



SARPY COUNTY DEPARTMENT OF PLANNING

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REBECCA HORNER, DIRECTOR

PLANNING COMMISSION MEETING MINUTES

March 18, 2009

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Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held a regular meeting on February 18, 2009, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at 7:00 p.m. with the following members present: Susan Bliss, Donald Fenster, Greg Gonzalez, Gary Stuart, Bernie Marquardt, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. Absent were: Courtney Dunbar and Stacen Gross. Also in attendance were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

Chairman Wees asked for Commissioner reports.

Mr. Fenster stated at the NPZA conference he attended a wind generation presentation and questioned staff if Sarpy County had regulations in place for the towers.

Ms. Horner confirmed that Sarpy County's regulations allow for wind generating systems in every district as a special permitted use but there were no regulations specific to wind generating systems outside of obtaining a special use permit to have them on a property. Ms. Horner stated the applicant can request to expand the height of the tower through the special use permit.

Mr. Fenster stated that the wind generators will cause various noise and light problems. Mr. Fenster stated as more applications for wind generators are accepted these issues will need to be addressed.

Mr. Wees commented on his experience at the NPZA conference and acknowledged the planning and legal staff.

Mr. Wees asked Ms. Horner to introduce Mr. Stuart.

Ms. Horner stated Mr. Stuart was appointed by Commissioner Thomas to replace Bill Krebs.

Chairman Wees noted that a copy of the Open Meeting Law is posted in the Board Room.

Chairman Wees asked for a motion to approve to agenda.

- *Bliss moved, seconded by Wear to adopt the agenda as stated. Ballot: Ayes- Bliss, Fenster, Gonzalez, Stuart, Marquardt, Torczon, Wear, Wees, and Whitfield. Nays – none. Abstain – None. Absent Courtney Dunbar, and Stacen Gross–. **Motion carried.***

Chairman Wees asked for a motion to approve the **February 18, 2009**, minutes.

- *Fenster moved, seconded by Bliss, to approve the minutes of the February 18, 2009, meeting as submitted. Ballot: Ayes-Bliss, Fenster, Stuart, Marquardt, Torczon, Wear, Wees and Whitfield. Nays- none. Abstain –Gonzalez. Absent – Absent Courtney Dunbar and Stacen Gross. **Motion carried.***

I. **CONSENT AGENDA ITEMS:** *Note: All consent items are automatically approved when the consent agenda is approved unless removed by a board member. Removed items will be placed under Regular Agenda Items for action by the Planning Commission.*

None.

II. **REGULAR AGENDA ITEMS:**

- A. Sarpy County requests a text amendment to Section 12, Residential Estates II (RE2), of the Sarpy County Zoning Regulations.

Discussion:

Ms. Horner stated a request to amend the text of Section 12 of the Sarpy County Zoning Regulations. A telephone call was received from an owner of a lot in RE2 and they inquired if horses could be put on the lot. Through researching the history of the district, it was found that prior to June 12, 2007, horses were allowed in private barns on RE1 and RE2 lots. June 12, 2007 the County Board removed the text that allowed that accessory use. The accessory use read as follows:

Private barns for not more than one animal unit for the first acre of land and one additional animal unit for every two additional acres of land.

Ms. Horner stated she listened to the actual audio hearing to determine what the rationale was for the removal. During the audio hearing a person testified and indicated the ration that is given in the RE1, a one acre lot, would be greater than the carrying capacity of the land. After that testimony the County Board removed that use from the RE1 and RE2 district. The person who testified also stated it could be special use.

Ms. Horner stated after reviewing the hearing the particular case the person called about, they owned three acre lots that were zoned RE2, the lot area is a minimum and greater than the minimum could be allowed.

Ms. Horner proposed to add into the RE2 district a permitted special use as drafted under 12.2.9 as follows:

Private Barns for not more than one animal unit for the first acre of land, and one additional animal unit for every two additional acres of land when the use of the private barn is associated with the primary permitted use.

Mr. Marquardt questioned if two horses could be on a three acre tract.

Ms. Horner stated that was correct.

Mr. Marquardt questioned why a property owner couldn't have five horses on five acres. He questioned if the lady that testified in 2007 was suggesting there wouldn't be enough ground for the horses.

Mr. Whitfield asked if she was an expert.

Ms. Horner stated she did not attend the original meeting and she could not make out her name on the audio recording. Ms. Horner stated the County Board did not spend a lot of time discussing the matter.

Mr. Fenster questioned if the animal would be confined.

Mr. Marquardt stated an acre of alfalfa should feed a horse for one year.

Mr. Fenster stated he was not certain if a horse could survive on one acre.

Ms. Horner stated the proposal was for the RE2 district only, which are lots that are two acres or greater. There should not be a one acre lot. Ms. Horner stated it was proposed as an accessory use to the primary use which would be assumed that it would have a residence and a barn and there would be less land and the County Board would look at with each request.

Mr. Fenster questioned if the two acre lots would be in areas with covenants.

Ms. Horner stated the ones that precipitated this request do have covenants which state they allow three horses on three acres, but those covenants would be void as they cannot allow uses that are contradictory to the zoning regulations.

Mr. Wear stated the animal unit chart indicated that 200 chickens could be allowed, which would be considered farming.

Ms. Horner stated that was why a special use permit would be required to review each request on a case by case basis.

Public Hearing closed at 7:23 P.M.

- *Bliss moved, seconded by Torczon to approve the text amendment to Section 12, Residential Estates II (RE2) as it complies with the Sarpy County Zoning Regulations. Ayes – Bliss, Fenster, Gonzalez, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. Abstain – none. Absent – Dunbar, and Gross. Motion Carried.*

III. **CORRESPONDENCE:** The following items were briefly discussed to provide updates to the Planning Commissioners.

Pay Claims

Letter from Courtney Dunbar

Special Meeting for approval of Special Use Permits

Baseball Stadium

Update on Hoich Application

IV. **ADJOURNMENT:** Being no further discussion, *Whitfield moved, seconded by Wear to adjourn the meeting.* By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Tom Wees, Chairman
Michelle Alfaro, Planning Assistant