

MINUTES OF PLANNING & ZONING COMMISSION
OCTOBER 20, 2016
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on October 20, 2016.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, Randy Vest and Loye Wolfe. Absent: Paul Steinbrink, Sr. and Leonard Skov. Also attending were Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and eight members of the public.

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 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.

The public forum was opened at 7:01 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:01 P.M.

Chairperson Brady opened the public hearing at 7:01 P.M. for a vacation of plat for a tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 1 through 6, and Lot A, Block 1, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 6 and on the East line of said Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 2303.48 feet to the Northeast Corner of Lot 1, Block 1, of said Turkey Ridge Subdivision; thence leaving the East line of said Northeast Quarter of Section 6 and on the North line of said Lot 1, Block 1, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 533.0 feet to the Northwest Corner of said Lot 1, Block 1, Turkey Ridge Subdivision; thence on the West line of Lot 1 and Lot 2 of said Block 1, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 870.0 feet to the Northwest Corner of Lot 3 of said Block One, Turkey Ridge Subdivision, thence on the West line of Lot 3 and Lot 4 of said Block One, Turkey Ridge Subdivision, S 12° 39' 10" E a distance of 878.59 feet to the Northwest

Corner of Lot A of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot A, Block One, Turkey Ridge Subdivision, S 19° 55' 53" E a distance of 53.41 feet to the Southwest Corner of said Lot A, Block One, Turkey Ridge Subdivision, which point is also the Northwest Corner of Lot 5 of said Block One, Turkey Ridge Subdivision, and which point is also the Northeast Corner of Lot 6 of said Block One, Turkey Ridge Subdivision; thence on the North line of said Lot 6, Block One, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 335.0 feet to the Northwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 6, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to a point on the South line of said Northeast Quarter of Section 6, which point is also the Southwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the South line of said Northeast Corner of Section 6 and on the South line of said Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 653.0 feet to the place of beginning. Subject to the public's interest in the existing public road (Range Road) crossing through the easterly portion of Lots 1 through 5 and Lot A of said Block One, Turkey Ridge Subdivision, and subject to the public's interest in the existing public road (375th Road) crossing the southerly portion of Lot 5 and Lot 6 of said Block One, Turkey Ridge Subdivision.

TOGETHER WITH;

A tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 9 through 12, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the South line of the Northeast Quarter of the Northeast Quarter of said Section 6 and on the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1223.0 feet to the ACTUAL PLACE OF BEGINNING, which point is also the Southeast Corner of Lot 9 of said Block One, Turkey Ridge Subdivision, thence continuing on the South line of said Northeast Quarter of Section 6 and in the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1300.0 feet to the Southwest Corner of Lot 12 of said Block One, Turkey Ridge Subdivision; thence leaving the South line of said Northeast Quarter of Section 6 and on the West line of said Lot 12, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 298.33 feet to the Northwest Corner of said Lot 12, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 12 and Lot 11 of said Block One, Turkey Ridge Subdivision, S 87° 37' 59" E a distance of 730.47 feet to the Northeast Corner of said Lot 11, Block One, Turkey Ridge Subdivision, which point is also on the West line of Lot 10 of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 10, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 251.9 feet to the Northwest Corner of said Lot 10, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 10 and Lot 9 of said Block One, Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 570.0 feet to the Northeast Corner of said Lot 9, Block One, Turkey Ridge Subdivision; thence on the East line of said Lot

9, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to the place of beginning. Subject to the public's interest in the existing public road (375th Road) crossing the southerly portion of Lots 9 through 12 of said Block One, Turkey Ridge Subdivision. Containing a total of 39.20 acres, more or less.

Mitch Humphrey from Buffalo Surveying was present representing Jim and Tara Janda who want to vacate lots they own along 375th Road to the south and Range Road to the east which is located east of Ravenna. There are twelve lots and Outlot A in this subdivision but Lots 7 and Lot 8 are not included in this vacation since they are owned by another person and have a home build on these two lots. Janda's property is being assessed as residential property on these lots and they want to have the land revert back to the unplatted ground. This land is used as pasture land and all the lots are vacant. All the lots are assessed as separate lots. 375th Road goes through the south portion of Lots 6 through Lot 12. He doesn't know why this was done when it was platted. It would be best to vacate this. Lots 7 and Lot 8 would remain in the subdivision.

Leonard Skov arrived at 7:07 P.M.

Kari Fisk said it is being taxed like it is developed land. His tax bill will drop drastically once it is vacated.

Brady asked if he would give up the option of selling lots. Humphrey replied there are no immediate plans to sell off the lots.

Keep said he understood where he was coming from.

Fisk told the Commission if he ever wants to sell the lots, he could come back and follow the subdivision rules.

Klein said all of this property is being zoned as agricultural land.

Fisk asked if this subdivision predated when we had subdivision rules.

Humphrey said this subdivision was platted in 1998 which was before subdivision regulations were in place in Buffalo County.

Humphrey said his client does not want to build houses on this land and he just wants to protect himself from the high taxes on this property.

There was no one present in opposition.

Chairperson Brady closed the public hearing at 7:15 P.M.

Motion was made by Wolfe, seconded by Heiden to recommend to the County Commissioners that the following legal description is vacated for a tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 1 through 6, and Lot A,

Block 1, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 6 and on the East line of said Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 2303.48 feet to the Northeast Corner of Lot 1, Block 1, of said Turkey Ridge Subdivision; thence leaving the East line of said Northeast Quarter of Section 6 and on the North line of said Lot 1, Block 1, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 533.0 feet to the Northwest Corner of said Lot 1, Block 1, Turkey Ridge Subdivision; thence on the West line of Lot 1 and Lot 2 of said Block 1, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 870.0 feet to the Northwest Corner of Lot 3 of said Block One, Turkey Ridge Subdivision, thence on the West line of Lot 3 and Lot 4 of said Block One, Turkey Ridge Subdivision, S 12° 39' 10" E a distance of 878.59 feet to the Northwest Corner of Lot A of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot A, Block One, Turkey Ridge Subdivision, S 19° 55' 53" E a distance of 53.41 feet to the Southwest Corner of said Lot A, Block One, Turkey Ridge Subdivision, which point is also the Northwest Corner of Lot 5 of said Block One, Turkey Ridge Subdivision, and which point is also the Northeast Corner of Lot 6 of said Block One, Turkey Ridge Subdivision; thence on the North line of said Lot 6, Block One, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 335.0 feet to the Northwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 6, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to a point on the South line of said Northeast Quarter of Section 6, which point is also the Southwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the South line of said Northeast Corner of Section 6 and on the South line of said Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 653.0 feet to the place of beginning. Subject to the public's interest in the existing public road (Range Road) crossing through the easterly portion of Lots 1 through 5 and Lot A of said Block One, Turkey Ridge Subdivision, and subject to the public's interest in the existing public road (375th Road) crossing the southerly portion of Lot 5 and Lot 6 of said Block One, Turkey Ridge Subdivision.

TOGETHER WITH;

A tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 9 through 12, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the

South line of the Northeast Quarter of the Northeast Quarter of said Section 6 and on the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1223.0 feet to the ACTUAL PLACE OF BEGINNING, which point is also the Southeast Corner of Lot 9 of said Block One, Turkey Ridge Subdivision, thence continuing on the South line of said Northeast Quarter of Section 6 and in the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1300.0 feet to the Southwest Corner of Lot 12 of said Block One, Turkey Ridge Subdivision; thence leaving the South line of said Northeast Quarter of Section 6 and on the West line of said Lot 12, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 298.33 feet to the Northwest Corner of said Lot 12, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 12 and Lot 11 of said Block One, Turkey Ridge Subdivision, S 87° 37' 59" E a distance of 730.47 feet to the Northeast Corner of said Lot 11, Block One, Turkey Ridge Subdivision, which point is also on the West line of Lot 10 of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 10, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 251.9 feet to the Northwest Corner of said Lot 10, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 10 and Lot 9 of said Block One, Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 570.0 feet to the Northeast Corner of said Lot 9, Block One, Turkey Ridge Subdivision; thence on the East line of said Lot 9, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to the place of beginning. Subject to the public's interest in the existing public road (375th Road) crossing the southerly portion of Lots 9 through 12 of said Block One, Turkey Ridge Subdivision, containing a total of 39.20 acres, more or less. Voting yes were Wolfe, Heiden, Brady, Keep, Skelton, Skov, Vacek and Vest. Voting no: none. Absent: Steinbrink, Sr. Motion carried.

Chairperson Brady opened up the public hearing at 7:16 P.M. for a preliminary plat for Woodward Estates Third submitted by Surveyor Mitchell Humphrey on behalf of Josiah Woodward and Marcile Woodward on the following legal description: a tract of land being part of the South Half of the Northeast Quarter of the Southeast Quarter (S ½ NE ¼ SE ¼) and part of the North Half of the Southeast Quarter of the Southeast Quarter (N ½ SE ¼ SE ¼) of Fractional Section Seven (7), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 36.88 acres, more or less, of which .96 acres, more or less, are presently being used for road purposes on the East side.

Surveyor Mitchell Humphrey with Buffalo Surveying was present to address the Commission. Josiah and Marcile Woodward were also in attendance. Humphrey told the Commission this subdivision is located directly north of the property they platted as Woodward Estates and Woodward Estates Second a couple of months ago. This subdivision is located between Cottonmill Ave and CEA Second Subdivision. When CEA Second was platted they had 88th Street going to the east which now 88th Street is extended through Woodward Estates Third Subdivision. This would be better access to Cottonmill Ave. Bill Woodward, who platted CEA Second Subdivision, build the roads up to specifications including that section of 88th Street but was never graveled so that is a road top that needs gravel.

Humphrey's office feels strongly that 88th Street should go on through to Cottonmill Ave. for an alternate exit for CEA Second Subdivision for fire protection. Humphrey said all four lots on the south side are above three acres. Lots 1 and Lot 2 are both 3.11 acres, Lot 3 is 5.42 acres and Lot 4 is 4.01 acres. These lots are all in Block 2. The north lots north of 88th Street are in Block

1 and are all over 3 acres. Lot 1 is 3.13 acre, Lot 2 is 5.24 acres, Lot 3 is 3.20 acres, Lot 4 is 3.50 acres and Lot 5 is 3.14 acres. There is a private road on the east side of Lot 4 which has access to Lot 2 but it is still over 3 acres. Humphrey said they made Lot 4 slightly bigger at the request of Kari Fisk. Taking out the ingress/egress easement, this lot is still over 3 acres.

There are utility easements running around both of the blocks as well as along 88th Street. Humphrey said we did not put easements in the bottom of the draw because Humphrey had contacted the utility companies and they wouldn't be putting utilities in the bottom of the draw. He said the utility companies would be putting the utility easements along the road. Humphrey is asking for a deviation for the utilities since he has contacted the utility companies and they have approved the placement of the utility easements as shown on the plat. The utility companies he has contacted are Tall Grass, Black Hills Energy, Frontier and Dawson Public Power District. The only problem is with the extension of 88th Street into CEA Second Subdivision and bringing it up to County standards. He has visited with John at the Highway Department and Humphrey doesn't know what to do. There are trees 3-4" in diameter, grass on the top of road and no gravel. The issue is how we get the road in CEA Second Subdivision brought up to standards. The solution is to get approval to scrape off weeds if the County can put gravel on it. The road is built to specifications. It just needs to be cleaned up by taking the weeds and the small trees off. There has been some suggestion to put a temporary cul-de-sac on 88th Street until this problem is fixed. Humphrey said we need to work together to get this problem solved. By having 88th Street go through, it's better for fire protection and emergency vehicles.

Keep asked if CEA Second had ever been accepted by the County to maintain their roads.

Fisk replied this part of 88th Street had never been accepted by the County and they were not maintaining this since 88th Street didn't go through. This developer is kind of in a hard spot since the developer of CEA Second never built up the road to standards. According to the regulations, a subdivision has to be connected as a through street, or end in a cul-de-sac, in order to be platted. Our subdivision regulations also allow a temporary turn-around until 88th Street goes through or until this problem can be resolved. The County cannot take over this extension of 88th Street until the developer of CEA Second Subdivision brings it up to standards.

Keep said this doesn't make sense. This only would require about 600' of gravel. \$300.00 is all we are talking about.

Brady said the other owner would have no obligation to extend this 88th Street.

Humphrey stated CEA Second has been accepted as a subdivision but the County has not taken over the road maintenance of this subdivision on 88th Street but what is silly is to build up a temporary cul-de-sac.

Brady asked if there are people in the CEA Second Subdivision that don't want this 88th Street to go through.

Wolfe asked whose land would the temporary turn-around be on. Humphrey said it would be on Joe Woodward's land.

Skelton asked if we could force anyone to extend 88th Street in the CEA Second Subdivision.

Fisk replied not at this time.

Josiah Woodward stated he drove through this area with his car on 88th Street through to the CEA Second Subdivision.

Fisk stated what is missing is the clean-up and the gravel put on the road top. We can't approve a subdivision with a dead-end road. That is why we need a temporary turn-around until 88th Street goes through.

Humphrey stated Joe Woodward could have put a cul-de-sac between Lot 3 and Lot 4 but it makes more sense to extend 88th Street through. This would be better in the long run for emergency vehicles.

Brady asked if the two parties could come to some kind of plan to remedy this problem. He is not really in favor of putting a time line for this temporary turn-around. A temporary situation could become a permanent situation.

Fisk said our regulations don't really require a time line for this temporary turn-around.

Fisk said the only other issues with this plat is the ingress/egress road next to Lot 4 needs to have language on the preliminary plat and final plat stating this is a private road. This private ingress/egress easement also needs a 10' utility easement on the west side of this private road. She said this access is required, otherwise Lot 2 would be land locked.

Humphrey said this is a private road and will always be a private road. The reason they put the 10' utility easement on the east side of this lot is because they didn't want the purchaser to just put the utility easement helter skelter on this private road. He doesn't think it is necessary to put a utility easement on the west side of this private road.

Fisk replied that currently our regulations state a utility easement needs to be on both sides of a private/public road. A private road could someday be a public road. This private road is still 66' in width.

Humphrey is just trying to do the right thing. He will just put a statement on the plat addressing the utility lines. He did the same thing for Rowe Subdivision and also the Standage Subdivision platted previously.

Fisk stated this private road could become a public road in the future. That is why we are requiring an easement on both sides of the private road. The easements along private/public road are not waivable.

Brady doesn't see a problem with the utility easement only being on one side of this private road.

Skelton questioned Humphrey if he couldn't put an easement on the west side of this private road. If it is never used, it's never used.

Humphrey replied he thinks it is just a waste having to do this.

Fisk said some of these larger lots could be split down the road. That is why we have the requirements for these utility easements like what we do.

He has showed the topography of each lot on the preliminary plat.

An Engineer's report has also been submitted by Brungardt Engineering regarding the storm drainage study and what size of culverts are needed for the individual lots.

There was no one present that voiced a concern.

Chairperson Brady closed the public hearing at 8:05 P.M.

Fisk said we have four items that need to be addressed in the motion. They are the easements shall be noted on the west side of the private road, the temporary turn-around be shown on the preliminary plat until such time as the road is through all the way to CEA Second Subdivision, the utility waivers for the easements and the private road language shall be shown on the preliminary and final plats.

Motion was made by Skelton, seconded by Vest to approve the preliminary plat for Woodward Estates Third submitted by Surveyor Mitchell Humphrey on behalf of Josiah Woodward and Marcile Woodward on the following legal description: a tract of land being part of the South Half of the Northeast Quarter of the Southeast Quarter (S ½ NE ¼ SE ¼) and part of the North Half of the Southeast Quarter of the Southeast Quarter (N ½ SE ¼ SE ¼) of Fractional Section Seven (7), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 36.88 acres, more or less, of which .96 acres, more or less, are presently being used for road purposes on the East side and forward to the County Commissioners with the provisions that the four provisions be addressed:

1. Relaxation of easements as noted and shown on the plat from Tall Grass, Black Hills Energy, Frontier and Dawson Public Power Co.
2. Private easement shall be notated on the west side of the private road on the east side of Lot 4, Block 1.
3. Temporary turn-around, in compliance with Section 5.04, off of 88th Street adjacent to Lot 3, Block 1 and Lot 4, Block 2.
4. Private road language shall be shown on the preliminary and final plat.

Voting yes were Skelton, Vest, Brady, Heiden, Keep, Skov, Vacek and Wolfe. Voting no: none. Absent: Steinbrink, Sr. Motion carried.

Chairperson Brady opened the public hearing at 8:08 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Terry Hadwiger and Teresa Hadwiger from Agricultural to Agricultural-Residential on the following legal description: a tract of land being the South 250.00 feet of the West 374.00 feet of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) Section Eight (8) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 2.15 acres, more or less, of which 0.45 acres, more or less are presently used for road purposes on the South and West sides.

Surveyor Mitch Humphrey was present to represent Terry and Teresa Hadwiger. This house site is on the southwest corner of Section 8 of Divide Township and sits on the northeast corner of 175th Road and Riverdale Road. What they want to do is similar to what they did to Hadwiger's house site a couple of months ago. They want to rezone this to Agricultural-Residential and split this house site off so they can convey this house to someone else so he can continue farming around this lot. There is a shelter belt on the north and east side and they would like to enlarge this to the east to encompass the second leach field. This would be 2.15 acres or 93,654 square feet.

Wolfe asked if the drive-way would stay in the same location.

Humphrey replied it would stay in the same location.

Heiden asked if they had two leach fields.

Humphrey said there were two leach fields.

Skelton asked if it would be rezoned to Agricultural-Residential, which Humphrey said it would.

There was no one present that spoke in opposition.

Chairperson Brady closed the public hearing at 8:15 P.M.

Motion was made by Vacek, seconded by Skelton to approve the zoning map amendment submitted by Mitchell Humphrey on behalf of Terry and Teresa Hadwiger from Agricultural (AG) to Agricultural-Residential (AGR) and forward this application with approval to the County Commissioners on the following legal description: a tract of land being the South 250.00 feet of the West 374.00 feet of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) Section Eight (8) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 2.15 acres, more or less, of which 0.45 acres, more or less are presently used for road purposes on the South and West sides.

Voting yes were Vacek, Skelton, Brady, Heiden, Keep, Skov, Vest and Wolfe. Voting no: none. Absent: Steinbrink, Sr. Motion carried.

Chairperson Brady opened the next public hearing at 8:15 P.M. for a recommendation to amend Buffalo County Zoning Regulations to allow multi-family residences in an Agricultural-Residential area under Section 5.32. This request was submitted by Anita Lorentzen.

Anita Lorentzen was present and told the Commission she is building a 2 car garage and office south of her home and wants to add a guest suite for her parents on the top of the garage. She can't add it to her house because of the lay of the land.

Kari Fisk said this requires an amendment to our zoning regulations as our current zoning regulations do not permit multi-family housing, but rather focus on low-density residential property. The County does not use code inspectors. If we were to allow this, it would open it up to apartment complexes, duplexes, trailers, etc. We lack the infrastructure to allow this so that is the reason the County Attorney's office is not recommending this amendment. The biggest problem is defining the definition of guest suites. Defining guest houses is a zoning nightmare. The City of Kearney does not allow guest suites in their zoning regulations. Fisk showed pictures of what guest suites could encompass. In defining them, you get into a huge legal issue.

Keep said this wouldn't be a problem in the Agricultural zoning.

Lorentzen asked if she could rezone her property to Agricultural.

Skelton asked how many acres she had.

Lorentzen replied she has over 3.38 acres. She is digging another well as well as putting in another septic system by the garage.

Heiden stated when we set up this zoning we discussed this issue. What's going to happen in fifty years when Grandpa is dead, what's going to happen to the property then?

Brady has a concern in opening this up to duplexes etc.; we are setting a precedent.

Brady asked how far from the City of Kearney's jurisdiction is this?

Klein replied it is about ¼ mile from their jurisdiction line.

Heiden asked if she could do a subdivision.

Fisk said she would have to get Nebraska Department of Environmental Quality approval and also the County Commissioners approval.

Skelton told Lorentzen she might be able to do this subdivision.

Fisk said this Administrative Subdivision would just go in front of the County Commissioners with DEQ and County Commissioners approval.

Chairperson Brady closed the public hearing at 8:35 P.M.

A motion was made by Vest, seconded by Vacek to deny the recommendation to amend Buffalo County Zoning Regulations to allow multi-family residences in an Agricultural-Residential area

under Section 5.32 to allow a guest suite. Voting yes were Vest, Vacek, Brady, Heiden, Keep, Skelton, Skov and Wolfe. Voting no: None. Absent: Steinbrink, Sr. Motion carried.

Other items were discussed.

Old Business: Moved by Vacek, seconded by Skelton to approve the minutes of the July 21, 2016 as mailed. Voting yes were Vacek, Skelton, Brady, Heiden, Keep, Skov and Vest. Voting no: none. Abstain: Wolfe. Absent: Steinbrink, Sr. Motion carried.

The next meeting of the Planning & Zoning Commission will be held November 17, 2016 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 8:48 P.M.