

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Warren Hoelsing, Paul Ireland, Dick McCabe, Marlan Millard, Harold Moes, Marty Rohde, and Elvin Vavra. Also present: and Planning and Zoning Administrator Arnold Mellick and Dakota County Commissioner Tony Gomez. Absent; Scott Gubbels, and Joe O'Neill.

Moved by Marty Rohde, second by Paul Ireland to approve the minutes of the November 18, 2014 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is reorganization of members. Motion made by Paul Ireland, second by Harold Moes to leave as. Roll call vote. Unanimous. Motion carried. Marlan Millard will remain as chairman, Marty Rohde as vice-chair and Dick McCabe as secretary.

Next item on the agenda is to discuss Robert Beermann's plans to split off house from farm property. Property is located 773 175th Street off Hwy 35. They would like to split off 2 acres from the current farm ground. According to regulations Section 600.4 Space limits (7) Exceptions: (a) A lot smaller than five (5) acres may be separate from the adjoining farming operation of five (5) acres or more and used for a residential lot under one of the following conditions: If the parcel is an existing farm site not needed for the farming operation. For the purpose of these regulations an existing site is one which has been used in a farming operation for six (6) or more years and includes a farm dwelling. Arnie will contact the county attorney for her opinion.

Next item on the agenda is to discuss regulations for possible dairy farms in Dakota County. Todd Tuls would like to put up a dairy in Dakota County. He wants to buy 100 acres on H Ave to put up a 5000+ dairy operation. Arnie asked the board if a dairy should fall under livestock feeding operations or if they need to add dairy regulations to our zoning regulations. Arnie will contact Simpco and give the board their recommendation.

Next item is to discuss temporary camper parking on a residential property. Larry Jump located at 554 200th Street would like to let a few people who are up in the area for construction jobs, park their campers on his property. He would only supply electric and would have no other hookups. They would like to have Mr. Jump come before the board so they can get more information on this subject.

Next item is to discuss who will be attending the NPZA Conference next month in Kearney. Anyone who is interested needs to contact the zoning office by the end of the week so reservations for the conference and hotels can be made.

Next on the agenda is Miscellaneous and Old Business. Commissioners said that we can't take the word "joint" out of our regulations since the Village of Hubbard has in their regulations that they are joint with Dakota County in their extraterritorial jurisdiction. Arnie will contact the Village of Hubbard and request Hubbard to remove their affiliation with Dakota County on their zoning laws. No new building permits and informational statements since last meeting.

Marlan opened up the floor for public comment. No public.

Moved by Harold Moes, second by Marty Rohde, to adjourn. Motion carried
Meeting was duly adjourned at 8:12 P.M.
Respectfully submitted,

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The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Paul Ireland, Marlan Millard, Harold Moes, Joe O'Neill, and Martin Rohde Also present: and Planning and Zoning Administrator Arnold Mellick and Dakota County Commissioner Tony Gomez. Absent; Scott Gubbels, Warren Hoelsing, Dick McCabe, and Elvin Vavra.

Moved by Harold Moes, second by Marty Rohde to approve the minutes of the February 17, 2015 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Larry Albenesius to present the board with a preliminary map for Rottunda Place Subdivision, Fifth Addition in the extra-territorial subdivision on South Sioux City, NE. Larry presented the maps for the board to review. Motion made by Joe O'Neill second by Marty Rohde to approve the preliminary map for Rottunda Place Subdivision, Fifth Addition . Roll Call Vote. Unanimous.

Next item on the agenda to discuss adding dairy to the regulations. When Arnie was at the conference the general consensus was that we do not need to add dairy to our regulations and the feedlot regulations covers everything we should need for a dairy.

Next item on the agenda is to discuss changing the Informational Statement to include "intended use of improvement". The assessor's office thought it might be a good idea to add this in. The county has had a few residents put up Morton buildings and are currently living in them. They are being used for living space instead of the assumed use as storage. P&Z board agreed it would be a good idea.

Next item on the agenda is for the board members who attend the NPZA conference to discuss any new information they learned from attending the meeting. Arnie stated he attended a seminar on GIS and stated that the GIS system the county has incorporated will be a very useful tool for zoning. Another issue brought up was that if someone wants to rezone their property, we should keep maps in the office to show the public where the changes are. Also that most counties have the landowner wishing to rezone, to notify the surrounding landowners. Whenever we have a public hearing for rezoning or regulation changes etc., we should have a fact finding form attached to the change so we have proof that we went through all the correct steps for the change to be made legal. Marlan attended a seminar on LB106. If approved the county zoning boards can be overridden by the state for issues relating to livestock operations. Harold attended a seminar on nuisance properties. The state is in the process of transferring these laws that the cities use to condemn and clean up properties to the county jurisdictions so the counties can have authority to get nuisance property cleaned up.

Next on the agenda is Miscellaneous and Old Business. Arnie discussed the issue with the county attorney about reducing the property located at 773 175th Street off Hwy 35 to 2 acres. According to regulations Section 600.4 Space limits (7) Exceptions: (a) A lot smaller than five (5) acres may be separate from the adjoining farming operation of five (5) acres or more and used for a residential lot under one of the following conditions: If the parcel is an existing farm site not needed for the farming operation. For the purpose of these regulations an existing site is one which has been used in a farming operation for six (6) or more years and includes a farm dwelling. The county attorney, Kim Watson reviewed the regulations and agrees that this acreage can legally be reduced to 2 acres. Arnie will have a letter drawn up for the property owners stating per regulations, this will be a legal acreage.

Marlan opened up the floor for public comment. No public.

Moved by Joe O'Neill, second by Harold Moes, to adjourn. Motion carried

Meeting was duly adjourned at 7:40 P.M.

Respectfully submitted,

Jolene Gubbels

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The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Warren Hoelsing, Paul Ireland, Dick McCabe, Marlan Millard, Harold Moes, and Joe O'Neill. Also present: and Planning and Zoning Administrator Arnold Mellick and Dakota County Commissioner Tony Gomez. Absent; Scott Gubbels, Martin Rohde, and Elvin Vavra.

Moved by Joe O'Neill, second by Paul Ireland to approve the minutes of the March 17, 2015 meeting. Roll Call Vote. Unanimous. Motion carried.

Chairman Marlan Millard declared the regular meeting closed and the Public Hearing open at 7:02 P.M to review a conditional use permit application for a riding stable located at the corner of 200th Street and M Ave, Hubbard, NE. The county zoning board is reviewing the application for the Village of Hubbard. The Public Hearing closed at 7:17 P.M. and the regular meeting of the Planning and Zoning Commission reopened.

Motion made by Warren Hoelsing, second by Harold Moes to approve the conditional use permit application on a yearly basis. Roll call vote. Unanimous. Motion passed.

Next on the agenda is to renew the conditional use permits for Nelson, Arndt, and Lynch.

Motion made by Harold Moes, second by Joe O'Neill to renew conditional use permit for Rob Nelson. Roll call vote. Unanimous. Motion passed.

Motion made by Joe O'Neill second by Harold Moes to renew conditional use permit for Arndt Towing. Roll call vote. Unanimous. Motion passed.

Motion made by Harold Moes, second by Warren Hoelsing to renew conditional use permit for Lynch Properties. Roll call vote. Unanimous. Motion passed.

Next on the agenda is to discuss questions brought up by Tod Tuls for a conditional use permit regarding an incoming dairy. Mr. Tuls needs to get a DEQ permit, state permit and federal permit. Milk prices are down right now so he will be waiting a several months to start construction. Since the permits are expensive to pertain, he does not want to get them until he knows for sure he can build in our county. He was wondering if he when he decides to apply for his conditional use permit it can be approved on the condition he gets all the proper permits.

Next on the agenda is Miscellaneous and Old Business. Arnie said that he tried to contact Dennis Walsh to see if his tenants are out of the mobile home on his property and when the mobile will be removed, but has not had any luck reaching him. Elliotte Saunders was brought up and that he still has not finished cleaning up his property. Arnie said that he would contact the county attorney again to check on his progress. Arnie went over the new zoning permits and informational statements.

Marlan opened up the floor for public comment. No public.

Moved by Harold Moes, second by Paul Ireland, to adjourn. Motion carried
Meeting was duly adjourned at 7:38 P.M.

Respectfully submitted,
Jolene Gubbels

Public Hearing was called to order at 7:03 P.M. by Chairman Marlan Millard to review a conditional use permit application for a riding stable located at the corner of 200th Street and M Ave, Hubbard, NE. The county zoning board is reviewing this application for conditional use for the Village of Hubbard. Chairman Marlan Millard opened up the floor for discussion.

Amy Freeman, landowner would like to put up a riding stable on her property adjoining the Danish Alps Recreation Area. The park has installed a gate giving her access to the equestrian trails so they can rent out horses to ride on the parks trails. The Freeman's will have 2 arenas, one large and one small and will also give affordable riding lessons at the stable to benefit the local children. They will allow 4-H to use the facility, as well as any other organization that would like to use it. They will also board horses there. Arnie Mellick, the zoning administrator stated that the area did not need to be rezoned because under Section 600.3 under Conditional Uses paragraph 7 address riding academies. Amy also stated if they would need extra help running the facility, she would like to employ local teens looking for extra work. The zoning board discussed approving the conditional use permit on a yearly basis so they could decide if any conditions needed to be added once the facility was functional. The question of insurance was brought up and Amy stated she is working with an organization that is giving her guidelines to follow for safety procedures that will help reduce the cost of insurance. Amy questioned the board on whether or not she could expand the facility to sell bait, beer and ice or rent canoes or kayaks. Arnie told her that the conditional use permit would only cover the riding stable and if she wanted to expand, she would have to ask the board in Hubbard since it is in the Village of Hubbard's jurisdiction. Amy stated she wants to expand to be able to accommodate the needs that may arise for people using the lake.

A board member asked if they can approve the permit with conditions such as making sure they have insurance. Amy stated that she would definitely have insurance to run the facility. Arnie stated that the county zoning board can only approve the ability for a riding stable being built at the intended location. The Village of Hubbard will have to issue the permit for the actual building to be built.

Chairman Marlan Millard closed the public hearing at 7:17 P.M.

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The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Paul Ireland, Marlan Millard, Harold Moes, Joe O'Neill, and Martin Rohde Also present: and Planning and Zoning Administrator Arnold Mellick. Absent; Scott Gubbels, Warren Hoelsing, Dick McCabe, Elvin Vavra and Dakota County Commissioner Tony Gomez.

Moved by Harold Moes, second by Paul Ireland to approve the minutes of the June 16, 2015 meeting. Roll Call Vote. Unanimous. Motion carried.

Next on the agenda is to discuss Dennis Walsh's consanguinity permit. Arnie informed the board that Dennis Walsh had a mobile home on his property under a consanguinity permit which falls under Section 600.2 Accessory Uses #2.

Section 600.2. ACCESSORY USES

The following uses are permitted as accessory uses to the principle permitted uses in the AG, Agricultural District:

1. Facilities common to farm activities, including private swimming pools.
2. Single family residences including mobile homes for relatives of consanguinity and marriage provided that only one such dwelling is allowed per five (5) acres. Mobile homes placed in this manner are subject to the provisions of Section 800.2 of this regulation, are to be considered temporary only, and must be removed upon the death or departure of the relative.

Once Mr. Walsh's family member moved out, he did not remove the trailer and rented it out to a non-family member. Mr. Walsh was contacted in June to remove the trailer from his property, but his tenants are dragging his feet about moving out. Arnie contacted Kim Watson, county attorney to send Mr. Walsh and the tenants a letter stating that they need to move and remove the trailer from the property

Next item on the agenda to discuss a possible dairy calf operation coming into Dakota County and amending the animal unit regulations. Nick Row with Pro Ag Engineering called Arnie about putting in a dairy calf operation in Dakota County. Our regulations do not address dairy calves. Our regulations define an animal as ANIMAL UNIT: Shall mean the equivalency of 1 slaughter and feeder cow, 0.5 horse; 0.7 mature dairy cow; 2.5 swine weighing 55 lbs or more; 25 weaned pigs weighting less than 55 lbs.; 10 sheep; 100 chickens; 50 turkeys or 50 ducks. Since Dakota County has recently been classified as a Livestock Friendly County, Mr. Row suggested we follow the regulations on animal units from that. The livestock friendly regulations Chapter 2 Sections 003.03 defines animal units for dairy calves as follows: For immature dairy cattle or species not listed, the number of animal units shall be calculated as the average weight of the animals, divided by 1,000 pounds, multiplied by the number of animals.

After much discussion Arnie will go before the Board of Commissioners to inform the board of the P&Z Commission's intent to incorporate some of the language from the Livestock Friendly County Regulations into the Dakota County Regulations. The October P&Z meeting will have a public hearing on this subject.

Next on the agenda is Miscellaneous and Old Business. Arnie went over the informational statements and zoning permits.

Marlan opened up the floor for public comment. No public.

Moved by Harold Moes, second by Paul Ireland, to adjourn. Motion carried

Meeting was duly adjourned at 7:20 P.M.

Respectfully submitted,

Jolene Gubbels

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The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:20 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Warren Hoelsing, Paul Ireland, Marlan Millard, Harold Moes, and Martin Rohde. Also present: and Planning and Zoning Administrator Arnold Mellick and Dakota County Commissioner Tony Gomez. Absent; Scott Gubbels, Dick McCabe, Joe O'Neill, and Elvin Vavra.

Moved by Marty Rohde, second by Warren Hoelsing to approve the minutes of the September 15, 2015 meeting. Roll Call Vote. Unanimous. Motion carried.

Chairman Marlan Millard declared the regular meeting closed and the Public Hearing open at 7:22 P.M to discuss amending the definition of animal units in the zoning regulations to include a definition for dairy calves as defined in the Livestock Friendly Regulations: For immature dairy cattle, the number of animal units shall be calculated as the average weight of the animals, divided by 1,000 pounds, multiplied by the number of animals.

The Public Hearing closed at 7:25 P.M. and the regular meeting of the Planning and Zoning Commission reopened.

Motion made by Harold Moes, second by Marty Rohde to send the Planning and Zoning Boards recommendation to the Dakota County Board of Commissioners to amend the regulations to include the Livestock Friendly definition for dairy calves for final approval. Roll call vote. Unanimous. Motion passed.

Next on the agenda is to discuss Dennis Walsh's consanguinity permit. Kim Watson the county attorney said that before she could send a letter that we needed to send one stating that he was in violation of zoning regulations. Dennis Walsh, and his tenant were both sent letters mailed certified return receipt and both were returned unclaimed. Ms. Watson was notified that the letters had been returned and was asked to take action from here.

Next on the agenda is Miscellaneous and Old Business. Arnie went over the new zoning permits and informational permits. Kelly Lamp received a variance from the Board of Adjustment to put up his grain bin since it did not meet the required 50 foot setback.

Marlan opened up the floor for public comment. No public.

Moved by Warren Hoelsing, second by Paul Ireland, to adjourn. Motion carried

Meeting was duly adjourned at 7:30 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING COMMISSION: October 20, 2015

PUBLIC HEARING

Public Hearing was called to order at 7:22 P.M. by Chairman Marlan Millard to amend the zoning regulations for the definition of animal units to include dairy calves as defined in the Livestock Friendly Regulations for Nebraska. Current Dakota County Zoning Regulation's Definition of Animal Units: Shall mean the equivalency of 1 slaughter and feeder cow, 0.5 horse; 0.7 mature dairy cow; 2.5 swine weighing 55 lbs or more; 25 weaned pigs weighting less than 55 lbs.; 10 sheep; 100 chickens; 50 turkeys or 50 ducks.

Amended Dakota County Zoning Regulations Definition of Animal Units defined as follows: ANIMAL UNIT: Shall mean the equivalency of 1 slaughter and feeder cow, 0.5 horse; 0.7 mature dairy cow; 2.5 swine weighing 55 lbs or more; 25 weaned pigs weighting less than 55 lbs.; 10 sheep; 100 chickens; 50 turkeys or 50 ducks. For immature dairy cattle, the number of animal units shall be calculated as the average weight of the animals, divided by 1,000 pounds, multiplied by the number of animals.

The calves will be raised from new born which is about 50 to 80 pounds, then will be brought up to 150lbs and then shipped elsewhere.

Chairman Millard open the meeting up to public comment. No public.

Chairman Marlan Millard closed the public hearing at 7:25 P.M.

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The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marlan Millard. Notice was made regarding the Open Meeting Act posted on the wall and the Pledge of allegiance was said by all.

Present were: Paul Ireland, Dick McCabe, Marlan Millard, Harold Moes, Joe O'Neill, Martin Rohde and Elvin Vavra Also present: and Planning and Zoning Administrator Arnold Mellick. Absent; Scott Gubbels, and Warren Hoelsing and Dakota County Commissioner Tony Gomez.

Moved by Marty Rohde, second by Paul Ireland to approve the minutes of the October 20, 2015 meeting. Roll Call Vote. Unanimous. Motion carried.

First item on the agenda is to review zoning regulations. There is a resident that would like to restore old cars on his property in an existing building. The property is zoned as R10. He also asked about putting in some single apartments. He will come before the board in January to discuss his

Dennis Walsh was served papers by a deputy and we are waiting to hear back from Kim Watson on updates about his violation of the consanguinity permit.

Arnie was asked if the board would like to consider dropping down the acreage requirements to 2 acres.

The company wanting to put up a cell tower in Hubbard's jurisdiction, which will have to go through the county to approve a conditional use permit is hoping to have everything ready after the first of the year.

Next on the agenda is Miscellaneous and Old Business. Arnie went over the informational statements and zoning permits.

Marlan opened up the floor for public comment. No public.

Moved by Harold Moes, second by Paul Ireland, to adjourn. Motion carried

Meeting was duly adjourned at 7:17 P.M.

Respectfully submitted,

Jolene Gubbels