

October 2, 2017 Planning Commission Minutes

Chairman Eric Herbert called the regular meeting of the Fort Calhoun Planning Commission to order at 7:01 P.M. Monday, October 2, 2017. Notice of the meeting was given in advance thereof by publication or posting said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting being attached to these minutes.

The agenda packets were distributed to the Chair and Board Members on Friday, September 29, 2017. Meetings are open to the public. Chairman Eric Herbert announced a copy of the open meetings law, which is posted continually for public inspection on the wall in the Council Chambers/Library.

The following answered roll call: Chairman Eric Herbert, members Aaron Schrum, Tom Thiem, and Rich Johnson were present. Member Donald Welchert was absent.

Others Present:

Lynn w/JEO, Jeff & Kelli Shaner, Rich Gochanour, Jason Grof, Rosemary Therkildsen, Roger & Janet Whitefoot, Mitch Robinson, Katie Knight, Deb Sutherland.

Member Johnson made a motion seconded by Thiem to approve the September 5, 2017 minutes as published. Members Johnson, Herbert, Schrum, and Thiem voted "Aye".

Public Hearing:

The public hearing to consider the adoption of THE AMENDMENT OF ARTICLE 5 OF THE FORT CALHOUN ZONING ORDINANCE TO ADD AN AGRICULTURAL ZONING DISTRICT AND CORRESPONDING REGULATIONS opened at 7:02pm. Jeff Shaner explained that the City currently has no zoning that allows for a livestock feed operation and would like to add an Agricultural zone. He feels that it would be a good use of this property because it is wasteland of the quarry and is surrounded by flood plain. He feels no development would be able to expand east of that property, no infrastructure would be needed, they would supply their own water by wells, and would add tax dollars to the community. Jason Grof, with Fort Atkinson State Park, asked if they had done any research on the smell associated with feed operation. Shaner presented an odor footprint setback diagram showing a 96-99% control on the smell. Rose Therkildsen asked how often and what are the procedures to clean the grow barns. Shaner explained that there are 6" of wood shavings and waste on the floor which is then windrowed after each flock, it is then composted after 5-6 flocks have been grown, after the cycle of compost, it is then spread on fields for fertilizer. Member Johnson asked about the wear/tear on the county and city roads which will be used by the semis going back and forth. Shaner has not received an answer back from the County yet. Shaner said it would be less than the annual crop farming traffic that happens every year. The public hearing closed at 7:22pm.

The public hearing to consider the adoption of THE AMENDMENT OF THE FUTURE LAND USE PLAN OF THE CITY OF FORT CALHOUN COMPREHENSIVE PLAN. THE PLAN AMENDMENT INCLUDES AMENDING THE AGRICULTURAL LAND USE DESCRIPTION TO INCLUDE AN AGRICULTURAL ZONING DISTRICT AS A COMPATIBLE USE DISTRICT IN ITS BOUNDARIES. The public hearing opened at 7:23pm. Rich Gochanour asked what that zoning would do to the property east of town and any impact it would have on housing development in the future. Lynn w/JEO explained that any new development is required to be 3960 sq. ft. away from the property line. Member Schrum asked how far away is the proposed buildings from the adjacent property lines. Shaner said it was approximately 4000 sq. ft. away from the proposed building site. Member Herbert expressed concerns if they would add the zoning, what that would include under other permitted uses and restrictions for future development, without any public input. Member Johnson pointed out that TA-1 zoning helps the city expand as needed, where agricultural is more restrictive of what can be built around it. Rose Therkildsen asked if this gets changed, does that allow someone else to come in and put in what they allow? Member Herbert answered yes; Shaner pointed out that he would still have to go through the proper process of being re-zoned, as would anyone else. He also stated that most of the adjacent property is in the flood zone and is by the active quarry so it realistically won't be developed. Member Thiem asked how many new jobs were projected. Shaner replied he didn't necessarily foresee new jobs but that he would be utilizing his current labor to be year-round with this project. Members Herbert and Schrum both stressed they felt the current regulations, regarding TA-1 district, need some possible revisions which might possibly allow for conditional use permits for unique projects like this. The public hearing closed at 7:34pm.

The public hearing to consider the adoption of to THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF FORT CALHOUN TO AMEND THE ZONING REGULATIONS OF AREAS OF TA-1 TRANSITIONAL AGRICULTURE TO AGRICULTURAL. The

public hearing opened at 7:34pm. Member Herbert pointed out that this wasn't necessary, that it was not intended to change all TA-1 to Agriculture so there was no need to discuss anything. The public hearing closed at 7:34pm

Lynn, with JEO, gave JEO's recommendation on the proposed amendments. After reviewing the comprehensive plan, future land use maps, and current zoning ordinances, they feel that it should be denied because these uses are incompatible with the existing uses. Regulations under TA-1 allow for crop production, while a livestock operation would be more intensive which can lead to possible nuisance secondary effects. Currently, there is no land identified in the Future Land Use map as Agricultural that is located greater than the 3960-sq. ft. setback from any areas identified as Residential, Commercial, Industrial or Public in nature. This can limit the identified growth areas established in the Future Land Use map. When you change the zoning that stays with the property for good, so you must consider that when seeing the permitted uses.

Committee Reports: None

Unfinished Business:

Member Herbert made a motion, seconded by member Schrum to table THE AMENDMENT OF ARTICLE 5 OF THE FORT CALHOUN ZONING ORDINANCE TO ADD AN AGRICULTURAL ZONING DISTRICT AND CORRESPONDING REGULATIONS. They tabled the amendment so they could work on the current wording of the regulations regarding TA-1 and it's permitted or conditional uses. With all members present voting "Aye", motion passed to table this for further research and discussion.

Johnson made a motion, seconded by Herbert to table THE AMENDMENT OF THE FUTURE LAND USE PLAN OF THE CITY OF FORT CALHOUN COMPREHENSIVE PLAN. THE PLAN AMENDMENT INCLUDES AMENDING THE AGRICULTURAL LAND USE DESCRIPTION TO INCLUDE AN AGRICULTURAL ZONING DISTRICT AS A COMPATIBLE USE DISTRICT IN ITS BOUNDARIES for future research. With all members present voting "Aye", motion passed to table this for further research and discussion.

Herbert made a motion, seconded by Schrum to deny THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF FORT CALHOUN TO AMEND THE ZONING REGULATIONS OF AREAS OF TA-1 TRANSITIONAL AGRICULTURE TO AGRICULTURAL because of the verbiage. With all members present voting "Aye", motion passed to deny this proposed amendment.

New Business: None

Permits: Chairman Herbert noted the following permits were issued in September

Total Issued Permits = 13

Roof/Siding/Gutters = 1; Building – Other = 3; Building – New S/F Res. = 1; Electrical = 4; Mechanical = 2; Plumbing = 2; Local=0

With no further business coming before the commission, Member Theim made a motion to adjourn, seconded by Schrum, the meeting adjourned at 7:59 P.M.

Attest: Deb Sutherland
City Administrator