

MINUTES OF PLANNING & ZONING COMMISSION
JUNE 15, 2017
BUFFALO COUNTY COURTHOUSE
7:03 P.M.

Chairperson Scott Brady opened the meeting at 7:03 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on June 15, 2017.

Present were: Scott Brady, Marlin Heiden, Tammy Jeffs, Willie Keep, Richard Skelton, Marc Vacek, Randy Vest and Loye Wolfe. Absent: Austin Gardine. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and 21 members of the public.

Chairperson Brady announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and we do abide by the Open Meetings Act.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. A copy of the proof of publication is on file in the Zoning Administrator's office. Advance notice of the meeting was also given to the Planning & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

Chairperson Brady announced there was a change in the agenda for this evening's meeting. It was moved by Skelton, seconded by Vest to table the hearing for the preliminary plat for Pole Line Subdivision. Voting yes were Skelton, Vest, Brady, Heiden, Jeffs, Keep, Vacek and Wolfe. Absent: Gardine. Voting no: none. Motion carried.

The public forum was opened at 7:05 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:05 P.M.

Chairperson Brady opened the public hearing at 7:06 P.M. for a zoning map amendment submitted by Chad Dixon with Miller and Associates on behalf Steven McNitt on the following legal description: a tract of land being the East Half of the Southwest Quarter of Section 32, Township 11 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska. They would like to rezone this parcel from Agricultural to Agricultural-Residential.

Chad Dixon of Miller & Associates and Steven McNitt were present. Dixon told the Commission they would like to rezone this area from Agricultural to Agricultural-Residential to have a large lot rural residential subdivision off Pole Line Road. This is located about 3 ½ miles west of the intersection of Highway 10 and Pole Line Road. There would be a road down the middle of this subdivision with a cul-de-sac at the end of the road. There would be a total of nine lots ranging in size from 4.02 acres to 12.69 acres.

Brady asked if there would be individual sewer and wells which Dixon replied there would be individual systems for each lot.

Wolfe asked about the placement of the drive-ways. Dixon replied there would be certain areas where the drive-ways could be placed to access the new interior road with entry/exit on to Pole Line Road for all lots within the subdivision.

Heiden asked if there would be culverts in this subdivision. Dixon said the owners would place the culverts where there was a need for the culverts.

Skelton said it looked like the road would be at the bottom of a draw.

Dixon said they should have a profile in their packets.

Skelton asked what they would do if the County would not take over the maintenance of the road. Dixon replied they would make it a private drive if the County wouldn't take it over and would have association dues to cover the maintenance of it.

Fisk reminded the Commission they were just considering the rezoning at this time.

Fisk also showed the Comprehensive Plan to the Commission and this area was shown as remaining agricultural.

Keep asked if we had an aerial map that showed the residences in this area. Fisk showed the Commission the aerial map.

Vest said there were about six homes in this area to the north and off of Riverdale Road off of 235th Road and in that half section.

Donna Posusta was present and she handed out a list of reasons to the Commission why she is opposed to this subdivision. Her handout was offered to each Commission member and the Zoning Administrator and a copy is available for inspection at the Planning & Zoning office. She owns property directly to the east of this proposed site. First and of most importance is the concern of erosion of this property and to adjoining parcels. This soil is white clay and white clay when disturbed washes and leads to erosion. There is a dam located to the north of this property and she has concerns of heavy rains. This parcel is in the Lower Loup water district and you can't have irrigation wells. How would 8 additional wells affect the water levels in this area? This is farmland and she wouldn't be able to spray her land with an airplane. She also runs cattle in this area. What happens if her cattle get out? Farmers also use Pole Line Road for their equipment. It is 3 ½ miles to a hard surfaced road. There is a 3-mile area that is not farmed but is a wildlife preserve with lots of wildlife. This is also a distance from fire protection and ambulance service. There are not a lot of homes in this area and it just isn't a good fit. We have lots of wind in Nebraska and we would have lots of corn shucks and bean hulls blowing into their yards.

Sarah Jameson lives 1 ½ mile from the proposed site. She wants to speak of the quality of life in this area. She also is opposed to this subdivision. There is a multitude of problems with residences next to an agricultural area. She has had trouble with her livestock and neighbors'

dogs. There was a hog operation in business but now it is abandoned. She has not had a good experience with residential people. It brings a multiple list of problems.

John Martin said this is about 12-15 miles from Kearney. There are only 9 homes in a 3-mile area. This is prime agricultural land. He currently farms next to Country Acres Subdivision. There are 500 acres around Kearney that have lots for sale. We should keep with the Comprehensive Plan and have it remain agricultural. There is no pressing need for development.

Brad Rohrich spoke and said he owns the 80 acres west of this proposed site. He said the goal of the Comprehensive Plan is to preserve and protect the agricultural land. We should encourage people to build close to hard surfaced roads and communities in Buffalo County.

Ken Schmitz has property that borders the land on the northeast. He agrees with everything that has been said. This subdivision should be close to city zoning. Traffic is a problem.

Pat Winters lives north of Donna Posusta and is against the rezoning. He owns 80 acres and also raises cattle and alfalfa. This land would be unable to support eight additional wells. What happens if his well goes dry? There also is lots of wildlife. What about cattle that get out? He also couldn't see the sign. What is it going to do to land values?

Steve McNitt, the owner of the proposed land, said he didn't inherit ground but bought the land. He is limited to the number of cattle he can have. This property used to be farmed. He was the one that put it into grass. People can buy it from him. The land is for sale.

Donna Posusta has lived east of this site her entire life and says this site has always been grass.

Chad Dixon wanted to address some of the concerns that have been brought up. There was a drainage study that had been done that addresses the issue with white clay. The lawns will soak up the rains. This land is zoned agricultural so a hog operation could go in at this location. The land that is zoned ag would be valued at agricultural zoning and if it is zoned agricultural-residential it would be zoned as AGR.

Scott Seger also questioned the eight wells that would go in, expressing concern that with wells already going dry in the area it could further strain the water table. His concern is also the traffic and the trash.

Lori Schmitz Mullen grew up on Pole Line Road. She doesn't want her kids growing up in this area if it becomes residential.

Chairperson Brady closed the public hearing at 8:08 P.M.

Keep looked for other developments in this area. It is out of character for the area. What are people going to do with 12 acres?

Wolfe is concerned this is spot zoning. She agreed with Keep. The Comprehensive Plan doesn't support this.

Heiden questioned if we encourage development next to hard surfaced roads.

Fisk reminded the Commission the only question before them is if this should be rezoned.

Vacek said he really doesn't support this rezoning.

Vest can see both sides of the issue.

Chairperson Brady appreciates the concerns with development. He can appreciate both sides of the debate. He appreciates all the people that came out tonight to address the Commission on both sides of the issue.

Motion was made by Keep, seconded by Wolfe to deny this zoning map amendment to change the subject land from the Agricultural District to the Agricultural Residential District as submitted by Chad Dixon with Miller & Associates on behalf of Steven McNitt and forward this application with denial to the County Commissioners on the following legal description: a tract of land being the East Half of the Southwest Quarter located in Section 32, Township 11 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska.

Voting yes were Keep, Wolfe, Heiden, Jeffs, Skelton and Vacek. Voting no: none. Absent: Gardine. Abstain: Brady and Vest. Motion carried.

Klein said this would be heard by the County Commissioners on July 11, 2017 and notices would again be sent out to people within 300 feet of the proposed site. The County Commissioners will have the final vote on this rezoning.

Old Business: Moved by Heiden, seconded by Vacek to approve the minutes of the April 20, 2017 as mailed. Voting yes: Heiden, Vacek, Brady, Jeffs, Keep, Skelton, Vest and Wolfe. Voting no: none. Absent: Gardine. Motion carried.

Other items were discussed.

John Maul, the Highway Superintendent, was present and told the Commission the problems associated with doing subdivision maintenance. Currently they have 40 subdivisions that they are doing road top maintenance on. It is very challenging for the maintainer operators to keep up with these 40 subdivisions. He has talked to other Counties and there are lots of Counties that don't do maintenance on subdivisions. They possibly will have to cut a maintainer from the next budget year. He said some Counties require paving for their subdivisions. They currently have 19 maintainer operators but they just have one that is dedicated to doing the subdivisions and he can't keep up. The roads in the subdivisions keep getting lower and lower and sometimes they have to pull the shoulders and then people get upset with them because it affects their lawns and sprinklers.

Brady said he had visited with the zoning administrator from Saunders County and they won't take over the subdivision maintenance and the roads have to be paved.

Skelton asked if Maul could compile a list of Counties and whether or not they handle the maintenance for the subdivisions.

Maul also said these subdivision roads are not section line roads. People feel their taxes should take care of road maintenance in these subdivisions.

Maintenance of subdivisions was discussed at length. It was the consensus of the Commission to place this on the agenda for the next meeting.

The Commission thanked John for attending tonight's meeting.

The next meeting of the Planning & Zoning Commission will be held July 20, 2017 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 9:06 P.M.