



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS BOONE COUNTY ZONING REGULATIONS

Motion made by Commissioner Luettel, second by Commissioner Maricle to open the public hearing on Tuesday, May 29, 2018 at 5:01 P.M. at the Casey Community Building located at the Boone County Fairgrounds in Albion, Nebraska. Notice of hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Ken Luettel, Hilary Maricle and Alan Rasmussen.

Also present at the hearing were Mary Ziembra, Planning and Zoning Administrator, and Boone County Planning Commission board members: Paul Groetke, Mark Wagner, Mark Jensen, Morgan Mogensen, Brad Stephens and Clyde Stuhr; together with interested members of the public.

The purpose of the hearing is for discussion, consideration, hearing testimony in favor of or opposition to, to answer questions and take necessary action in relation thereto the proposed changes in the A-1 Agricultural – Primary District regulations regarding agriculture growth and single-family residences, specifically:

1. Leave the current setbacks in the Boone County Zoning Regulations in the A-1 District, clean up the verbiage on Page 21, Paragraph 21 by taking out the written-out explanations and put the regulations on a chart; put the information in 2-18 (Residential housing on-site of a livestock producer or crop producer, provided:
  - A. The housing is for hired employees of the operations;
  - B. In no case, when the housing is ceased, the residences shall not be split off the property.
2. Raise acres to 160 to build a house without a conditional use permit. A 5-acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with three (3) or four (4) straight lines; only exception is a naturally occurring boundaries (river, creek and highway not included); and the residential density shall not exceed five (5) houses per section.

The group discussed several items. Some of the issues discussed related to the livestock setbacks, cleaning up the verbiage by taking out the written explanations and converting them to a chart/grid format, various scenarios regarding conditional use permits, the lifting of the current moratorium relating to conditional use permits and making Boone County competitive with its neighboring counties with regard to livestock operations.

Motion made by Maricle, second by Luettel to close said public hearing at 6:19 P.M. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Luettel to leave the current setbacks in Boone County Zoning Regulations in the A-1 District, clean up the verbiage with regard to Paragraph 21 on Page 21 by taking out the written explanations and replacing the information with a chart/grid and include in 2-18 (residential housing on-site of a livestock producer or crop producer provided:

- A. The housing is for hired employees of the operations;
- B. When the housing is ceased, the residences shall not be split off the property.

Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.



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Commissioner Maricle made a motion to table the issue regarding the conditional use permits until such time as the Planning Commission Board and Board of Commissioners could meet for a workshop in June to revisit the subject of the setbacks and proposed changes relating to conditional use permits with a resolution of the matters being made no later than July, second by Rasmussen. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to approve lifting the moratorium and the Boone County Zoning Administrator shall accept the filing of any application for conditional use permits as permitted by the current Boone County Zoning Comprehensive Plan and the Boone County Zoning Regulations effective upon approval of a resolution at a regular Board of Commissioners meeting. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Lorrie Nicklasson  
Deputy Boone County Clerk