

DAKOTA COUNTY PLANNING & ZONING: February 19, 2019
MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Ron Gill, Christy Henjes, Paul Ireland, Dick McCabe, Harold Moes and Martin Rohde, Scott Bousquet arrived at 7:15. Absent: Jeanine Grove, and Warren Hoelsing, Also present: Dakota County Commissioner Larry Albenesius and Planning and Zoning Administrator Joe O'Neill. Public Present: Robert Criss, David Criss, Robert Mari, and Robin Mari.

Notice was made regarding the Open Meeting Act posted on the West wall.

First item on the agenda is the re-organization of the board. Nomination made by Paul Ireland, second by Ron Gill to nominate Martin Rohde as Chairman. Roll call vote: Unanimous. Motion carried

Motion made by Martin Rohde, second by Paul Ireland to nominate Harold Moes as vice-Chair. Roll Call Vote: Unanimous. Motion carried.

Motion made by Harold Moes, second by Marty Rohde for Dick McCabe to remain as secretary. Roll Call Vote. Unanimous. Motion Carried.

Moved by Harold Moes, second by Christy Henjes to approve the minutes of the October 16, 2018 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is for Robert Criss to address the board regarding his options for an additional dwelling. Mr. Criss has a mobile home on his property that sits on a parcel of 1.5 acres that his son will be living in. He replaced one that had currently been there. He either needs to put the mobile home up under consanguinity permit or needs to section off 2.5 acres of land where the trailer is sitting. Mr. Criss decided to take out a consanguinity permit for the mobile home and will remove it once a family member ceases to live there.

Next on the agenda is Robert Mari to discuss putting up a building in an area zoned recreational North of Jackson. Robert would like to buy the 4.5+ acres on the east end of Lynch properties to potentially build a home. This area of the camp ground was set aside to put in a boat dock, but that never materialized. He is wondering if he is allowed to build that close to the RV park and if there are regulations in place that prohibit that. Mr. Mari thought there might be a 500-foot rule that a camper could not be within 500 foot of a dwelling. If there is a regulation on that could Mr. Mari sign a waiver stating he is ok with being within the 500-foot distance of a camper. Joe will look into the regulations surrounding the RV park and get back with Mr. Mari.

Next on the agenda is to review wind turbine regulations. Joe has had some inquiries pertaining to commercial wind energy and after reviewing our regulations noticed they were outdated and the regulations don't address setbacks from residents or decommissioning of the wind turbines. Joe will contact SIMPCO to get help with updating the regulations and he will see what other counties have done when he goes to the NPZA conference in March.

Next on the agenda is to discuss the Gentrup hog confinement establishing a separate LLC. The DEQ contacted them about having cattle and hogs in the same piece of property. The DEQ would like them to having them separate for their DEQ licensing. The Gentrups want to take 7.8 acres around the hog confinement to have for their hog confinement property. Since they are establishing an LLC they will need to get the conditional use permit under the new LLC. They will need to have new setback waivers signed by the closest landowners.

Next on the agenda is to discuss pipeline regulations. Joe had an inquiry about a pipeline from Homer to Ponca. The board discussed what the county would need to do. If they are just running a pipeline they would have to abide by state regulations and any county right-of-way they may fall in. If they build a pumping station then they would need a conditional use permit.

Next on the agenda is miscellaneous and old business. Joe went over the permits that have been issued. Tony Kneifl near Ponca is putting on an addition and Rocky Laird by Dakota City is moving in a mobile home where his house burned down. Nick Komvongsa – farmsteads- shed, and William Barkley – Jackson – shed.

Marty opened up the floor for public comment. No comment

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

Meeting was duly adjourned at 7:51 P.M.

Respectfully submitted,

Jolene Gubbels

DAKOTA COUNTY PLANNING & ZONING: March 19, 2019
MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Gill, Jeanine Grove, Christy Henjes, Warren Hoelsing, Dick McCabe, Harold Moes and Martin Rohde. Absent: Paul Ireland. Also, present: Dakota County Commissioner Larry Albenesius and Planning and Zoning Administrator Joe O'Neill. Public Present: Justin Sindelar and Andy Schulting with Nutrient Advisors, Dan and Lori Gentrup.

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Harold Moes, second by Christy Henjes to approve the minutes of the February 19, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Dan Gentrup to discuss his existing Conditional Use Permit for his hog confinement. The hog confinement will be sectioned off and separate from the rest of the farming operation and transferred into an LLC. The conditional use permit is for use of the land and will transfer to the new LLC.

Next on the agenda renew conditional use permit for Arndt, Lynch and Nelson.

Motion made by Warren Hoelsing, second by Ron Gill to renew Arndt's conditional use permit. Unanimous vote. Motion carried.

Motion made by Scott Bousquet, second by Harold Moes to renew Lynch's conditional use permit. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Scott Bousquet, second by Christy Henjes to renew Nelson's conditional use permit. Roll Call Vote. Unanimous. Motion Carried

Next on the agenda is to discuss wind energy and solar energy regulations. Joe has spoken with SIMPCO but they do not have any material together for the county yet. Joe passed out some regulations from Knox County for the board to review. The board discussed what they would like to see in Dakota County's regulations: It is important that the company who installs them is responsible to remove them once they are no longer operational and a timeframe for removal in place. We need to have setbacks in place to protect neighboring property owners. The regulations be well defined to prevent any loopholes or misinterpretation. The regulations should reference blade glare and ice fling.

Solar energy was also discussed, but doesn't seem to be as in much of a demand as wind energy.

Next on the agenda is to review the fee schedule. Questions were brought up if new landowners had to get a permit to have a driveway culvert installed. Joe said that would be up to the road department, but the zoning board could put on their applications that they must contact the road department before putting in a driveway. Board did not see any changes that needed to be made to fee schedule.

Next on the agenda is to discuss information NPZA conference. Joe and Ron both attended. They discussed some of the highlights from the sessions they attended.

Next on the agenda is miscellaneous and old business. Joe went over the permits that have been issued. Robert Criss is putting in a mobile home under consanguinity near Homer. Randy Lussier – Hubbard- shed, and Tristan Weaver – Jackson – shed.

Marty opened up the floor for public comment. No Public. No comment

Moved by Harold Moes, second by Warren Hoelsing, to adjourn. Motion carried
Meeting was duly adjourned at 8:01 P.M.
Respectfully submitted,

DAKOTA COUNTY PLANNING & ZONING: May 19, 2019
MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Gill, Jeanine Grove, Christy Henjes, Paul Ireland, Dick McCabe, Harold Moes and Martin Rohde. Absent: Warren Hoelsing, and Dakota County Commissioner Larry Albenesius. Also present: Planning and Zoning Administrator Joe O'Neill. Public Present: Kevin Hansen

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Harold Moes, second by Christy Henjes to approve the minutes of the March 19, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Kevin Hansen located at 1121 197th St. Hubbard. He would like to rezone 2 acres of his 20 acre property to establish a bar, restaurant, and event center. He has an existing building 36 x 60 that he wants to renovate for the business. The board discussed the road out to property, well and septic systems and parking. The board told him he needs to have the area surveyed and the DEQ consent and know what state certifications he needs to meet and then come back to the Planning and Zoning board for rezoning.

Next on the agenda is to discuss wind energy regulations. Joe has been reviewing regulations from other counties and Stanton County Nebraska has the most stringent regulations of what he was able to review. The regulations are for commercial and noncommercial wind turbines. The few things that Stanton's regulations didn't include was the upkeep of the road during and after installation and the removal of the turbine was only required to go to ground level. Other counties had conditions on the road maintenance and removal of turbine to at least 4' below ground level. Some of the regulations had an escrow account setup to help with the cost of decommissioning the turbines. Discussion was had on the depth of the lines, the maintenance the turbines and who makes sure all the regulations are followed to ensure they are installed properly. Questions were also made regarding the tax benefit for the county. Joe said that he would look into that. The next meeting the board will go step by step through all the regulations to establish the new regulations.

Next on the agenda is to review the consanguinity regulations since the regulations are down to 2 ½ acres per dwelling. The board reviewed the regulations and it was decided according to the regulations if someone currently falls under consanguinity and they have enough property they can opt out of the consanguinity if the 2 dwellings can be 50 feet part from property line and 90 feet from center of road. They can then survey and sell of the 2 ½ acres and establish their own well and septic. Otherwise if there is more than one dwelling on a property, they still need to follow the consanguinity rules.

Next on the agenda is to discuss DEQ complaint north of Jackson about possible hazardous material being on property or buried on property. Joe looked into the concerns and found that the property owner was in compliance.

Next on the agenda is miscellaneous and old business. Jeanie Grove commented that the Village of Hubbard now has their own Planning and Zoning Board established will have their first meeting this month. A board member was approached about junk being stored on F Ave by Dakota City. Joe will talk to Kim Watson about what options the board can pursue.

Joe went over the permits that have been issued. Richard & Sheila Oligmuller – new home, James Starks – addition and Randy Oligmueller – new home- all in Dakota Flats. Sally Eiler – deck, Ponca. Juan Alamillo – shed- Dakota City, Barry Fiscus - shed– Jackson, and Justin Heberer – shed - Emerson

Marty opened up the floor for public comment. No Public. No comment

Moved by Harold Moes, second by Christy Henjes, to adjourn. Motion carried

Meeting was duly adjourned at 8:01 P.M.

Respectfully submitted,

Jolene Gubbels

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were Scott Bousquet, Ron Gill, Jeanine Grove, Christy Henjes, Warren Hoelsing, Dick McCabe, Harold Moes and Martin Rohde. Absent: Paul Ireland and Dakota County Commissioner Larry Albenesius. Also present: Planning and Zoning Administrator Joe O'Neill. Public Present: Phil Kramper

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Harold Moes, second by Christy Henjes to approve the minutes of the May 21, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Phil and Julie Kramper to address board regarding an additional dwelling on their property under a consanguinity permit. Phil and Julie have purchased a school house from Ponca. They will put it approximately 200 feet from their existing home. They will put up a basement to set it on and remodel the 38 x 24 building for their daughter to live in. The new dwelling meets all the required setbacks and meets the regulations required for a consanguinity permit. Harold Moes, second by Warren Hoelsing to approve the consanguinity permit. Roll Call Vote. Unanimous. Motion carried.

Next on the agenda is to discuss wind energy regulations. The board was sent the regulations that Stanton County has in place. Joe said that there was a statement put out by the Attorney General that since our county has Planning and Zoning and Board of Adjustments in place that Dakota County can legally make regulations that restrict wind and solar energy regulations. The board proceeded to go through the Stanton Regulations and discussed each regulation.

Motion made by Warren Hoelsing, second by Harold Moes to table the review of regulations until next month until they had more information. Roll Call Vote. Unanimous. Motion carried.

Next on the agenda is miscellaneous and old business. Joe told the board that there was a Board of Adjustments meeting last week. They granted a variance for a residence for a deck on Fiddler Creek that will be 80 feet from center of the road which a building permit was issued for. They denied a variance for a building on M Ave that the property owner wanted to put 45 feet from center of road.

Marty opened up the floor for public comment. No Public. No comment

Moved by Warren Hoelsing, second by Christy Henjes, to adjourn. Motion carried

Meeting was duly adjourned at 8:23 P.M.

Respectfully submitted,

Jolene Gubbels

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:02 P.M. by vice-Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were Scott Bousquet, Ron Gill, Jeanine Grove, Christy Henjes, Warren Hoelsing, and Harold Moes. Absent: Paul Ireland, Dick McCabe, Martin Rohde and Dakota County Commissioner Larry Albenesius. Also present: Planning and Zoning Administrator Joe O'Neill. Public Present: Dennis Walsh

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Ron Gill, second by Christy Henjes to approve the minutes of the June 18, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Dennis Walsh to address the board regarding removing trailer he had for consanguinity which is now used for storage and moving in a house in its place on a 6.61-acre property. The property would be surveyed and reduced down to 2.5 acres where the new house would set and the original acreage would be 4.11 acres. The 2.5 acres would have its own septic and well. This property is located in the Farmsteads. Currently the number of driveways per mile has been exceeded in that area. The board discussed the new parcel sharing a driveway with the existing one. The board agreed that this was the best option for the two parcels.

Next on the agenda is to discuss wind energy regulations tabled from last meeting. Joe spoke with Dixon county on the taxes generated from the wind turbines. The wind turbines are very lucrative for the counties. The IRS has a system in place on how they tax the commercial wind energy. The amount taxed is very substantial and a large portion of that is given back to the counties that have them. Also, the IRS taxes the farmer's land that has the wind turbines on them as farmland. Joe also spoke to some planning and zoning administrators from other counties. Knox County and Antelope County together have the biggest wind farm in Nebraska. They have over 200 turbines and plan to add more. Some counties are issuing 2 different types of permits. One is a farm permit where the company can go on a farm and do all their studies to see where the best place for wind turbines should be and the other permit is a zoning permit for each actually turbine. The initial farm permit is generally \$150 and the permit for each turbine is \$500.

Knox County has a company come in and test the noise levels that the wind turbines produce. Also, some counties have a decommission account to help with the costs associated with removal of wind turbines if necessary. The board continued to go through Stanton County's regulations line by line.

Next on the agenda is to discuss nuisance complaints. There have been several complaints on the property located on F Ave regarding old appliances piling up. The property owner has been sent certified letters in the past but has not picked them up and they have been returned. County attorney Kim Watson suggested sending one more certified letter and if it comes back to have the Sheriff's Office serve him the letter. Once he has been notified that he is in violation then the planning and zoning can proceed with the issues on his property. There is also another complaint on 200th Street by Homer about cars. One of the P&Z members stated that some of the cars were junk, but some were from drivers for a trucking company that was on the property. Joe is going to look into the company to make sure they are in compliance with regulations.

Another complaint was made against the auto business along Hwy 77 south of Homer. Joe spoke with him two years ago and he has cleaned up some of his property. He is using the parts from vehicles and salvaging them, but he does not have a salvage permit. The business started as a mechanic shop and have a few cars he might sell. Now the business has grown. Joe will try to find information when the business started and see what agreements were made and contact the business owner to let him know what he needs to do to bring his business into compliance with the county's zoning regulations.

Next on the agenda is miscellaneous and old business. Joe went over the building permits. Phil & Julie Kramper are moving a home in Willis and Patrick Baker is adding an addition and deck to his home near Homer.

Harold opened up the floor for public comment. No Public. No comment

Moved by Scott Bousquet, second by Christy Henjes, to adjourn. Motion carried

Meeting was duly adjourned at 8:17 P.M.

Respectfully submitted,

Jolene Gubbels

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:00 P.M. by Chairman Marty Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were Scott Bousquet, Jeanine Grove, Christy Henjes, Warren Hoesing, Paul Ireland, Dick McCabe, Harold Moes and Marty Rohde. Absent: Ron Gill and Dakota County Commissioner Larry Albenesius. Also present: Planning and Zoning Administrator Joe O'Neill. Public Present: Bryce Andersen and Eric Heinemann

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Harold Moes, second Paul Ireland to approve the minutes of the July 16, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Next item on the agenda is Eric Heinemann to discuss with the Board his options for his business on F Ave. He is self-employed and does various jobs which included removing old appliances. He was storing some scrap appliances at his home which started to build up causing a complaint. Eric stated that he has cleaned up most of the salvage material and is looking at putting up a shed to store the material he brings in. The board agreed that his business would not need to be rezoned since he does not do salvage for his main source of income. The Board also agreed that putting up a shed to store the materials would help to keep his property clean and avoid any more complaints.

Next on the agenda is Bryce Andersen to discuss with the Board his plans to develop 150 acres of his property in rural Dakota County into a golf course. Bryce is looking into building a golf course at Ireton Ave and S Bluff Rd on top of the bluff. Bryce is looking into getting the property rezoned for this project. The property is approx. 540 acres and the golf course will encompass approximately 130 acres of that. There will not be any neighboring landowners within sight of the golf course. Bryce will get his property surveyed so he knows how much property he will actually need to rezone to business and bring it back before the board.

Next on the agenda is Joseph Doenhofer to inquire about regulations regarding home occupation. Joseph did not show up for the meeting.

Next on the agenda is to discuss solar energy regulations. Joe talked about the regulations from a few Nebraska counties. They did not have much information, but Joe was going to keep looking into other counties to see what they have. Joe asked the board if they knew of any solar energy systems to let him know and he would contact them to see what they have for regulations.

Next on the agenda is miscellaneous and old business. Joe went over the building permits. Jeff Donnelly modular-home near Homer.

Marty opened up the floor for public comment. No Public. No comment

Moved by Harold Moes, second by Christy Henjes, to adjourn. Motion carried
Meeting was duly adjourned at 7:43 P.M.

Respectfully submitted,
Jolene Gubbels

MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:05 P.M. by Vice-Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were: Ron Gill, Jeanine Grove, Christy Henjes, Paul Ireland, and Harold Moes. Absent: Scott Bousquet, Warren Hoesing, Dick McCabe, and Marty Rohde Also present: Planning and Zoning Administrator Joe O'Neill and Dakota County Commissioner Larry Albenesius. Public Present: None

Notice was made regarding the Open Meeting Act posted on the West wall.

Moved by Jeanine Grove, second Paul Ireland to approve the minutes of the Aug 20, 2019 meeting. Roll Call Vote. Unanimous. Motion carried.

Agenda item to review the wind energy regulations. Joe received the wind energy regulations from SIMPCO. The board members went through the regulations and made changes and will send those changes back SIMPCO for correction.

Next agenda item is to review preliminary subdivision maps for the O'Dell Addition in the extraterritorial jurisdiction of South Sioux City. Motion made by Paul Ireland, second by Christy Henjes to send their recommendation of approval to the Board of Commissioners for the preliminary subdivision maps. Roll Call Vote. Unanimous. Motion carried.

Next on the agenda is miscellaneous and old business. Joe went over the building permits. Mary McCulloch moved in a modular home near Dakota City and Dennis Walsh moved a home onto his property in the Farmsteads – he has not connected the driveways or built the foundation for it yet. Northern Natural gas is putting up a maintenance building by Homer. Dick Erikson is putting up a storage shed by Jackson, and Kurt Eriksen is putting up a storage shed by Hubbard. Joe also discussed a noise complaint he had on the outskirts of South Sioux City pertaining to dogs barking. Eventually the property owner would like to board dogs for adoption but Joe informed her that she will need to come before the board and go through the proper permitting regulations. For now, all the dogs are hers and the county does not have any regulations pertaining to the number of dogs a residence can have.

Harold opened up the floor for public comment. No Public. No comment

Moved by Christy Henjes, second by Jeanine Grove to adjourn. Motion carried
Meeting was duly adjourned at 7:55 P.M.

Respectfully submitted,
Jolene Gubbels