

MINUTES

Dawes County Zoning Commission

February 13, 2018 1900 hrs | *Meeting called to order by* Brian Taylor

In Attendance

Board members present: Rosalene Tollman, Sam Holmgren, Brian Taylor, Kevin Lotton, Weston Burch, Casey Schuhmacher, Jerry Schumacher

Absent: Luke Norman

Also present: Zoning Administrator, Lindy Coleman

Approval of Agenda

The Agenda was approved by unanimous roll call vote.

Approval of Minutes

The minutes of the previous Board of Adjustment were read and approved by unanimous roll call vote.

The minutes of the October, 2017 Zoning Commission meeting were read and approved by unanimous roll call vote.

Communication

There were no communications received.

New Business

1. Election of Officers

Secretary—nominees, Jerry Schumacher and Rosalene Tollman. Schumacher received 4 votes and Tollman received 3 votes. Schumacher will serve as Secretary.

Vice Chairman—nominees, Casey Schuhmacher and Weston Burch. C. Schuhmacher abstained, and received the remaining 6 votes. Casey Schuhmacher will serve as Vice Chairman.

Chairman—nominee, Brian Taylor. Taylor received 6 “yes” votes and one “no” vote. Taylor will serve as Chairman

2. Mike Raymer Conservation Easement

Dr. Jim O'Rourke, representing the Nebraska Land Trust, and Justin Raymer, representing the MJD Ranch approached the commission. O'Rourke briefly explained the background of the Nebraska Land Trust and the purpose of conservation easements that it sponsors. The main objective is to prevent future subdivisions, while keeping the land in productive agriculture. He explained that the primary funding comes from two sources: Natural Resources Conservation Service and the Environmental Trust. Annual monitoring will occur to confirm that the provisions for land use outlined in the easement are being met. Of the approximately 2400 acre parcel, about 1000 acres are farmed, and the

rest grazed. Justin noted that a benefit for him is to leave a legacy of land that has an elk population that will still remain in agriculture.

Concerns from commission members and the audience included the concept of a perpetual easement locking up the land for specific uses and possibly affecting future owners' abilities to use the land, and the effect of the easement on property valuations. To the first concern, O'Rourke conceded that perpetual is a long time, and that was the purpose of the easement—to make sure that the land stayed essentially as it is in both appearance and use. To the second concern, Lindy Coleman, Dawes County Assessor, indicated that the valuation would not change because of the easement.

Secretary Schumacher moved to recommend to the Commissioners to allow the easement to proceed. Motion seconded. Roll call vote: Tollman—Yes, Holmgren—Yes, Taylor—Yes, Lotton—Yes, Burch—Yes, C. Schuhmacher—No, J. Schumacher—Yes. **Motion is adopted.**

3. 2018-02 & 2018-03 Conditional Use Permit-Open Discussion and public comment.

Chairman Taylor opened the floor to comments regarding the two applications for conditional use permits from Matt Brodrick and Shelby Kriss for the purposes of housing 11 additional pitbull-type dogs (6 for Matt and 5 for Shelby), over the 9 each that they currently possess and are allowed by Dawes County Zoning Regulations.

Mr. Brodrick explained that their dogs are very important to them and that they have dispersed the 11 dogs to friends and family in response to the enforcement action that they received after the Board of Adjustment meeting so they were not over the allowed 9 dogs per parcel. They hope to get the dogs returned. They have submitted new applications that contain the requested information. He noted that in Chadron there is the potential to have approximately 60 dogs living on one city block.

Ms. Kriss explained that they were looking for a solution. They have had the dogs in Dawes County for 800 days without any problems. There were no problems until they purchased their property. The dogs have never been a problem to anyone. They have tried to supply all requested information.

Audience comments included concerns that the county shouldn't be limiting what Matt and Shelby can do with their land.

Secretary Schumacher read a prepared statement (attached) indicating that after careful review of the zoning regulations it appears that they allow kennels as conditional uses in only two of the six zoning districts, the Agricultural District and the Industrial District. Since the requested permit is for the Residential Estate District, it doesn't appear that the county has the authority to comply with the request. Schumacher moved to forward a recommendation to the Commissioners to deny the application based upon that finding. Motion failed for lack of a second.

Audience questions regarding about how many times can a disapproved permit be resurrected and the process started over were addressed by Zoning Administrator, Coleman who provided background and process information.

Further discussion ensued and member Lotton moved to forward to the Commissioners a recommendation that the permit for Mr. Brodrick be granted "because they have done everything asked of them." Motion seconded by Tollman. Roll call vote: Tollman—Yes, Holmgren—Yes, Taylor—Yes, Lotton—Yes, Burch—Yes, C. Schuhmacher—Yes, J. Schumacher—No. **Motion is Adopted.**

Member Burch moved to forward to the Commissioners a recommendation that the requested conditional use permit for Ms. Kriss be granted. Member Tollman seconded. Roll call vote: Tollman—Yes, Taylor—Yes, Lotton—Yes, Burch—Yes, C. Schuhmacher—Yes, J. Schumacher—No. **Motion is Adopted.**

Next Meeting

Next meeting will be in March, but specific date will be announced later. It will focus on cleaning up discrepancies in the Zoning and Subdivision Resolution. Location: Dawes County Courthouse. Time: 7:00 pm.

Adjourn

C. Schuhmacher moved to adjourn. Lotton seconded. Motion approved by unanimous roll call vote at 8:55 pm.