

# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS BOONE COUNTY ZONING REGULATIONS

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Tuesday, March 26, 2019 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also, present for said hearing to answer any questions was Mary Ziemba, County Planning and Zoning Administrator.

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 revisions and updates to the Boone County Zoning regulations: Article 12: A-1 Primary Agricultural District; Article 13: A-2 Secondary Agricultural District; and Amend Resolution No. 2018-22.

The Boone County Board of Commissioners and Boone County Joint Planning Commission Board held an advertised joint meeting on February 26, 2019 and discussed the Boone County Comprehensive Plan and Boone County Zoning regulations.

The Board reviewed and discussed the proposed changes of Article 12: A-1 Primary Agricultural District - Section 4: 4.1, Lot Requirements and Intensity of Use; Article 13: A-2 Secondary Agricultural District - Section 1: 1.2, Permitted Principal Uses; Section 2: 2.3, Conditional Uses; and Section 4: 4.1, A; 4.1, C; 4.2, B; 4.2, B (1), Lot Requirements and Intensity of Use; and to amend Resolution No. 2018-22.

Motion made by Rutten, second by Temme to close said public hearing at 10:18 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Boone County Zoning Regulations be revised and amended as follows:

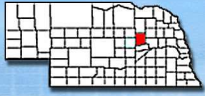
### Article 12: A-1 Primary Agricultural District

#### Section 1: Permitted Principal Uses

- 1.2 Strike all of 1.2 and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

#### Section 2: Conditional Uses

- 2.3 C. Strike all of 2.3, C and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum



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maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

## Article 13: A-2 Secondary Agricultural District

### Section 1: Permitted Principal Uses

- 1.2 Strike all of 1.2 and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

Addition to this Section 1, shall read:

- 1.10 Single-family dwellings will have no less than three (3) sequential acres.  
1.11 The maximum dwelling density, both existing and new dwellings, is no more than four (4) dwelling units per one quarter (1/4) section. The plat or lot split shall designate from which quarter (1/4) section the lot is being removed.  
1.12 All driveways shall be adjacent to an improved county/state road or highway.  
1.13 All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.  
1.14 All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.

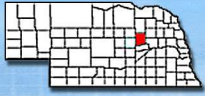
### Section 2: Conditional Uses

- 2.3 C. Strike all of 2.3, C and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

### Section 4: Lot Requirements and Intensity of Use

Strike certain wording and shall read:

- 4.1 Minimum Lot Area:  
A. Single-family dwellings – Three (3) sequential acres including road right-of-way and at a density of no more than four existing or new acreage or farmsteads per one-quarter (1/4) section, except as herein exempted or on non-conforming lots of record.  
(1) Should the lot be located within two (2) one-quarter (1/4) sections, the plat or lot split certificate shall designate from which one-quarter (1/4) section tract the lot is being removed.  
C. Seasonal dwellings – Three (3) sequential acres including road right-of-way.
- 4.2 Exemptions:  
B. Existing farmsteads with single-family dwellings at the time of adoption of these



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regulations may be located on lots of:

- B. (1) The lot created shall not be less than three (3) sequential acres including road right-of-way.

Amending Resolution No. 2018-22:

Article 12: A-1 Primary Agricultural District

Section 4: Lot Requirements and Intensity of Use

- 4.1 A. Strike all under the fourth (4<sup>th</sup>) “dot”, and then it shall read: A five (5) sequential acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with the plat or lot split certificate and survey designating from which quarter (1/4) section tract the parcel is being removed.

Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk