

MINUTES OF PLANNING & ZONING COMMISSION WORK SESSION
MARCH 29, 2005
BUFFALO COUNTY COURTHOUSE
1:00 P.M.

Chairperson Rick Pope called the work session to order at 1:15 o'clock P.M. with a quorum present on March 29, 2005 at the Buffalo County Courthouse board room, 1512 Central Ave., Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Marlin Heiden, Rick Pope, Paul Steinbrink, Leonard Skov and Loye Wolfe. Absent: Karin Covalt, Willie Keep and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, County Surveyor Mitch Humphrey and Trenton Snow.

The public forum was opened at 1:15 P.M. There was no one present to speak. The public forum closed at 1:15 P.M.

A work session was held on the proposed subdivision regulations for Buffalo County. The following changes were made.

Moved by Skov, seconded by Steinbrink to amend Sec. 6.01 of the proposed subdivision regulations:

(e) The proposed centerline grade of streets, roads, or private roadways located within the floodplain that are necessary to serve the proposed development shall not be more than one (1) foot below the 10 year frequency flood elevation.

Voting yes were Skov, Steinbrink, Biehl, Heiden, Pope and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion carried.

Moved by Wolfe, seconded by Heiden to amend Section 1.04 of the proposed subdivision regulations:

- C. These regulations shall not apply to the following:
1. To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres.
 2. The subdivision of burial lots in cemeteries.
 3. The combination of two or more lots for one principle use.
 4. A change in the boundary between adjoining lands where the lot sizes after boundary change comply with all applicable subdivision and zoning regulations.
 5. A subdivision of land, filed of record with the Register of Deeds of Buffalo County prior to the effective date of this ordinance.
 6. Judicially order land splits, land divisions and/or boundary changes.

Voting yes were Wolfe, Heiden, Biehl, Pope, Skov and Steinbrink. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Zoning Administrator LeAnn Klein arrived at 1:20 P.M.

Moved Skov, seconded by Biehl to re-number Section 3.18 to Section 3.19 Vacation of Plat (voiding). Voting yes were Skov, Biehl, Heiden, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion carried.

Moved by Heiden, seconded by Biehl to add Minor Subdivision to Section 3.18.

3.18. MINOR SUBDIVISION CHANGES. Minor Subdivision changes may be used after approval of Final Plat or division of Final Plat for dividing one (1) lot into two (2) parts, combining two (2) or more lots (or parts of lots) into one (1) parcel, or a combination thereof. This definition shall apply only once to any subdividing transaction or conveyance involving any specific lot or combination of lots. Transaction or conveyances classified, as minor subdivision changes are hereby deemed not to constitute a “subdivision” for purposes of this regulation.

(a) The following conditions shall be fulfilled to allow such change(s):

(1) All required improvements shall have been installed and be available to the resulting parcel(s).

(2) No new dedication of public rights-of-way or easement can be involved.

(3) All resulting parcel(s) of land shall comply with all other applicable zoning and subdivision regulations in effect at time of submittal of such application.

(b) All minor subdivision changes shall be submitted by written application to the Planning and Zoning Administrator, signed by all parties having any right, title or interest in the real estate described, on form provided by such office. At a minimum the application shall contain the following:

(1) Legal description of the property.

(2) A survey attached to the application showing proposed lots and abutting lots; and all existing structures, fences, and building setbacks on lots.

(3) A fee of fifty (\$50.00) dollars shall be paid with the application.

(4) Following review, the Planning and Zoning Administrator may approve or disapprove the application. In the event that the Planning and Zoning Administrator disapproves the application, written notice of such disapproval shall be mailed to address given on application. The applicant(s) may appeal to the Buffalo County Board of Supervisors by filing written notice of appeal with the Buffalo County Clerk within seven (7) calendar days after sending of the notice of disapproval. Date of sending shall be determined by postmark/metered mail date of mailing.

(5) Following approval of the minor subdivision change, the owner or other person(s) proposing the change shall have the responsibility for transmitting to, filing with and paying any filing fees of such documents with the Office of the Register of Deeds. Minimally the following documents shall be filed with the Office of Register of Deeds: the approved plat reflecting minor subdivision changes; a certified copy of the resolution accepting said final plat if the Board approved it, and any other data that must be recorded.

(6) Failure of the party seeking such minor subdivision changes to file the approved application with necessary documents within six (6) months of date of approval shall cause such subdivision request to become null and void and of no effect.

Voting yes were Heiden, Biehl, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Wolfe, seconded by Heiden to amend 8.04 (2) as follows:

All dimensions on the final plat shall be stated to the nearest one-hundredth (.01) of a foot. To also amend 8.06 (c) as follows:

The length, size, material and approximate depth of all monuments and metal stakes placed in making the survey shall be in compliance with Minimum Standards for Surveys established by the Professional Surveyors Association of Nebraska. (Appendix D attached reflects monumentation requirements at time of initial adoption of these regulations)

Voting yes were Wolfe, Heiden, Biehl, Pope, Skov and Steinbrink. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Steinbrink, seconded by Heiden to amend Section 3.02 (g) as follows:

The subdivision shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, Subdivision with Flood Plain, Chapter 6, and Form of Final Plat, Chapter 8, in this resolution.

Voting yes were Steinbrink, Heiden, Biehl, Pope, Skov and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Wolfe, seconded by Skov to delete the following language from Section 3.02 (l):
When necessary data to make the tie is available from the County Planning and Zoning Administrator, the periphery corners of the subdivision shall be tied into the modified state plane coordinate system.

Voting yes were Wolfe, Skov, Biehl, Heiden, Pope and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Wolfe, seconded by Heiden to amend Section 3.14 as follows:

No final plat shall be approved by the Board unless or until all the required minimum improvements as set out in the approval of the preliminary plat have been installed and constructed and such has been approved by the appropriate agency, except individual water well systems and individual wastewater systems. In those subdivisions where a community water well system and community wastewater system is allowed the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.

Voting yes were Wolfe, Heiden, Biehl, Pope, Skov and Steinbrink. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Skov, seconded by Steinbrink to amend Sec 3.06 (b):

The Commission has received a report from the County Planning and Zoning Administrator.

Voting yes were Skov, Steinbrink, Biehl, Heiden, Pope and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

Moved by Biehl, seconded by Heiden to amend Section 3.15 notification as provided in Section 3.07. Voting yes were Biehl, Heiden, Pope, Skov, Steinbrink and Wolfe. Voting no: none. Absent: Covalt, Keep and Wietjes. Motion passed.

It was the consensus of the Planning & Zoning Commission to continue the public hearing at the April 21, 2005 Planning & Zoning Commission.

Moved by Heiden, seconded by Skov to adjourn at 4:35 P.M.