

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES
TUESDAY 11/07/2023

The Hamilton County Joint Planning Commission held a public meeting on November 7th, 2023, at 8:00 pm at the AG Building, Hamilton County Fairgrounds, Aurora, NE.

Fruit called the meeting to order at 8:00pm, stating that the open meetings act was posted at the table with the sign in sheet, and is available for public inspection.

Members Present: Fruit, Blasé, Hongsermeier, Joyce, Archer, Lyons, McDonalds, Miller, Epp
Members Absent: Barnesberger, Wetherington, Brandt

Also present were Zoning Administrator Betka, HWY Superintendent Brandt, and 4 members of the public.

The public notice of the meeting was read into the record by the Zoning Administrator.

Chairperson Fruit asked if there was any conflict of interest on the agenda.

McDonald moved to approve the agenda. Blasé seconded the motion.
All yes by voice vote. Motion passed.

Hongsermeier moved to approve the minutes of the last meeting. McDonald seconded the motion.
All yes by voice vote. Motion passed.

Item #1 – Public hearing to Amend Hamilton County future land map for sections 5 & 6 T11 North, R8 West, north of Hwy 34 from RPC to RR-1. Lyons Moved and Miller seconded to open the public hearing at 8:02 pm. All yes by voice vote. Motion passed.

Perry arrived at 8:04

Betka shared the information presented in the packet suggesting that there be a cleanup of sections 5 & 6. The section is separated by the highway leaving two small portions of sections 5 & 6 in different zoning districts making it difficult to enforce regulations when a quarter section has different zonings districts. In the future land use map and the zoning map, almost all of the sections 5 & 6 are zoned RR-1 the areas north of Hwy 34 are zoned RPC. There are several houses north of Hwy 34 in section that are now zoned RPC and considered non-conforming. By amending the zoning, they will conform to and have better zoning requirements for that area.

After no comment from the public or further from the board, Fruit asked for a motion to close the public hearing.

Motion by Lyons and Seconded Miller close the public hearing at 8:08 pm All approved by voice vote.
Motion Passed.

Item #2 –Public Hearing to Amend Hamilton County future land use map for sections 31 & 32, T11, R8 West from RPC to TA-1. Lyons moved and Perry seconded to open public hearing at 8:17 pm.

Betka shared the information for sections 31 & 32. There was an application for a rezone which brought to the administrator's attention that sections 32 is half RPC and TA-1. And all of section 31 is RPC so cleaning up these two sections would change the density requirements. There are currently 3 houses on the section which per regulations for that district cause the residences to be non-conforming. The applicant is asking

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for section 31 to be rezoned to allow them to section off 3 acres to build a house near their father's property. Currently the density in the RPC would not allow another home to be constructed.

After no comment from the public or further from the board, Fruit asked for a motion to close the public hearing.

Motion by Lyons and seconded Hongsermeier close the public hearing at 8:17 all yes by voice vote. Motion Passed.

Item #3 – Discussion/Action to amend Hamilton County future land map for sections 5 & 6 T11 North, R8 West, North of Hwy 34 from RPC to RR-1.

Lyons and Fruit, both agreed it would be nice if the small sliver of the sections was cleaned up and same district for ease of regulations. Miller didn't want any of the RPC districts getting rezoned. He stated he wanted the river to stay protected. There was discussion on the agenda and how the sections were being separated. Miller, Joyce, Lyons, Blasé and Fruit talked about this for some time. McDonald discussed at this time was that they did not want to see a change to the RPC and risk more houses being built on the river or in a flood plain.

McDonald voiced concerns about whether this would affect anybody living in the subdivision north of Hwy 34 and the density requirements. There were discussions on how to separate the way the agenda was written out to make it easier to vote on each section instead of grouping them up.

Motion to deny Hamilton County future land use map Miller, Seconded Joyce. Public hearing closed at 8:40 Motion passed.

Fruit asked Zoning Administrator to call roll:

Voting Yes- Blasé, Hongsermeier, Joyce, Lyons, McDonald, Miller.

Voting No- Fruit, Archer, Perry, Epp

Absent from Voting- Brandt, Wetherington, Bamesberger

Item #4 –Discussion/Action to amend Hamilton County future land use map for sections 31 & 32, T11, R8 West from RPC TO TA-1.

There was discussion on section 31 & 32 needing to stay RPC for protection of the river. Miller and McDonald discussed the change in district could cause more houses to be built. McDonald also discussed the houses that are already constructed in the quarter section stating they are grandfathered in; he did not believe the sections needed to be fixed to become conforming. There was further discussion on recommending splitting sections 31 and 32 to be able to vote on them separately instead of deciding to rezone both sections together.

Voted Yes- Blasé, Hongsermeier, Joyce, Lyons, McDonald, Miller, Fruit, Archer, Perry, Epp.

Voted No- 0

Absent from Voting- Brandt, Wetherington, Bamesberger

Closed at 8:42

Item #5- Public hearing to Rezone sections 5 & 6 T11 North, R8 West, North of Hwy 34 to RR-1 from RPC. Joyce moved and Blasé seconded, motion passed. The meeting opened at 8:50.

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The administrator shared that while processing an application for a rezone it was noticed that the north of Hwy 34, the small north slivers of the sections are zoned at TA-1 while the large remainder of the sections are zoned at RR-1. There are already several houses in the small area that are non-conforming due to being zoned incorrectly. The administrator asked that these be cleaned up to ease the process of following the regulations properly and without hesitation.

After no comment from the public or further from the board, Fruit asked for a motion to close the public hearing.

Motion by Lyons, Perry seconded the motion. Public hearing Closed at 8:52

Item #6- Discussion/Action to rezone sections 5 & 6 T11 North, R8 West, North of Hwy 34 to RR-1 from TA-1. The committee voiced agreement that those sections did need to be cleaned up to help ease regulation policies. McDonald had some concern about the area being in floodplain and had some questions about the location. The administrator pulled up a map to show exactly where this needed to be done.

Jennifer Hongsermeier of the public was asked how she felt about the rezone. She had no issues with rezone. No further comments from the public. Fruit asked for a motion to close the public hearing. Motion by Joyce and seconded by Blasé.

Fruit asked for the Zoning Administrator to call the roll:

Voting Yes: Blasé, Fruit, Hongsermeier, Archer, Lyons, McDonald, Miller, Perry, Epp.

Voting No: Joyce

Absent and not voting: Brandt, Wetherington, Bamesberger.

Public Hearing Closed at 8:55 pm

Item #7- Public Hearing to Rezone sections 31 & 32 T11 North, R8 West from RPC to TA-1. McDonald moved to open hearing; Perry seconded. Public meeting opened at 9:03 pm

Betka explained the application we had received for a rezone in section 31. The density requirements currently do not allow more than 1 home per quarter section in the RPC district. By rezoning the district to TA-1 it would allow 4 house per quarter section. There are already 3 houses in the quarter, which makes it non-conforming currently. If it were to be rezoned the applicants would be able to section off 3 acres of their father's land and build a home on a conforming lot. In addition to the application, it was noticed that section 32 was half RPC and half TA-1. By rezoning that section, it would help ease enforcement of the regulations. It is asked that 32 also gets rezoned to be TA-1 throughout the section.

Laine SaBel from the public spoke about their decision to build a house where they want to and explaining it is family land that they would like to stay on. They have no desire to sell off any land or build any more houses. They are just wishing to build their forever home on family land. Cal Narber also spoke, bringing his plans, house size and blueprints. They plan to subdivide just 3 acres to build which is the minimum lot size in the TA-1 district. Jennifer Hongsermeier was asked by Joyce if she was okay with a house going in on section 31, she said she didn't mind if 1 house went up but didn't want a bunch of houses going up.

Motioned by McDonald and seconded by Perry.

All yes by voice vote

Motion Passed. Public Hearing Closed at 9:03

Item #8 Discussion/Action to Rezone sections 31 & 32 T11 North, R8 West from RPC to TA-1. Perry moved to open meeting; Lyons seconded. Public meeting opened at 9:03

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Discussion started with questions pertaining to why we were trying to rezone section 32. Miller, McDonald, Joyce, Hongsermeier did not agree with the rezone of 32. Lyons mentioned the possibility of recommendation to approve rezone of 31 but not 32. Blasé, Epp, Hongsermeier agreed.

Lyons made a motion to recommend approving the rezone of section 31, but not section 32 Hongsermeier seconded.

Fruit asked Zoning Administrator to call the roll:

Voting yes- Blasé, Fruit, Hongsermeier, Lyons, McDonald, Perry.

Voting No- Archer, Joyce, Miller, Epp

Absent from voting- Brandt, Bamesberger, Wetherington

Public meeting Closed at 9:13

Administrator Report – Introduction of new administrator.

Miller moved to adjourn the meeting at 9:20 pm. Perry seconded the motion.

All yes by voice vote.

Motion passed.

Chairman, Hamilton County Joint Planning Commission

Date