the establishment and operation of land uses that are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable. In addition, to provide for the location and

to govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and to govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses that are named as permitted or conditional uses in this district and are appropriate to other property in the area.

The nature of the A-1 Agricultural District and the uses allowed outright or by conditional use permit precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 Agricultural District regulations afford such services, amenities and protection to residential uses located therein.

*The A-1 Agricultural District regulations concerning regulation's Standards for Livestock Feeding Operations are intended to provide for the preservation of lands best suited for commercial feeding of livestock and accessory uses while adopting the standards promulgated by the Nebraska Department of Agriculture for setbacks and other requirements, and providing adequate buffer areas and distances between such operations and neighboring citizens of Hall County, and allowing the county to have the best opportunity to qualify for state and federal benefits available to counties with livestock-friendly zoning and land use laws.*

#### ~~4.02.01~~ 4.02.02 Permitted Principal Uses

The following principal uses are permitted in the Agriculture A-1 District.

- I. Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises, *provided that where federal or state law provides conditions, restrictions or limitations inconsistent with this Zoning Resolution, the inconsistent portions of this Resolution shall be deemed superseded by applicable state or federal laws or regulations.*
  - A. State Agencies shall govern all use of farm chemicals, including application of pesticides and herbicides, and applicants using restricted-use pesticides shall be required to be certified as required by law.
  - B. The spreading of manure by a "Farming" Operation. (as defined in Article 2 of this Resolution), *subject to the state and federal restrictions and regulations.*
  - C. Agricultural operations having up to 1,000 A.U.'s are considered a farm and are permitted by right, provided other requirements in this district are met and submission of a no-fee livestock registration permit to the Hall County Regional Planning Director is done, *provided that such operations shall operate within the constraints of the regulations of the Nebraska Department of Agriculture and the Nebraska Department of Environmental Quality*
  - ~~D. Operations having up to 1,000 animal units shall locate at least 1,320 feet from a platted residential area, Public Park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.~~
  - D. *Setback requirements shall be as provided in Section 4.02.04 of these regulations for livestock feeding operations of each specified class.*

- A. The bed and breakfast residence shall be within a conforming single-family dwelling.
  - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - C. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
  - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) offstreet parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
  - E. One (1) identification sign on not more than four (4) square feet of sign area shall be permitted.
2. Publicly and privately owned dude ranches, forest and conservation areas, and golf driving ranges, motorized cart tracks, or other outdoor recreational areas such as gun clubs, and archery, trap and skeet ranges.
  3. Industrial uses as provided in the Zoning Matrix and the following minimum conditions are met:
    - A. Meets minimum lot requirements as established by this Resolution.
    - B. Meets minimum off-street parking requirements as established by this Resolution.
    - C. Meets minimum sanitary sewer requirements for the proposed use.
    - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
  4. Commercial uses as provided in the Zoning Matrix and the following minimum conditions are met:
    - A. Meets minimum lot requirements as established by this Resolution.
    - B. Meets minimum off-street parking requirements as established by this Resolution.
    - C. Meets minimum sanitary sewer requirements for the proposed use.
    - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
  5. All other Conditional Uses as indicated within the Zoning Matrix, provided the following minimum conditions are met:
    - A. Meets minimum lot requirements as established by this Resolution. *Meet minimum lot requirements as established by this Resolution, or different requirements established by model resolutions of the Nebraska Department of Agriculture for Livestock Friendly Counties and recommended recommendations for such counties.*
    - B. Meets minimum off-street parking requirements as established by this Resolution.

- C. Meets minimum sanitary sewer requirements for the proposed use.
  - D. The lot(s) takes access from an improved county road or highway or are along a developed public or private road that accesses an improved county road or highway.
  - E. *Notwithstanding other requirements above, constitute a conditional use deemed by the County Board of Supervisors, by a two-thirds majority vote to be sufficiently imbued with the public's interest after consideration of the advantages and disadvantages of the proposed use as to be the best interests of the residents and citizens of Hall County at the location and under the operating circumstances proposed.*
6. Development of natural resources and the extraction of raw materials such as rock, gravel, sand, etc., including gas and oil extraction and exploration, and subject to the requirements of the Supplementary Regulations.
  7. Radio, cellular and television towers and transmitters and are subject to the requirements of Section 6.01 of the Supplementary Regulations.
  8. Airports.
  9. Manufacture of light sheet metal products including heating and ventilation equipment.
  10. Manufacture and/or processing of agricultural products including but not limited to ethanol plants and mills.
  11. Truck and freight terminals.
  12. Commercial mining, quarries, sand and gravel pits and accessory uses.
  13. Storage of trucks, tractors, and trailers engaged in the transportation of explosives.
  14. Race tracks, drag strips and similar uses and associated accessory uses.
  15. Wind Energy devices.
  16. Community sewage disposal facilities.
  17. Sanitary landfill siting or expansion conducted in a manner and method approved by the County Board of Supervisors, provided said landfill is not closer than 1,000 feet to a municipal well and/or one mile to any village or city limits or any subdivision, addition or residence platted as of the effective date of this resolution, see Section 6.04 of the Supplemental Regulations.
  18. Lawn and Garden Nurseries.
  19. Commercial Kennels and facilities for the raising, breeding and boarding of dogs and other small animals, including exotic, non-farm and non-domestic animals, provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.

20. The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations inside or outside of the County.
21. The application of livestock manure in Hall County by operations located outside the County.
22. Livestock Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Hall County Comprehensive Plan, *or the conditions set forth in a conditional use permit authorized by the County Board of Supervisors.*

#### 4.02.04 Standards for Livestock Feeding Operations

1. The following setbacks and design standards are the minimum sanitation and odor practices for Hall County. In addition, the Hall County Board of Supervisors, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements, *provided that a Conditional Use Permit application providing for minimum standards for setback distances, sanitation, odor practices, and other relevant conditions may be approved on terms authorized by the County Board of Supervisors following a public hearing, by a two-thirds majority vote.* These requirements should consider such things as:
  - property values,
  - dust,
  - lighting,
  - waste disposal and
  - dead livestock.

*The livestock-friendly county regulations and considerations of the Nebraska Department of Agriculture as established by the Department's rules and regulations, and consideration of requirements of the Nebraska Department of Environmental Quality established by its regulations*

2. A Conditional Use Permit may be approved after public notice has been given and public hearing is conducted as required by law.
3. Agricultural Operations of 1,000 A.U. and under are considered a farm as defined in these Regulations and do not require a Conditional Use Permit.
4. All existing LFO's that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new Conditional Use Permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 1, without applying for another conditional use permit. All new LFO's and those expanding to the next level shall require a Conditional Use Permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District *as set forth in this regulation, or any conditional use permit providing for other setback requirements or limitations, which permit is adopted in accord with this Regulation, hereafter described:*
  - A. Livestock Feeding Operations (LFO) will be categorized either as Environmentally Controlled Housing (ECH) Operations or Open Lot Operations. LFOs having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation. Each operation type shall

be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time.

Levels will include:

- Class I Facility = 301-1,000 animal units;
- Class II Facility = 1,001-5,000 animal units;
- Class III Facility = 5,001-20,000 animal units; and
- Class IV Facility = 20,001 or more animal units.

LFOs having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

**TABLE 1: LFO SPACING AND DISTANCE (Distances given in miles)**

Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
<b>Class I</b> <b>301-1000</b>	ECH	1,320
	OPEN	1,320
<b>Class II</b> <b>1001-5000</b>	ECH	5,280
	OPEN	2,640
<b>Class III</b> <b>5001-20,000</b>	ECH	5,280
	OPEN	2,640
<b>Class IV</b> <b>20,000+</b>	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing  
 OPEN = Open Lot Operations

- B. LFOs having more than a 1,000 animal units shall also locate at a distance as specified under the ECH or Open Lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.
- C. ~~All LFO's over 20,000 Animal Units~~ *All Class IV LFOs (over 20,000 animal units)* shall be required to obtain a new Conditional Use Permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.
- D. The producer shall have a Pre-submission meeting with the Hall County Regional Planning Director and Hall County Building Inspector to discuss tentative plans and layouts prior to formal submission of the Conditional Use Permit for Livestock Feeding Operations.
  - 1. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan ~~from the Nebraska~~ *submitted to the* Department of Environmental Quality (NDEQ) or any other applicable State Agency. *Prior NDEQ approval shall not be a prerequisite, but any conditional use permit granted shall become effective only upon approval of all applications for permits required under state or federal law.*
  - 2. The applicant shall submit all pertinent materials and designs, as per the Conditional Use Permit Application for Livestock Feeding Operations.

3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEQ approval if different from the proposed. Said plans shall be filed with the Hall County Regional Planning Director.
  4. Shall also file a copy of all approved NDEQ plans and permits with the Hall County Regional Planning Director within 30 days after they are issued by the NDEQ.
  5. An annual manure management plan shall be submitted to the Hall County Regional Planning Director which shall follow "best possible management practices" as specified by NDEQ in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
  6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also be located on the proposed site plan indicated in number (A) above, *or as otherwise established by a conditional use permit including other criteria which receives approval by at least two-thirds of the members of the County Board of Supervisors.*
  7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
  8. In no event shall any manure storage unit or system be constructed ~~where the bottom~~ *in accord with the requirements of the Nebraska Department of Environmental Quality and all other requirements imposed by state or federal law* of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
  9. All runoff or waste generated by an LFO facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
  10. The setbacks from an LFO to any non-farm dwelling, other residence or other LFO are as follows in Table 2:
5. Exceptions:
- A. ~~Any Class I Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other LFO or single family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with all of the following limitations:~~

*Consent Easements; Waivers***ADD to Regulation:**

*Owners of residential properties with in setback requirements applicable to Agricultural Operations and LFOs may give voluntary easements, or written waivers, whereby they consent to, waive objections to, and express their authorization of the Agricultural Operations and LFO(s) described in the easement or waiver. All such waivers must be in writing, signed by all owners of each residential property granting the waiver, and be duly acknowledged and notarized. The waivers must describe the real estate owned by the party granting the waiver, and the location of the Agricultural Operation or LFO with respect to which the Consent Easement or Waiver is granted.*

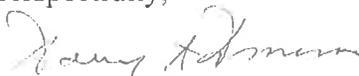
*The Consent Easement or Waiver must be filed with the Register of Deeds in the manner prescribed by state law, or delivered to and filed with the officer responsible for filing the official records of Hall County concerning Zoning Change Requests.*

*No particular form of Consent Easement or Waiver is required, provided the foregoing requirements are met.*

**Conclusion**

33. Mr. Kohlhof, like colleagues in his industry, is grateful for the efforts invested in identifying changes required. The livestock business will remain integral to the economic well-being of Hall County for the foreseeable future. These suggestions are offered to assist. Discussion about these changes, and improvements upon them, are welcome.
34. Thank you.

Respectfully,



David A. Domina  
[ddomina@dominalaw.com](mailto:ddomina@dominalaw.com)

**C & I Cattle Company  
11125 Loop River Road  
West  
Dannebrog, NE 68831  
(308) 485-5774**

May 3 2017

### **Comments of Ken Kohlhoff**

My name is Ken Kohlhof. I live at 11125 Loop River Road West, Dannebrog, Nebraska 68831, and I conduct livestock feeding operations there. I live just east of there. My residence is in close proximity to the residence of Steve Clark. My cattle feeding business has been located at the present site for more than ten years. I purchased the site of my feedyard in February, 2006. Pens were built and the facility was placed in use in 2006. Later, I purchased real estate from Mr. Clark to use in my cattle feeding operation, though he did not sell me the actual feedlot site itself.

I did not seek a special use permit for the feedyard. Frankly, I did not know one was needed. In late 2006, after my feedyard pens were built and were placed in use, Mr. Clark moved a modular home to his current residential location. He moved closer to the feedyard at that time.

My property and the surrounding property in Hall County is zoned "A-1; Ag". Between 2006 and 2014, my operation expanded somewhat. I continued to operate without applying for a permit because I did not know they were needed. I know now, but did not know until about the first of the year in 2015 that a Conditional Use Permit would be required for my operation when I had more than 999 head on hand.

In March, 2014, the Nebraska DEQ contacted me. We discussed and agreed upon an approximate headcount for the period between June 2009 and March 2014. I admitted that the amounts exceeded 999 head and acknowledged the need for a state permit – though I had not been aware of this need earlier. I voluntarily complied with the state law, including voluntary payment of a negotiated cash sum. At that time, I learned from state officials that I would be required to comply with county zoning rules. This was the 1<sup>st</sup> I knew of those rules.

Follow up took place over several months of cooperation with the County. This was 1<sup>st</sup> with telephone calls and then with an effort to understand what was needed. In June

2015, I spoke with the Hall County zoning administrator. He was helpful. He described what I would need to do including application for a special use permit. I made that later and withdrew an application for a CUP. This occurred because I learned the county was working on potential changes in its rules. It was suggested that I withhold the application for a while.

### **Background**

Hall County is an agricultural county. The City of Grand Island continues to try to diversify its economy, but its website notes:

....Agribusiness is a foundation of the community and woven throughout many of the sector. It is a unifying theme between the community's Manufacturing, Transportation and Distribution, and Travel and Tourism targets. It represents the community's past, present, and future identity....

Hall County's home to JBS, one of the state's largest beef processing facilities, and the Hendricks plant where eggs are hatched. It is also home to McCain Foods where onions are processed, and to the Nebraska State Fair, and Husker Harvest Days. These are major Hall County employers, firms, institutions, and events. Hall County has a significant farming sector and it is the home to about a dozen cattle feedyards, the size of mine or larger.

All these critical parts of Grand Island make the County and City work. It is time for the County to become livestock friendly and by doing so to welcome and help production agriculture, including operations like mine. I want to be a good citizen, and to live and work in a County that wants me.

### **Background: My Operation**

I contacted the Hall County officials to obtain a permit to construct additional pens for cattle east of my existing feedyard facilities. Building permits were issued. I did not know of zoning restrictions or concerns at that time. None were mentioned when the building permits were obtained.

I proceeded with construction of new facilities but found myself confronted with problems with zoning rules. This problem could only be solved by selling the newly-constructed facilities to an independent party. This was done. I suffered a financial loss as a result.

Thereafter, I also learned that my existing feedyard on fifty-three (53) acres, adjacent to the Hall-Howard County line in northwest Hall County, was not compliant with county zoning regulations because too many cattle were in my yard. With the help of my

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lawyer, we negotiated with the County Attorney, Jack Zitterkopf, to systematically reduce the animal population and became fully compliant with the law as quickly as possible. This was done on, or somewhat ahead of, schedule. The County Attorney of Hall County was professional about communications with my lawyers about this. So were other Hall County officials.

Several county officials, including members of the Board of Supervisors and others have visited my feedyard facilities since January 2016. Public officials are always welcome. I like to have advance notice so I can be on hand and provide a tour, if requested, but visitors from the County with an interest in our operations are genuinely welcomed.

Employees at my feedyard are committed to keeping our small livestock operation clean, neat, and organized. We are as successful at this as we think we can be. Our efforts include:

- Daily inspections during warm weather to assure we do not have avoidable standing water, and we provide no places for insects to lay their eggs or hatch them.
- Aggressive cleaning of pens and actions to do our best to assure that our cattle live in cleaning facilities, under healthy conditions.
- Avoiding dust during hot, dry seasons by taking appropriate steps to prevent it and managing our animal populations and pen locations.
- Mindfulness that our operations require that we have inventories of feed, hay, bedding, and repair equipment, and that our feedyard, cattle pens are visible from the public road. We work hard to make sure that the view of our facility from the road is as neat, well groomed, and acceptable as our physical circumstances and are business allow.
- We have good relations with our nearest neighbors to the north and try hard to have good relations with our neighbors to the east and south. We try to gently address and breakdown objections to our relations.
- We try to help set a good example for people in the cattle industry. Recently, we invited the cattle feeders in Hall County to visit our facilities and inspect it, and give us their suggestions about anything we might do to improve our location.
- We constantly solicit suggestions from anyone who visits are facility from any walk of life.

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In 2016, I engaged an environmental consultant with much experience in livestock operations. Jack Sukovaty met with my lawyer and me with public officials. Mr. Sukovaty has an extensive career history with the Nebraska Department of Environmental Quality in livestock and other matters. He has developed a plan for submission to assure my facility has all necessary state permits. Those permits can be issued only after I have the County's authorization to conduct my operations.

Since then, I have been working to achieve and assure compliance with all relevant regulations and put myself in a position to allow my feedyard operate at a level that will permit it to continue to be a good neighbor as it is now, and to handle enough cattle to have a chance to be profitable.

### **Neighbor Relations**

Two (2) of my neighbors have complained about my operations. This saddens me. My employees are proud of our efforts to be good neighbors. I hope our neighbors feel welcome at our feedyard.

- My feedyard is in extreme northeast Hall County. It is more than three-eighths of a mile distant from my nearest neighbor's residence to the east. This is Steve Clark. Mr. Clark has complained about my operations. Steve put in his home, after my feedyard went in. He also sold me his farm across the road to the north of my feedyard; this farm is in Howard County. Steve's location due east and slightly north of my facility would be affected by winds only when they are out of the west. This is relatively rare.
- The Clark's live just west of my own home, between my feedyard and my residence. The distance between our homes is only a few hundred feet.
- The second neighbor, Mr. & Mrs. Henke, live in a single-family residence, located well over one-half mile east and south of my feedyard, and high on a hill above my facility. A large, modern, new home was built at this location and later acquired by the Henke's. The Henke's bought their home after my feedyard was built and my feeding operations were in progress.
- The Henke residence is adjoined by pasture land used for cattle grazing.
- I routinely drive by my neighbors' homes to be sure I know what they experience. I have not encountered a time when odors from my facility were experienced when I was driving by the Henke's on the hilltop to the southeast.

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- It would be unlikely there would be odor in the summer because the winds are prevailing south winds. Because of the altitude of my neighbor's facilities, and the distance, it is also not probable that winds would be a particular problem during the winter, as the prevailing northwest winds would tend to generally blow any odor in a southerly direction where it would tend to be intercepted by the natural topography and move west of my neighbor's residence. I have no awareness of odor issues from my facility at this neighbor's location beyond normal, minimal odors associated with farming and livestock in family operations.

My own 53 acre feedyard is designed and sized to accommodate more than 1,000 head of cattle, but fewer than 5,000 head. In the cattle feeding industry of today, this is, truly, a small family-sized feeding operation. It is not possible to make a living in a feedyard of fewer than 1,000 animals in today's market environment. In fact, it is hard to get contracts with a packer to sell animals from a yard as small as mine, and even harder out of smaller yards.

I do market some of my own beef directly to consumers. This farmer-to-market program permits me to deliver a high-quality edible product to neighbors and others. It is my goal to expand this service. Reception to this effort has been very good. I sell my product in Grand Island and elsewhere. Like all persons who visit Grand Island, I know that the City and its tens of thousands of residents do very well coexisting with a beef slaughtering plant, an onion processing plant, nearby livestock facilities, and the city's own operations.

I am aware of these comments on the City of Grand Island website about the wastewater treatment plant:

The City of Grand Island strives to be a good neighbor by taking steps to control odors as part of our normal plant operations. We also consider opportunities for odor control in every upgrade we make to our system. When you consider that Grand Island's WWTP has 10 million gallons of sewage waste a day to deal with-you understand that odor control is a challenge we face. So, what can be done?

Odors at a wastewater treatment plant are usually controlled by a combination of the following:

- Preventing odors from forming by optimizing treatment processes.
- Reducing odors by adding chemicals such as ferric chloride or oxygen.
- Capturing odors by enclosing plant treatment processes to reduce odor release.
- Scrubbing or treating odorous air, using equipment such as biofilters.

City officials and our WWTP staff take pride in our community. The quality and freshness of our outdoor air influences our daily enjoyment of the city. If you smell unpleasant or foul odors outdoors please call or email city administration

CZ0386

officials and they will investigate. If the odors relate to city operations, including the wastewater treatment plant, the city will take steps to try to control and eliminate the odors. If the odors relate to private citizens' actions or industry operations, officials will note the matter and take action if appropriate.

Of course, we do not use chemicals such as ferric oxide or oxygen to help digest and minimize odors of human and other waste, including livestock waste, like the City of Grand Island. But we do take steps to prevent odors from forming by our aggressive management, and we do eliminate conditions that might otherwise permit odors, or insect populations to develop. The approach to neighbors stated on the City's website is very much like the approach we try to take at our feedyard. We tried to be a neighbor first, and think of others first.

We are careful to prevent fly populations. Livestock feed and livestock waste creates food supplies for flies. Flies fly *to feed sources* and not *away from feed sources*. It is not logical to believe that flies, which might originate at my facility, would leave for food elsewhere. This is particularly true since we keep the fly population at a very low number. We battle it—and the opportunity for it to multiply—throughout every season. We are proud of the success achieved at keeping insect populations, minimal.

### Zoning

I favor a change in the Hall County zoning regulations. I believe these changes are important to people in my industry:

- It is important that our government encourage us to do good work, grow good products, and provide good food for people. We are an agricultural county. Beef production and slaughter is one of our biggest industries. Our neighbors are livestock-friendly. Nearly all counties with packing plants in the state (except Douglas and Sarpy counties) have adopted livestock-friendly regulations. Hall County should do so as well.
- Setback requirements should have a relationship to the number of cattle in an operation. Presently they do not. This should be changed.
- The county zoning regulation should allow anyone who has special circumstances and needs a special use permit to ask the county for permission to operate in those special circumstances. At the present time, this is not possible because the regulations do not permit a conditional use permit to be granted where the conditional use permit would require a variance in the setback requirements. This should be permitted.

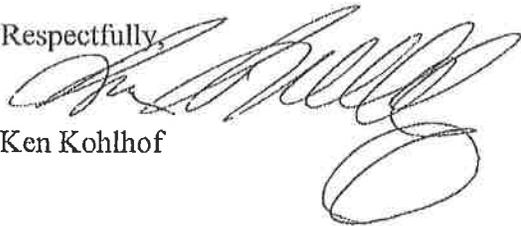
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- I believe the zoning regulation should be changed to allow neighbors to consent to operations with other neighbors. For example, I have a neighbor who lives northwest of me just across the road, in Howard County. My relationship with this neighbor is very good. With consent, I dispose of livestock waste on cropland and provide benefits and services to the neighbor who is supportive of and friendly about my cattle feeding operation. A consent easement authorizing operations and permitting us to proceed—in our setting and for others to do the same in their settings—should be authorized and permitted. This should allow neighbors to get along with one another and make arrangements with one another where they can do so on comfortable terms. In this case, if my Howard County neighbors and I enter into a consent easement, I believe the regulation should eliminate that neighbor, and any other neighbor who gives a consent easement, from setback requirements.

I do have some fear that each matrix item could become a debating point and that this might be counterproductive. But more importantly, the matrix system, which can work if used effectively, should contain all of the elements identified above, including a graduated setback distance formula based on the number of animals involved in an operation. Setback requirements in the county are too stringent and are not livestock-friendly. Whatever changes are made by the county must change the setback criteria. This is important to our industry and to me.

Respectfully,

Ken Kohlhof



5/3/17

MAY 16, 2017

Comments prepared for testimony at the Hall County Supervisors Public hearing regarding the topic of livestock zoning regulations in Hall County and the County contemplating submitting an application to the NE. Dept. of Ag. for Livestock Friendly status.

Members of the Hall County Board of Supervisors,

Self introduction.

#### LIVESTOCK FRIENDLY DESIGNATION

For several years I have had various people approach me, asking why I hadn't encouraged Hall County to pursue attaining the status of being livestock friendly. It most likely will seem rather strange to hear me make these comments and it saddens me to say them, but this is something that I have openly expressed my opinion on in the past. I don't intend to come across as being combative but I have not been an advocate of the concept of Hall County pursuing the status for years because, in my opinion, the motive would not be one of sincerity but rather for political purposes. In past years County Supervisors, both of past as well as some still holding office, have taken actions and positions which are not livestock and agriculture friendly. As an example of this I would cite the restructuring of the representation districts. When Hall County restructured the district boundaries the rural representation was effectually gutted, leaving only one voice to represent the entire rural community of Hall County. Not only is it impractical for a single person to have contact with that many residents but even if the individual does a superb job of delivering the message to the remaining Board that is still only one vote.

As written, Legislative Bill 754, most commonly known as the Livestock Friendly Act was originally adopted in 2003. Title 29 of the Nebraska Administrative Code, Chapter 2 (April 2004) serves as the guiding document for how to administer and execute the Act and it states the purpose of the act is for the Director of the Nebraska Department of Agriculture to establish a [process, criteria and standards] and to "recognize and assist efforts of counties to ***maintain or expand their livestock sector.***" It is my opinion that the elected representatives of Hall County, past and present, have not had an interest in either for several years. It wasn't until 2015 that LB 106 was written which directed and authorized the Director to "create and consult with a committee of experts to develop an assessment matrix."

Planning Director Chad Nability has been promoting the adoption of the county livestock zoning matrix which originally was designed with the intent of being used mandatorily State wide alongside the Livestock Friendly status. Prior to the creation of the "matrix", there were numerous instances and cases across Nebraska where individuals and operations seeking to build new or expand existing facilities were met with inconsistent, random, or onerous and unattainable requirements in order to receive approvals to proceed. There were instances where the actual site was not the issue but personalities and relationships ruled the order of the day in denial of the necessary permit approvals. The "matrix" concept was originally conceived and developed in approximately 2013 by the Board of Directors and several members of the Nebraska Cattlemen, the state's largest representative association of cattle producers. The purpose was to help identify and standardize the zoning requirements, making them consistent from county to county throughout the state so that producers could have some consistency in what requirements were placed on them for expanding existing operations or constructing new facilities. The concept of the matrix was simple. One based on **sound science** to remove inconsistencies and create a tool that used

quantifiable data. The official law directed the Department to create a committee which later stated their mission to identify and use ***“criteria based on public health and safety, practicality, cost effectiveness, objectivity, science, the growth and viability of animal agriculture in Nebraska, balancing the economic vitality of farm operations with protecting natural resources and other community interests”***. The Association was instrumental in the original form of the matrix as well as drafting of the final law and while the original concept was that its adoption should be mandatory for any County seeking the status, the Association’s foremost desire was to see standardization of what requirements would be placed upon producers. The concept of the matrix unfortunately fell victim to some special interest activist groups and individual County boards which progressively chipped away at the ***“science and objectivity” as well as consistency*** concepts and increasingly became more subjective in nature, making the adoption voluntary, substantially diluting the very purpose of providing greater consistency across the State.

Under the leadership of my Grandfather, my father and now myself, our business has survived several historic events from the end of the Great Depression and the dust bowl years to World War II, grain embargoes, the dairy buyout, BSE and the list goes on. The east yard of our operation is located in the very spot it was originally founded in 1934. The west facility was built throughout the 1970’s and early 1980’s. We have made many substantial improvements, adding millions to the assessed value of the land. In the early years of the operation and as I understand Grand Island’s history, I believe what we now refer to as the western edge of the City Limits would have been somewhere around Broadwell Avenue that would later move West to Webb Road, then Hwy. 281 before finally extending West to points near and along Engleman Road in approximately 1984. Since the time of 1984, we have not made one single modification to our east facility which the Nebraska Department of Environmental Quality deems consequential enough to review our operating permit. In fact, since that time I have consciously made decisions that have progressively moved our activities further west, reducing our footprint at the East facility and away from the city in an effort to create a greater buffer to prevent conflicts. In October of 1986 we were granted a permanent status of being grandfathered so as to not require conditional use operating permits of the facilities.

We have an outstanding track record of compliance with all State and Federal regulations, often times modifications are made prior to final enactment of the law requiring them. I have ***never and I repeat never*** had any order or action pending from any governing authority that would have put our continued operations in jeopardy. Even in the case in 2005 when we received 11 inches of rain we did not have an illegal discharge from our facilities and we have never had any material reach and waters of the state. Our operations have been featured in numerous industry publications as well as having been selected to participate in industry to public and consumer outreach efforts educating them on the facts and realities of beef production systems. I have hosted numerous collegiate, state and international tour groups as well as college student interns. All of these experiences have been something that I have enjoyed very much, but they have all also been because of the quality of the management of the facilities, the excellent personnel that we have had involved with our operations and our commitment to assuring that things are done the right way over the years.

While it is an unfortunate fact that not all aspects of animal agriculture as necessarily pleasant and that Hall County is not a major livestock county (comparatively speaking), it is also a fact that livestock production and processing is a major contributor to the overall well-being and financial health of the County and Grand Island. Until fairly recently the topic of Hall Counties livestock zoning has been relatively inconsequential to the majority of our residents. There have been a couple of cases involving truck wash out facilities as well as activities occurring at the JBS Swift

facilities that drew a fair amount of press coverage and debate but it was not until this particular case that the topic of animal agricultural production has risen to a status of interest for many. While there have been a couple of opinion pieces submitted into the paper in the past couple years which have specifically addressed our facilities to which I have received fantastic support from many people of all walks of life and interests and it is very sincerely appreciated but, not one single occasion has been due to our lack of compliance or a negligent violation with any laws or regulations. These instances were solely due to being ill-informed or lack of knowledge on behalf of the individuals submitting the comments. This is ***exactly the reason the matrix concept was conceived.***

In conclusion I have but one simple request of you today – consider the facts of the case as you know them. If you and we are to create or adopt new regulations addressing this issue, do so without bias. I know several of you enough to know that any actions you might take today will consider all of the intended as well as the unintended consequences which invariably are caused through regulation.

Sincerely,

Greg Baxter  
T&E Cattle Company  
4444 W. 13<sup>th</sup> Street  
Grand Island, NE. 68803

 **WILSON  
TRAILER COMPANY**  
**GRAND ISLAND**

2314 East Highway 30 ■ P.O. Box 2421  
Grand Island, NE 68802-2421 ■ Phone (308) 381-1800

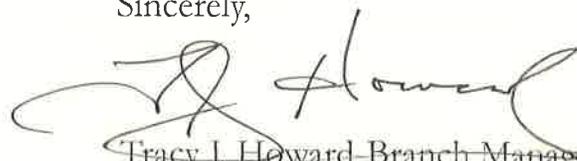
May 23, 2017

Ref: Livestock Friendly in Hall County, NE

Dear Sir,

This is a letter of support for the recent designation of livestock friendly for Hall County, Nebraska. Wilson Trailer Sales in Grand Island is a company owned store who sells livestock trailers to livestock haulers and cattle feeding companies in the Hall County and surrounding areas. Grand Island is home to many businesses who are impacted by county regulations that may handcuff cattle feeders and other livestock related businesses. Hall County should make sure they do all they can to bolster the livestock and all other Ag related production in Nebraska. The proposed new setbacks of 3000 head in 3/8 of a mile and 5000 head in 1/2 mile will ensure those livestock feeders the ability to operate their businesses and still protect the resources and protect communities with common sense practices. Currently I am the Mayor of St. Paul, NE and in 2016 we designated Howard County as Livestock friendly. I am hopeful that your board will listen to the local companies that are affected and act with language to support a Livestock matrix that will encourage scientific and objective criteria when reviewing livestock permits.

Sincerely,

  
Tracy J. Howard Branch Manager WTC

**June 1, 2017**

**To Whom it may Concern**

**My name is Marc Vieth and I live in Cairo, and I am currently still involved in the family farming operation , which is located at 130<sup>th</sup> Rd and Loup River Rd. I would like to express my thoughts and concerns on the livestock setbacks that are currently being discussed and also touch on the benefits to local grain producers from livestock operations in Hall County.**

**The livestock setbacks have been a concern of mine for some time. I talked with Mr Nabyt approximately 10 years ago when the owner of the quarter South of our farming operation came to the regional planning commission wanting to divide his 160 acres into 20 acre lots to sell for residential homes to be built. At that time, I expressed my concerns with Mr Nabyt about the what that would mean for possible expansion for our family farm. I also expressed the concern I had about subjects moving to rural Hall County and not fully understanding what that entails from time to time, like dirt blowing off fields or the odor of livestock operations. As you are well aware, there are houses being built all the time on pivot corners or small parcels of land in rural Hall County. For example within one half mile of our farming operation there have been 4 houses that have been built in the last 15 years. I am not against houses being built in rural areas , however I don't feel it is fair to land lock the livestock producer and hinder them from being able to expand their livestock operations.**

**I would also like to discuss a local feedlot that is located one mile to the east of our farming operation regarding the benefits it creates for local producers. This is the C & I cattle feedlot , whom I do business with. Every year I sell approximately 75,000 to 80,000 bushels of corn to them. This is a huge advantage for local grain producers to be able to sell their products directly to the local livestock producers. I also purchase manure from C & I cattle to spread on our cropland for the nutrients, which saves on**

commercial fertilizer having to be applied. This allows my family to purchase all my meat from Nebraska Premier Beef, which is a division of C & I cattle. C & I cattle purchases forage crops from many other local producers as well. There are many other livestock operations in Hall County that also purchase local feed inputs from local producers but this was just an example that I am personally familiar with. For me personally I take pride in being able to sell my crops to a local business and then being able to buy end products from them to feed my family.

The livestock industry is changing and in order to compete we must have the option of growth and expansion. I strongly encourage you to please consider adjusting the current livestock set backs in a way that allow for our local livestock operations to be able to grow and keep pace with the changing dynamics of the world. I think this would be a great time to do this as Hall County is moving forward with the Livestock Friendly Designation. I believe many livestock producers would benefit from the changes, as well as local grain producers.

Thank you taking public input on this important topic related to rural Hall County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Vieth', with a long horizontal flourish extending to the right.

**Marc Vieth**



# Hall County Regional Planning Commission

Wednesday, March 14, 2018  
Regular Meeting

## Item F6

**Text Amendment Grand Island Zoning Ordinance Sections 36-22  
and 36-96**

Staff Contact:

## **Agenda Item # 9 and 10**

### **PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING**

#### **COMMISSION:**

March 2, 2018

#### **SUBJECT:**

*Concerning proposed amendments to Section 33-12 Streets and Alleys relative to street design standards, and proposed amendments to Section 36-22 Yard Requirements and Section 36-96 Off Street Parking Requirements relative to garages with doors facing the street. (C-15-2018GI)*

#### **PROPOSAL:**

To remove Appendix C from the Subdivision Regulations and replace it with the Street Width Matrix. Appendix C was adopted by Council as the street standards for the City of Grand Island in 2014. The typical street standards regulated by Appendix C, including the preferred location for utilities and sidewalks will be maintained and enforced by the Grand Island Public works department as plans for new streets are submitted for engineering approval.

The Street Width Matrix will provide guidance to and options for developers regarding allowable street widths in various zoning districts along with street parking availability within those districts based on the street width.

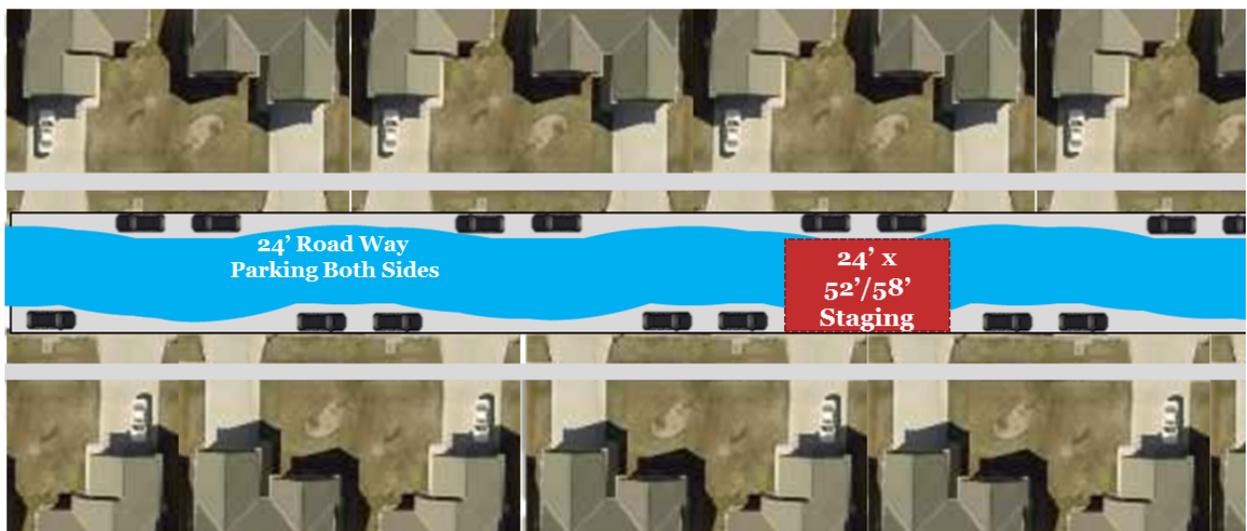
Along with these changes City Staff is recommending that the Yard Requirements and Off Street Parking Requirements be amended to specify that residential units with garages facing the street need to have a minimum setback from the garage door to the property line of 25 feet to allow a vehicle to be parked on the driveway without overhanging the public right of way.

#### **OVERVIEW:**

In 2014 the Grand Island City Council adopted revised street standards and typical street cross sections Addendum C to Chapter 33 of the Grand Island City Code. These new standards specifically allowed public street widths narrower than the 37' standard street with restrictions on parking. Since 2014 some of these narrower streets have been built and others have been approved with parking limited to one side of the street. City staff is concerned that long term this will create enforcement issues. Other communities with a history of parking on one side of the street have successfully navigated these concerns but a majority of the City of Grand Island does not have these restrictions. Some

communities allow parking on both sides of the street on narrower streets that creates issues for maintaining a 20' fire lane through the street. A 32' wide street with parking on one side allows for at least a 24' wide fire lane.

Kearney has recently approved changes to allow 32' wide streets with parking on both sides provided the driveways to the houses are offset in such a manner that parking is not allowed on both sides of the street at the same location. This maintains a 24' fire lane and allows parking on both sides of the street. This does require that the developer commit to where the driveways will be placed on the lots at the time of platting and street design. The example below shows how this can work and provide parking on both sides of the street and maintain the required widths for emergency access.



**RECOMMENDATION:**

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Grand Island Subdivision and Zoning Ordinances as requested.

\_\_\_\_\_ Chad Nability AICP, Planning Director

### §36-22. Yard Requirements

(A) Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

(B) All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, ~~unless~~*except as* otherwise specified. ***Residential Garages with overhead doors facing the street shall provide a 25 foot setback between the garage door and the property line.***

(C) Front Yard: There shall be a front yard setback as required herein, provided, that where fifty percent or more of the frontage on one street in any block is built up with buildings, no new building setback shall be less than either the required setback or the setback of any existing building which next exceeds the required setback, whichever is greater. This regulation shall not require a setback of more than 50 feet, and in blocks where the lots have a street frontage of 100 feet or more the regulation shall not require a setback of more than 30 feet.

(D) Side Yard: Any interior side yard may be reduced to zero; provided, that the opposite side yard meets the required interior side yard setback. Where the zero side yard setback is used, the abutting property must be held under the same ownership at the time of initial construction or the owners of the abutting property must be agreeable to the zero setback. A separation of not less than ten (10) feet shall be provided between adjacent structures on abutting sites where the zero side yard setback is utilized. This requirement shall not apply in an RD Zone or where the same interior property line is utilized for zero side yard construction on both properties.

For the purpose of upkeep and repair of structures located on an interior property line, a four (4) foot maintenance easement shall be recorded between the owner of the property containing said structure and the owner of the property upon which entry must take place in order to perform maintenance activities. Such easement shall be an irrevocable covenant and shall run with the land. Proof of said recorded easement shall be submitted to the Building Department prior to issuance of a building permit.

Amended by Ordinance No. 8947, effective 01-05-2005  
Amended by Ordinance No. 9294, effective 05-31-2011

### §36-96. Off-Street Parking Requirements

#### (A) Purposes:

(1) It is the intent of this section that all buildings and uses shall provide off-street parking and loading facilities in a minimum amount as required herein to meet the needs of such buildings and uses on private property and under the same ownership as such buildings or uses. The accommodations may consist of lots, garages, or other buildings, and accessories; they may be surface facilities or facilities above or under the ground.

(2) It is the further intent of this section that all off-street parking and loading spaces and facilities shall be sited and built according to the requirements contained in this section, and shall require an application for and issuance of a building permit pursuant to §8-22.

(B) Application. Each building or use hereafter constructed, and each addition to or altered building or use shall be provided with off-street parking and loading spaces as required herein. Each off-street parking space or loading facility and space hereafter constructed, upon proper application and permit being granted shall be sited and constructed pursuant to the requirements of this section. No application for a building permit for such building, addition, alteration, or use shall be approved unless accompanied by a plot plan showing the location and amount of off-street parking and loading spaces as required herein for the existing or proposed building or use and including all such additions or alterations. No occupancy or use permit shall be issued unless the required parking and loading facilities shall have been provided in accordance with the approved plot plan. Requirements shall be applicable to all zones and districts but not to include the following business districts or tracts of land as identified below:

(1) *Central Business District* as identified and described in Chapter 13 of this code as the Downtown Improvement and Parking District No. 1.

(2) *Fourth Street Business District*. Beginning at the intersection of Eddy Street and the alley in the block between Fourth and Fifth Streets; thence easterly on the alley to the intersection of the alley with Sycamore Street; thence southerly on Sycamore Street to 100 feet south of the south right-of-way line of North Front

Street; thence westerly on the aforesaid line to its intersection with Eddy Street; thence northerly on Eddy Street to the point of beginning.

(3) Tracts of land ten acres or more used for seasonal events (one event every three months) of not more than fourteen consecutive days in duration and a minimum of fourteen days between events.

(C) Area and Computation: An off-street parking space shall be of appropriate dimensions of not less than 180 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than seven feet. An off-street loading space shall be of appropriate dimensions of not less than 360 square feet exclusive of access or maneuvering area, ramps, columns, etc., and shall have a vertical clearance of not less than fourteen feet. When determination of the number of off-street parking or loading spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

(D) Location: All off-street parking spaces shall be on the same lot as the building or within 300 feet of the lot. Permanent off-street parking spaces shall not be permitted within the required front yard setback, provided, however, that for a building containing three dwelling units or less, one space per unit may be placed within the front yard setback if such space is not directly in front of the building excluding garages or carports.

**Residential Garages with overhead doors facing the street shall provide a setback between the garage door and the property line equal to or greater than the setback specified in 36-22.**

Parking facilities located separate from the building or use as listed shall have a substantial portion of same within a specified distance of the building or use which it serves. All off-street loading spaces shall be on the same lot as the building or use served.

(E) Collective Facilities: Off-street parking facilities for separate or mixed buildings or uses may be provided collectively so long as the total number of spaces is not less than the sum of the separate required spaces, and provided further, that the requirement concerning location of such facility with respect to distance from the building or use served shall be complied with. In order to eliminate a multiplicity of entrances and exits and diminish traffic hazards to conserve space where space is at a premium and to promote orderly development generally, the city council is hereby authorized to plan and group parking facilities collectively for a number of businesses in a given area, and especially in the central business district, in such a manner as to obtain a maximum of efficiency and capacity in parking and traffic movement.

(F) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

(G) Design Standards. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley and contain adequate and safe maneuvering areas. Detailed plans shall be submitted to the public works director for approval of all curb cuts or driveway openings before a permit may be obtained therefor. No signs shall be displayed except such signs as required for the orderly use of the facilities. All facilities shall be provided with a permanent type, dust-free surface meaning asphaltic cement concrete, Portland cement concrete, or paving brick.

All parking lots containing five or more parking spaces, which are within 30 feet of property occupied by a residential use in a Large Lot Residential Zoning District or of property within a Suburban Residential Zoning District, Low Density Residential Zoning District, Medium Density Residential Zoning District, High Density Residential Zoning District or Residential Development Zoning District, shall provide a sight-obscuring fence or screen not less than six feet nor more than eight feet in height along the boundary of the parking lot adjacent to such districts. No fence or screen shall be required between abutting parking lots or adjacent to an alley. The height of any fence or screen shall be subject to other restrictions provided by the City Code.

(H) Maintenance: The parking and loading facilities required by this section shall be provided and maintained so long as the use exists which the facilities are designed to serve. Reasonable precautions must be taken by the owners of particular uses to assure the use of the parking facilities only by the employees or the social or business visitors of the premises for which the facilities are provided. The facilities must be so designed and maintained as not to constitute a nuisance at any time and must not be used in such a manner as to constitute a hazard or unreasonable impediment to traffic.

(I) Reduction of Number of Spaces: Off-street parking or loading facilities shall not be reduced in total extent, after their provision required hereunder, except upon the approval of the Board of Adjustment, and then only after proof that the parking or loading spaces are no longer required by reason of a change in use of the premises of which the facilities are adjunct.

(J) Requirement for Uses Not Listed: For any use not listed, the Board of Adjustment shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment.

(K) Administration and Enforcement: The off-street parking and loading provisions of this section shall be administered by the zoning official and enforced by the chief building official, who shall also serve in advisory capacity to the city council on matters relative to any phase of such provisions.

(L) Penalty for Violation: The provisions of parking and loading facilities as required by this section shall be a continuing obligation of the owner or sponsor of a given building or use so long as the building or use is in existence and so long as parking and loading facilities are required hereunder in connection therewith, and it shall be unlawful to discontinue, change, or dispense with such facilities without establishing alternate facilities that meet the requirements herein. Penalty provisions applicable to this chapter as a whole shall apply to the violations of these provisions. In addition, at such time as the facilities required hereunder shall fail to continue to be available for the purpose, the building permit for the structures to which the facilities are adjunct and the use or occupancy permits issued for the premises shall be canceled and become null and void.

Amended by Ordinance No. 8976, effective 06-08-2005

Amended by Ordinance No. 9151, effective 12-18-2007

Amended by Ordinance No. 9229, effective 09-09-2009

Amended by Ordinance No. 9574, effective 03-15-2016



# Hall County Regional Planning Commission

Wednesday, March 14, 2018  
Regular Meeting

## Item F7

### Text Amendment Grand Island Subdivision Ordinance Section 33-12

*See the memo for the previous item.*

Staff Contact:

### §33-12. Streets and Alleys

(1) The arrangement of streets shall conform as nearly as possible to the street plan of the General Development Plan with provisions for the extension of arterial and collector streets. Streets in the subdivision, normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, and provisions may be required for future connections to adjoining unsubdivided tracts.

(2) Local streets should be so planned as to discourage through traffic. Cul-de-sacs should normally not be longer than five hundred feet and shall terminate with right-of-way turn-around having a diameter of not less than one hundred feet, and an outside curb diameter of not less than eighty feet for residential areas. Cul-de-sacs within industrial or commercial areas shall have a right-of-way diameter of not less than 120 feet and an outside curb diameter of not less than 100 feet.

(3) Collector and Arterial streets should be planned with minimal local street and driveway accesses. Residential subdivisions should be designed with street patterns that provide driveway access from local streets.

(4) Whenever a proposed subdivision is adjacent to or contains a portion of an existing or proposed federal or state highway, provision in such subdivision shall be made for one of the following methods of development:

(a) If the highway is either a non-access or controlled access thoroughfare, one of the following two methods of development shall be required:

(i) A frontage street adjacent and parallel to such thoroughfare shall be provided; or

(ii) Lots shall back or side to such thoroughfare and have access to another street. Lots in commercial or industrial zoning districts shall have a landscaped area averaging thirty feet in width, or other approved landscaping, adjacent to such thoroughfare, and outside storage of unassembled or unfinished materials or products and inoperable equipment or motor vehicles shall be suitably screened by a sight-obscuring fence, foliage, or other screening material. Lots in residential zoning districts shall have a sight-obscuring fence, foliage, or other screening material adjacent to such thoroughfare. The sight-obscuring fence shall not be metal strips or slats in a chain link fence.

(b) If the highway is not a non-access or controlled access thoroughfare, one of the following methods of development shall be required:

(i) Either method required for a non-access or controlled access thoroughfare may be applied; or

(ii) Lots may have frontage directly on such thoroughfare, provided, that the minimum setback for any new building in any zoning district shall be thirty feet, and shall be landscaped except for approved driveways.

(5) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it is found to be practicable to require the dedication of the other half when adjoining property is subdivided.

(6) Under normal conditions streets shall be laid out as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four approaches to any intersection shall be prohibited. Street jogs at intersections with centerline offsets of less than 75 feet should be avoided.

(7) Alleys may be provided in commercial and industrial districts. Alleys shall be avoided in residential districts except to extend existing alleys to a street.

(8) The right-of-way widths, improvements, and grades for streets and alleys included in any subdivision shall not be less than the minimum right-of-way and outside curb dimensions or less than the minimum grade for each classification as shown on the Street Width Matrix attached, street cross sections as recommended by the Grand Island Public Works Department and approved by the Grand Island City council attached as addendum C-Approved Street Cross Sections.

Medians

Location: Medians may be located within streets to be dedicated to the public.

Lane width: A minimum unobstructed lane width of twenty (20.0) feet (improved 21' back of curb to back of curb) is required between the median curb and the street curb.

Landscaping: Medians within the public right-of-way may be landscaped, maintenance of landscaped medians shall be the responsibility of a property owners association created at or before filing the final plat. The city will maintain concrete medians or bricked medians within the public right-of-way.

All streets shall be designed and graded to the full right-of-way widths stated.

(9) Drives, streets, or roadways within condominium, townhouse, or planned unit developments shall have a minimum right-of-way, improvement, and grade as determined by agreement between the subdivider, public works director, director of Planning, and approved by the city council.

(10) The horizontal alignment on all streets except in unusual cases shall be as follows:

Radii of Horizontal Curves (Center Line)

Arterial Streets.....	700' minimum
Collector Streets.....	300' minimum
Local Streets.....	100' minimum

Zone		Paving Width						
		26'	30'	32'	37'	40'	41'	65'
AG-1	Primary Agricultural Zone	Subject to Design Review						
AG-2	Secondary Agricultural Zone							
AG-SC	Special Agricultural / Conservation Zone							
AG-SE	Special Agricultural / Events Zone							
AG-SI	Special Agricultural / Industrial Zone							
SRC	Special Recreation / Conservation Zone							
TA	Transitional Agricultural Zone							
LLR	Large Lot Residential Zone	SP	-	P	P	-	-	-
R-1	Suburban Residential Zone	-	-	P	SP	-	SP*	-
R-2	Low Density Residential Zone	-	-	P	SP	-	SP*	-
R-3	Medium Density Residential Zone	-	-	P	P	-	P*	-
R-3SL	Small Lot Residential Zone	P	-	P	P	-	P*	-
R-4	High Density Residential Zone	P	-	P	P	-	P	-
RO	Residential Office Zone	P	-	-	SP	-	SP*	-
B-1	Light Business Zone	-	-	-	-	-	SP	SP*
B-2	General Business Zone	-	-	-	-	-	SP	SP*
AC	Arterial Commercial Overlay Zone	-	-	-	-	-	SP	SP*
B-3	Heavy Business Zone	-	-	-	-	-	SP	SP*
ME	Industrial Estates Zone	-	SP	-	-	SP*	-	-
M-1	Light Manufacturing Zone	-	SP	-	-	SP*	-	-
M-2	Heavy Manufacturing Zone	-	SP	-	-	SP*	-	-
M-3	Mixed Use Manufacturing Zone	-	SP	-	-	SP*	-	-
CD	Commercial Development Zone	Subject to Design Review						
TD	Travel Development Zone							
RD	Residential Development Zone							
A	Airport Zone							
GCO	Gateway Corridor Overlay District							
M and MD	Manufactured Home Overlay Zone							

- SP Follow standard cross section plan.
  - P Designed Residential
  - \* Wider street width required by subdivision committee on streets acting as collectors/arterials
  - Street width not allowed in this zoning class.
- Note: There may be exceptions in certain situations.

Designed Residential Development

Driveway widths restricted on average lot width.

Lot Width	Max Driveway Width
100'+ - 71'	36' wide
70'-51'	24' wide
50'-min      12' wide	12' wide

Widths don't include flare per standard driveway detail

Flare must occur on lot on which driveway is serving

Driveway location must be planned and approved by subdivision committee. This would include staggered locations to allow for 20' of clear zone for fire and emergency vehicles while moving down the street.

Off street parking per dwelling must be considered with design.