

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

November 6, 2014

7:00 p.m.

Supervisors Room, County Courthouse, 1555 Colfax Street, Blair, Nebraska

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“All Commission members receive staff reports approximately one week prior to the meeting”

MEMBERS PRESENT

STAFF PRESENT

Gary Lambrecht, President
Matt Mathiesen, Vice Chairman
Dale Albracht
Wes Petznick
Terry Rasmussen
Steve Neuverth
Lyle Schjodt

Tanna Wirtz
Terri Stanford
Teresa McBride

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COMMISSION ACTION:

Chairman Lambrecht called the meeting to order at 7:00 p.m.

At time of roll call, six members were present. Lyle Schjodt entered the meeting as roll call was taking place.

With regard to the October 2, 2014 minutes, the following action was taken:

MOTION: Neuverth
I move the minutes be approved as presented
SECOND: Mathiesen
VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt
Nay – none MOTION CARRIED

With regard to the agenda, the following action was taken:

MOTION: Mathiesen
I move the agenda be approved, as presented.
SECOND: Petznick
VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt
Nay – none MOTION CARRIED

Chairman Lambrecht welcomed everyone and stated this meeting will be conducted in accordance with the Nebraska Open Meetings Act and a copy of that Act is posted in the room; and noted that copies of material the Commission has is also available on the table in the hall.

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OLD BUSINESS/RENEWALS

PUBLIC HEARINGS

LOT SPLIT

1. Lot Split request for David and Nancy Nielsen

To create a 4.92 acre split to separate the existing house and outbuildings from existing farm ground in the SE ¼ of NE ¼ in Section 35 Township 19 North Range 10 East of the Sixth P.M. (location: 18188 County Road P16, Blair, NE.)

Chairman Lambrecht recognized the staff report.

Applicant not present. Lambrecht advised that Nielsen had spoken with him and that Nielsen wants to split it off, so that son can buy acreage and Nielsen can retain the ownership on the farm ground.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

MOTION: Mathiesen
I move the lot split request for David and Nancy Nielsen be approved as presented.
SECOND: Rasmussen
VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt
Nay – none MOTION CARRIED

REZONE

2. Rezone request for David and Nancy Nielsen

Request to rezone from A-1 Agriculture Primary to A-LSR Agricultural - Lot Split Residential of a proposed 4.92-acre tract in Section 35 Township 19 North Range 10 East of the Sixth P.M. The rezone is to bring the Lot Split into zoning conformity. (location: 18188 County Road P16, Blair, NE.)

Chairman Lambrecht recognized the staff report.

Chairman Lambrecht opens the public hearing.

Chairman Lambrecht closes the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

MOTION: Petznick
I move to approve the rezone request from A-1 Agriculture Primary to A-LSR Agricultural - Lot Split Residential of a proposed 4.92-acre tract in Section 35 Township 19 North Range 10 East of the Sixth P.M. (location: 18188 County Road P16 Blair, NE.).
SECOND: Albracht
VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt
Nay – none MOTION CARRIED

CONDITIONAL USE PERMIT

3. Conditional Use Permit request for John & Christine Fitch

To temporarily allow for two single-family residences on one lot of record in Tax Lot 24 Section 28-Township 17 North Range 11 East of the Sixth P.M. (location: 2441 County Road 29, Kennard, NE)

Chairman Lambrecht recognized the staff report.

Applicant was not present.

Commission asks why applicant was not present. Wirtz commented "unsure", but the CUP is to temporarily allow for two single-family residences on one lot during construction of new house. Commission discusses.

Chairman Lambrecht opens the public hearing.

Chairman Lambrecht closes the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

MOTION: Mathiesen
I move the Conditional Use Permit request for John & Christine Fitch be approved as presented with review in one year.
SECOND: Schjodt
VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt
Nay – none MOTION CARRIED

LOT SPLIT

4. Lot Split for Jerry Kruse

To allow for a lot split of an approximate 2.413 acre-tract and a 6.796 acre-tract in Tax Lot 53 Section 30-Township 17 North Range 12 East of the sixth P.M. (location: 2485 County Road 37 Omaha, NE)

Chairman Lambrecht recognized the staff report.

Kruse stated that he would like to split the lot for his two sons and has no other recourse due to the widening project of highway 133. When it was surveyed there would have been a small corner, so surveyor just went straight across and that is why there is a little over two acres.

Wirtz stated to Commission that in their packets was some history on the property. Deputy County Attorney Talbot advised Wirtz that section 3.21 states that when a portion of a lot is acquired for a public purpose and beyond landowners control, it does qualify for the lot split. Also, two acres is the minimum because it is serviced by rural water. It had been presented to the Board of Adjustments and it was later found by Deputy County Attorney Talbot that this section 3.21 would allow it to qualify.

Chairman Lambrecht opens the public hearing.

Chairman Lambrecht closes the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

MOTION: Petznick
 I move the lot split request for Jerry Kruse be approved as presented.

SECOND: Rasmussen

VOTE: Aye – Albracht, Lambrecht, Mathiesen, Petznick, Rasmussen, Schjodt
 Nay – none
 Abstained: Neuverth MOTION CARRIED

REZONE

5. Rezone request for Jerry Kruse

To allow a rezone from A-1 Agriculture Primary to A-LSR Agricultural – Lot Split Residential of proposed Tax Lot 53 Section 30-Township 17 North Range 12 East of the Sixth P.M. The rezone is to bring the Lot Split into zoning conformity. (location: 2485 County Road 37 Omaha, NE)

Chairman Lambrecht recognized the staff report. Discussion was had over the numbering sequence.

Chairman Lambrecht opens the public hearing.

Chairman Lambrecht closes the public hearing.

Chairman Lambrecht asked for any comments or a motion from the Commission.

MOTION: Schjodt
 I move to approve the rezone from A-1 Agriculture Primary to A-LSR Agricultural – Lot Split Residential of proposed Tax Lot 53 Section 30-Township 17 North Range 12 East of the Sixth P.M. (location: 2485 County Road 37 Omaha, NE).

SECOND: Albracht

VOTE: Aye – Albracht, Lambrecht, Mathiesen, Petznick, Rasmussen, Schjodt
 Nay – none
 Abstained: Neuverth MOTION CARRIED

NEW BUSINESS

Section 6.18 - Conditional Use Permit Renewals:

Wirtz advises Commission that under Article 6, Conditional Use Permits, Section 6.18 - Conditional use Permit Reviews it states review times of CUP's shall be as established by the Board, upon recommendation of the Commission and Planning Department. CUP review application forms shall be obtained from the Planning Department. Reviews of CUP's shall be performed administratively by the Planning Department through the completion of a CUP application form. There shall be no cost for CUP reviews. Advertising of CUP reviews in the County's legal newspaper, or notification of adjacent landowners, is not required. However, should any County imposed conditions be violated, the specific CUP shall be placed on the next Commission agenda for action. Publication shall be as per initial application. Notification of adjacent property owners shall be through regular mail by the Planning Department at least 10 days prior to such hearing, not including the date mailed or the date of the Commission's public hearing. The Planning Department will provide a monthly CUP review report to the Commission. The County can add and delete conditions during the review of conditional use permits.

Wirtz further advises that this pertains only to the renewal of the CUP, not a new application for a CUP. Wirtz explains that if there are complaints, then the CUP Review would be brought before the Planning Commission for discussion and review.

Lambrech's concern is what happens when you have a applicant that is not present for the initial CUP as happen earlier in the meeting and is approved with a one year review. Wirtz advises that you have made a statement that it needs to be presented to this Planning Commission. Wirtz states that those types of CUPs are generally revisited to update the Board on the progress. But things like Bio-solids, etc., do not necessarily need to be revisited by Planning Commission unless there are complaints or issues.

Commission advises that they would like to receive information on CUP's due for review the month prior and also would like to be informed as to the status of CUP's, when they are revoked on list.

Section 3.12 - Reduction in Lot Area Prohibited: Discussed this with the lot split for Kruse.

REPORTS FROM STAFF

Wirtz advises that the restaurant definition had been discussed previously, but no further action had been taken. Under the restaurant regulation the top three are existing zoning regulations, the one that is highlighted 2.03.236 this is one that needs to be updated. Basically will consolidate the information in top three into one.

Wirtz comments on the existing regulation for RV Park, states that that one can remain. Then I have created a definition for RV Park Complex and asks Commission to review to see if that encompasses everything we would want in that area. Wirtz reads the definition. Advises that she went to different counties and researched their regulation definitions to be reviewed. Would like your opinion on RV Park definition and let me know if this is something we need to add to regulations

Petznick asked if other counties have discussed or have regulations in place. Wirtz explains that Cass County was the only one that had anything in-depth on RV Park Complex.

Lambrech comments that it is missing the 180 days, it should be defined in there. Wirtz states that is a FEMA regulation. Lambrecht unsure how long it has been a FEMA regulation, but in the past, in some of these RV Parks there has been basically people living there year round.

Wirtz advises that the FEMA regulation is in the floodway, not necessarily the floodplain. Lambrecht where do these RV Parks lie within that area? Wirtz explains where each RV Park is located and that the floodway areas would be 180 days. Lambrecht in the floodway areas, who is going to check? Wirtz states that she has actually gone out and checked vehicle registration & to make sure everything is ready to move if needed.

Petznick asks if the restaurant would be 180 days. Wirtz explains where the restaurant is located in Cottonwood would be floodplain. Petznick states that the definition says in the complex. Wirtz advises that the restaurant can be year round. Commission continues to discusses RV Park regulations

Wirtz advises Commission that Scrap Feed Regulations have been written up, but it appears that they were not adopted. Wirtz asks the Commission to please review and give opinion.

Wirtz asks the Commission to please review the Administrative Adjustments Regulations.

Wirtz advises Commission that Steve Martin will get back to her on Livestock Friendly.

ITEMS FROM THE MEMBERSHIP

ITEMS FROM THE PUBLIC

ADJOURNMENT

MOTION: Rasmussen
I move to adjourn the meeting

SECOND: Petznick

VOTE: Aye – Albracht, Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt

The meeting was adjourned at 8:19 p.m.

Gary Lambrecht, Chairman