

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

September 3, 2015

7:00 p.m.

Multi-purpose Room, County Courthouse, 1555 Colfax Street, Blair, Nebraska

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

MEMBERS PRESENT

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

STAFF PRESENT

Tanna Wirtz
Teresa McBride
Terri Stanford
Kris Robinson

COMMISSION ACTION:

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

At time of roll call, member Terry Rasmussen was absent. He arrived a few minutes later.

With regard to the August 6, 2015 minutes, the following action was taken:

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

MOTION CARRIED

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

MOTION: Schjodt
I move the agenda be approved
SECOND: Albracht
VOTE: Aye –Lambrecht, Neuverth, Schjodt, Rasmussen, Albracht, Mathiesen, Petznick
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 on the door; and noted that copies of material the Commission has is also available on the counter in the back of the room.

OLD BUSINESS/RENEWALS

Conditional Use Permit reviews for August: Approved Administratively per County Zoning Regulations Section 6.14 and 6.18

James Lippincott	84-01	mobile home
Howard Peterson	89-01	mfg home
Eugene Saville	89-03	mfg home
Jerry Hensler/Eugene Hull	14-12	two homes temporarily - New residence completed 4/9/15. Mobile home removed. CUP file closed on 8/18/15

PUBLIC HEARINGS

LOT SPLIT

1. Lot Split request for Marvin and Jody Meier

To create a 5.64 acre tract split to separate the existing house and outbuildings from existing farm ground in SE ¼ SE ¼ in Section 30 Township 19 North Range 10 East of the Sixth P.M. (location: 22042 County Road 16, Arlington, NE)

Marvin Meier, 15811 County Road P11, Herman, NE was present and addressed the commission. Meier explains that the plan is to separate the house and buildings from the existing land and sell it.

Neuverth asks "If it is being sold to a family member." Meier states to a neighbor, who has been there quite a few years and is very well established.

Wirtz explains that there is a barn that crosses the section line/boundary line. There is an acknowledgement affidavit that will be signed by the owners of the property stating that the structure cannot be improved more than 50% of its value and it cannot be replaced.

Mathiesen inquires if the property that the barn crosses is owned by Meier? Meier states that the property is owned by them & their son and the barn has existed in that location for years.

Chairman Lambrecht opened the public hearing.
Chairman Lambrecht closed the public hearing.

Neuverth asks, "if the portion of the building that crosses the line is a lean-to on that building." Meier answers "Yes".

Neuverth inquires of Wirtz, "If they wanted to improve that building, they could not improve it more than 50% of value. Could they take that lean-to off?" Wirtz states that it still would not meet the setbacks.

MOTION: Mathiesen
I move to approve the Lot Split as requested.
SECOND: Rasmussen
VOTE: Aye –Petznick, Mathiesen, Albracht, Lambrecht, Neuverth, Rasmussen, Schjodt
Nay – none

MOTION CARRIED

REZONE

2. Rezone request for Marvin and Jody Meier

Request to rezone from A-1 Agriculture Primary to A-LSR Agriculture-Lot Split Residential of a proposed 5.64 acre tract in the SE ¼ SE ¼ in Section 30 Township 19 North Range 10 East of the Sixth P.M. (location: 22042 County Road 16, Arlington, NE)

Chairman Lambrecht opened the public hearing.
Chairman Lambrecht closed the public hearing.

MOTION: Petznick
I move to approve the rezone as requested.
SECOND: Neuverth
VOTE: Aye –Albracht, Mathiesen, Petznick, Lambrecht, Neuverth, Rasmussen, Schjodt
Nay – none

MOTION CARRIED

LOT SPLIT

3. Lot Split request for William and Rena Mammel Revocable Trust

To split off a 7.99 acre tract for family member to build a home in NW ¼ NW ¼ in Section 19 Township 17 North Range 12 East of the Sixth P.M. (location: 3764 US Hwy 133, Blair, NE)

Rena Mammel and Sherry Redfern, 3764 US Hwy 133, Blair, NE were present and addressed the commission. Mammel explains that she would like to split off a piece of the property for her daughter to build a house.

Chairman Lambrecht opened the public hearing.
Chairman Lambrecht closed the public hearing.

Wirtz explains that the property is in two separate sections. The 7.99 acres would be coming out of section 19-17 -12, a forty (40) acre tract. There are two tax lots that encompass the driveway, lots 18 & 19, which are along the southern portion of that section. Tax lots 18, 19 and 7.99 acres would be combined to create a total of 8.59 acres. Across the section lines were tax lots 19 & 21, tax lot 19 was the driveway and tax lot 21 was the remainder of the property. Highway right-of-way was taken from both of those tax lots and they were combined at one time, which apparently was in error. The landowners protested, a new survey was drawn up to split those parcels back to the way that they were. A deed was never filed to finish that survey transaction, so the deed will be filed on that to recreate tax lot 19, which is the driveway, prior to the final survey being filed. Tax lot 19 will have a new tax lot number and it will be a contiguous parcel. So if and when the 8.59 acres should ever be sold, tax lot 19 must be sold with it. Because the access to the highway is in a separate section, it could not be combined. But it can be listed as a contiguous parcel.

Mathiesen said his concern is if this partial ever is sold, then they would have to sell the driveway. Wirtz explains that it is a perpetual easement and that there would be an easement back to the original parcel. Redfern would have the ownership of tax lot 19, which would include the entire driveway back to the Lot Split. Redfern would grant an easement for her mother to use the driveway, that way you are not creating a land locked parcel.

Neuverth asks "If they own the properties, why would there need to be a perpetual easement?" Wirtz explains, "Because that property is being sold to the daughter, she has to grant the easement." Neuverth inquires, "If that parcel is ever sold then that perpetual easement goes with the property?" Wirtz answers "Yes".

Neuverth would like to know if that property serves any other properties to the East. Lambrecht states "No" and then inquires if the two tax lots dead end at the property. Redfern answers "Yes".

Lambrech inquires if the forty (40) acres has ever had a lot split before? Wirtz states "No".

Commission continues discussion. Wirtz advises this is how the County Surveyor recommended the matter be handled.

MOTION: Schjodt
I move to approve the Lot Split as requested with the contiguous parcel.
SECOND: Albracht
VOTE: Aye – Lambrecht, Neuverth, Rasmussen, Schjodt, Albracht, Mathiesen, Petznick
Nay – none

MOTION CARRIED

REZONE

4. Rezone request for William and Rena Mammel Revocable Trust

Request to rezone from A-1 Agriculture Primary to A-LSR Agriculture-Lot Split Residential of a proposed 7.99 acre tract for family member to build a home in NW ¼ NW ¼ in Section 19 Township 17 North Range 12 East of the Sixth P.M. (location: 3764 US Hwy 133, Blair, NE)

Chairman Lambrecht opened the public hearing.
Chairman Lambrecht closed the public hearing.

Wirtz added that the rezoning is on the 8.59 acres, it will include tax lot 18 & 19. Commission discusses.

MOTION: Mathiesen
I move to approve the rezone as requested.
SECOND: Petznick
VOTE: Aye – Schjodt, Rasmussen, Neuverth, Lambrecht, Albracht, Mathiesen, Petznick
Nay – none

MOTION CARRIED

CONDITIONAL USE PERMIT

5. Desoto Park Estates Park Estates, Inc.

Conditional use permit to operate a RV Park on Tax Lot 13 in Section 6 Township 17 North-Range 13 East of the Sixth P.M. (location: 4655 Moon River Lane, Ft. Calhoun, NE)

Mick McClanahan, 4573 Moon River Lane, Fort Calhoun, NE, President of Desoto Park Estates, addresses the commission. Desoto Park Estates has had a Conditional Use Permit for a Mobile Home Park for 24 years. He would like an explanation as to why they have to change. Lambrecht explains that things have changed since the flood of 2011 and a mobile home park is no longer allowed to be permitted through Federal Regulations next to the river. With the changes that FEMA is pushing towards, Desoto Park Estates must be up to those standards for Washington County to stay in compliance with the FEMA regulations. Therefore, Desoto Park Estates CUP needs to be reviewed, so that the CUP can be moved to a more suitable CUP to meet those standards.

McClanahan asks what assurances there are on the grandfathered properties. Lambrecht replies that the grandfathered properties would remain grandfathered according to FEMA regulations. McClanahan states that they have always worked with the Washington County Boards and other County Offices, and that Desoto Park Estates never received a letter stating they were in Noncompliance. The original CUP, which goes back to 1991, where it listed one well and septic onsite has never changed. The wells and septic that were still there after the flood and are viable. McClanahan inquires if those wells and septic would be grandfathered? Wirtz answers "Yes, if they are in working order". It is McClanahan's understanding through correspondences received from the State of Nebraska that Desoto Park Estates is in compliance with the State. McClanahan inquires if Washington County has any different compliance regulations as Desoto Park Estates was informed they were out of compliance due to the wells not being registered. According to information obtained by McClanahan, the wells do not have to be registered, they can be registered, but is not required. Lambrecht explains that at this point in time the current CUP is not viable for a mobile home park, so let's move forward to find a CUP that works for both Desoto Park Estates and the County.

McClanahan asks if the Commission members received a copy of the revisions requested by Desoto Park Estates. Commission members reply "Yes". McClanahan points out what he believes to be an OR statement relating to the 180 consecutive days. Wirtz advises that it is Federal regulation and that the Commission makes recommendations for the County. Lambrecht explains that the Planning Commission is a recommendation Board for the Board of Supervisors. Nothing that is decided here

tonight is set in stone for anything along the way. The County Board of Supervisors can concur with the Commission and that the Commission is suppose to handle some of the research for them.

Siedlik asked that the record reflect the following: "Would the Commission provide their clarification on what the 180 days means." Lambrecht states his interpretation and the other Commission members could be different, but his understanding was that they had to be moveable and licensed and could only be on the property 180 consecutive days. Siedlik asks, was it the County Board's intent to adopt FEMA regulations. Lambrecht explains that the whole idea of the matter is to make sure all trailers that are parked down there stay moveable for public safety concern.

McClanahan references the correspondence from Washington County Planning dated July 24, 2015, pending noncompliance issues for Desoto Park Estates and asks it be acknowledged that the required documents under the first paragraph were received by the Planning Department. Lambrecht acknowledges that those documents were received as required.

Siedlik states for the record that he turned in ten (10) shed permits tonight and five (5) were submitted earlier for a total of fifteen (15) and to his knowledge that is all for right now, but there could be additional ones in the future. Desoto Park Estates attendees were informed that those are building applications and not permits. Siedlik comments that they did not know that permits were required and believes that things are up to date. Wirtz advises that as far as the building applications go, but they have not been permitted yet. Schjodt asks Siedlik to identify himself for the record. Mike Siedlik 3811 Virginia St., Bellevue, NE, a shareholder in Desoto Park Estates.

McClanahan continues to address the noncompliance issues in the July 24, 2015 correspondence, advising that they had contacted the State of Nebraska Water Department about the individual waste, along with the water and that a packet had been received by Desoto Park Estates from the State of Nebraska Water Department. It was voluminous and very confusing. They did their best to fill it out and returned it. They have not yet heard back from the State.

McClanahan states that there are no further plans for future development at this time. In the July 24, 2015 correspondence, it is stated that no new permits would be processed after July 31, 2015, until the compliance issues have been resolved. By not having access to electrical hookups, they estimate the loss of approximately \$20,000 worth of business due to not being able to lease lots to customers, who cannot hookup electric. Does not see where an electrical permit has anything to do with the compliance laws. Desoto Park Estates believes it is not out of compliance in the first place.

Lambrecht asks that the Commission be allowed to address the application that is before the Commission tonight, which is a CUP for an RV Park. McClanahan refers to the RV Park and RV Complex definitions and asks if Desoto Park Estates could change to an RV Complex at a future time. Lambrecht explains that Desoto Park Estates could apply for a RV Complex CUP at a future time, if necessary.

Lambrecht summarizes Desoto Park Estates CUP application. Desoto Park Estates is applying for a CUP for an RV Park, which the permanent structures are going to be grandfathered and you wish to move forward at this point in time.

Siedlik asks a question of Wirtz relating to FEMA. If Desoto Park Estates had a No Rise Certificate in the floodway, then could they have a mobile home? Wirtz advises that no new habitable structures are allowed within the floodway other than an RV. Siedlik inquires even if you elevate it? Wirtz explains that in Nebraska there are no new habitual structures allowed in a floodway regardless if there is a No Rise Certificate. The only possible structures with a No Rise Certificate might be garages or other type of structures and it is based on the No Rise Certificate saying "X" amount of feet of structure will not create "additional flooding elsewhere" Siedlik interrupts and asks if that is Nebraska, Washington County or FEMA regulations. Wirtz states Nebraska, which FEMA could have a variance, but the State of Nebraska states "No". Siedlik inquires as to the reason why Nebraska states that. Lambrecht explains that new laws and regulations are due to past safety issues along Nebraska's rivers. Siedlik questions if the State of Nebraska took property rights and does Nebraska compensate the property owner. Wirtz advises him to direct those questions to the State of Nebraska. Siedlik inquires as to what Nebraska State statute says Washington County cannot permit. Siedlik wants it noted in the record that he asked about compensation.

Lambrecht explains that at this time there is a CUP application for an RV Park and he will open the public hearing part of the meeting stating that he will not limit the time, but asks that people not repeat issues that have already been discussed and try to move the meeting along.

Chairman Lambrecht opened the public hearing.

Jeff Spracklin, 2533 Spracklin Lane, Omaha, NE, a shareholder, brought photos of Desoto Park Estates during the flood and what it currently looks like. He wanted the board to see the damage and the work that has been done to improve the property. McClanahan noted for the record that Desoto Park Estates did not receive one penny from the Government or Washington County funds for repairs. Spracklin reiterates that they had no financial help from anyone. The issue of sheds has been brought up, but they need a place to store their stuff, as things get stolen. They want to work with the County, they are not there to make a lot of money or have a super park; they just want a nice place to relax and enjoy the weekends.

Vince Hartline, 1540 Hartline Lane, Omaha, NE, a shareholder states that he has concerns as to how long it will take to resolve the issue of permits, so that the last twenty (20) lots can be leased. It is hard to lease a lot when you have to advise people that there is no electric for RV hookup and there is an issue with getting a permit. They feel they are in compliance and would like an answer as to how long it is going to take to resolve these issues. Lambrecht states he will answer questions after the public part of meeting.

Erik Oldman, 15859 Larimore Plz., Omaha, NE, asks "You indicated earlier about the septic systems that if they were there prior to the flood and in working order they would be grandfathered. Do the septic systems have to be a certain distance from the river if they are grandfathered?" Lambrecht states that he will answer that question after the public part of the meeting is over.

Vince Hartline would like clarification as to what Wirtz informed earlier, which was that grandfathered wells and septic systems would need to be in operating condition. A lot of the wells that they are trying to hook up are hung up on the electrical permit issues.

Siedlik states that he is confused and does not understand how the process works. There is an application in and everyone has reviewed it. He asks if there are any issues with the application. What are they suppose to present? Do you have questions? Do you want to talk about the application? Lambrecht said "Yes".

Siedlik begins going over the July 24, 2015 correspondence from Wirtz:

Under the first paragraph, #1 & #2 are taken care of. #3 deals with sheds. They reviewed the County and FEMA regulations and they believe if they can move it out, they should be able to have it on the property. Even FEMA regulations state that there is usually time to move things out before a flood (Reads from a document relating to evacuation). He wants the Commission to keep what he read in mind as there are a lot of rumors going on when it comes to the sheds, that they are too large to be moved out at a moment's notice. Siedlik states that they can move them out and they would be more than happy to show that they can hook on to them and move them all if you would like in a couple hours. Lambrecht asks "In your fifteen (15) applications, what size shed do you think should be allowed, since you are a shareholder in Desoto Park Estates?" Siedlik replies that he believes that anything portable that can be moved. He comments that it makes no sense to put a size limit on things as long as you can move it, even if it was a 20' x 20'. Lambrecht explains from a public safety view what one person is capable of doing and another is capable of doing is irrelevant. "How do you know if someone that leases a lot at Desoto Park Estates is capable of moving a portable shed?" Siedlik states we make them show us that they can move it. Barbara McClanahan interrupts stating that their leases say everyone is responsible to move their stuff in the event of a flood.

Siedlik states that the CUP has too many things to comply with and they just want a nice place with some rules that are reasonable. Eddie Hoskins interrupts. Lambrecht at that time informs everyone that there needs to be one person at the podium at a time and everyone that wishes to speak will get the opportunity, but give the current person speaking a chance to finish. Lambrecht inquires if Siedlik was finished? Siedlik replies he has more to discuss. They did not come up with a size for sheds, as he stated earlier they believe that if it is portable and they can move it then it is good. He gave a little history of documents received that talk about sheds. On May 24, 2014, a correspondence was received from Wirtz stating all permitted sheds must be portable/on skids and ready for immediate removal. Wirtz comments that the sheds have to be permitted. Siedlik says permitted to him just means that it is allowed, not that it has to have a formal building permit. He believes the regulations can be interpreted different ways. They didn't understand sheds would need permits and believed from the correspondence that sheds were okay. There was no intention to come in and over build down in Desoto Park Estates.

Siedlik comments that decks are another issue. In another correspondence from the Planning Department, it says "as long as a deck located at ground level is secured, it is permitted". Not sure what that means, but do they need a permit for a ground level deck? Wirtz advises that all construction needs a permit, even a deck.

Siedlik explains that they feel like they are being pushed from a Mobile Home Park to RV Park, which is not an issue, as they have a CUP permit now for a mobile home park, which could be revoked. But they just ask that the CUP for the RV Park be reasonable. As far as the RV's go, they believe FEMA states that RV's can be moved every 180 days OR licensed, that it does not mean both. They already require all RV's to be licensed and ready for highway when a lot is leased. They would still like the flexibility on the OR issue.

Siedlik comments that there is discussion about the width of RVs. They have some RVs that are 8'6", which can be taken down the highway without special permits and some that are larger, but they can get an annual permit. He says FEMA regulations states it is permitted, does not say much about the permit, but who cares that is our problem. They have intentionally kept their lots large – min. 40' some 80'. They have no intention of making them smaller, but would like the ability to split lots.

Some of the other items they would like the ability to have or due, would be paving which would be nice for picnic tables and such. Portable equipment, boat ramps, access steps, docks, trees, firewood, portable toilets, construction trailer are all things they would like. They have seen no regulations that would stop them from having some of the items on their list. They want a decent place and don't want it to be trashy.

Siedlik addresses the second paragraph in the July 24, 2015 correspondence.

Waste disposal – RV's are self contained, don't need septic systems. They do have an onsite disposal with a holding tank. They have some people that do not want to move their RV and they will use a tote container to dump their dirty water. They have three

(3) porta-pots onsite. There are a few individual wells and Desoto Park Estates has three wells on site that supply non-potable water. One of the wells is up and running. After hearing from the Nebraska Department of Health and Human Services, they may not be able to supply non-potable water; it will need to be tested, so that it is potable. They are waiting for a reply back from Nebraska's Department of Health and Human Services.

Concerning the issues on electric permits, they are still operating under an existing CUP that is still in effect and has not been revoked, so they should be able to get electric hookups. There is a backbone system in there for electrical and have several service poles in operation, some poles set with no service on them due to no permits. "Nothing is going to change unless you are going to change it here and I am not hearing that. It needs to be addressed, because if things are not going to change then let's do it." They have people waiting to lease lots, but won't lease without electrical. They have trouble receiving approved permits in a timely manner. There is a document that was given to them by Planning titled "What do I need to get my building permit" It states a building permit process can be 3-5 days. It should only take 3-5 minutes to approve, not 3-5 days. Permits should be issued in a timely manner. They don't appreciate the delays.

Eddie Hoskins, 12716 Deer Creek Dr., Omaha, NE, states that he has a shed on his property, Lot 31. States that he had spoken with Wirtz a few years back when he had put it on his property. "My first question is why they need permits for sheds now, when they didn't have to have permits before." Wirtz advises there has always been a permit requirement for sheds. Hoskins states that they had several conversations and "You never advised me that I needed to apply for a permit. So why after he spent the money and bought a nice shed, would he need to apply for a permit now, when you knew and approved the shed?" Lambrecht asks "What size is the shed"? Hoskins indicates it is a 10' x 16' shed on his property. Hoskins asks either the Commission or someone to explain why before he spent money on the shed, was he not told he needed a permit for the shed? McClanahan states that they have written documentation of this event. Petznick asks "So what you are saying is that you asked Tanna"? Hoskins states that he contacted Tanna, because he did not want to do anything wrong and did not want to spend a lot of money on a shed, unless he knew it was going to be acceptable, as he has only lived in Nebraska for a few years and did not know any of the regulations at that time. He commented he had multiple conversations over a three to four week period with Tanna and she explained the concern which was that the shed had to be moveable. He told Tanna that he understood and that there was no way he would leave the shed there if a flood should happen. Tanna and I discussed putting it on skids and as long as it was on skids and moveable, that was all okay. Hoskins explains that he bought a shed and how he has it on skids. He states to "answer your question "Yes, I was told I could". McClanahan states that during the flood in 2014, that they did just that. Lambrecht advises that he will address the issue once the public portion of the meeting is closed. Hoskins states that he thought that this was relevant to the CUP permit that was being discussed today. Lambrecht states that it is. Hoskins asks "so I will get my answer later in the meeting"? Lambrecht states "yes".

Darrel Boesiger, 2246 Crestridge Dr., Blair, NE, asks what if someone is gone when the land floods. Who is responsible for taking care of the stuff on that property? Hartline states that they as a community look out for each other. If for some reason that person is not there, they have a corporation tractor and someone would move their stuff. Lambrecht advises that the comments need to be directed to the Commission and that once the public portion of the hearing is closed, he will answer the question. McClanahan states Desoto Park Estates has only ever flooded twice. Spracklin added that they also have a call list to inform people who aren't there.

Lambrecht closes the public portion of the hearing.

Lambrecht advises that at this time he will attempt to answer the questions asked and then it will be turned over to the Commission for their thoughts and actions.

1. How long was this going to take? There will be some type of recommendation made tonight.
2. If the septic systems are grandfathered? That is a question for the building inspector to answer.
3. Sheds that have been on site pre-flood and post flood that are not permitted nor have a permit. Will be addressed in the motion.
4. If for some reason someone is out of town. Then it would be no different on a shed or anything else then in FEMA regulations an RV is legal to be there and it would be their responsibility to have made arrangements with others to move it out.

Wirtz clarifies pre-flood structures:

1. Structures cannot be improved over 50% of the current value and cannot be replaced.
2. As for grandfathered wells and septic, and how close they are to the river, we can talk to the building inspector.
3. FEMA trailers are not considered an RV and would not be allowed.
4. The original CUP was for a Mobile Home Park with individual wells and septic. Basically, it is in noncompliance because of that. It is not currently permitted as an RV Park, so that is why the electrical permits are being held up. Resolution 2005-20 (E) states that the Planning Department has up to 60 days to review and approve permits.
5. In 2014 that area was flooded. Desoto Park Estates did remove RVs and the road did get washed out. So there has been more flooding, since the 2011 flood.

Lambrecht states that there are no more public comments, that there will be input and some of you may be asked questions. It is time for the Commission to discuss and make a recommendation for a Motion. Planning Commissions job is to make recommendations to the Board of Supervisors.

Rasmussen asks how many permanent structures are still left down at Desoto Park Estates. Siedlik believes that there are seven (7). McClanahan replies there were originally nine (9) structures, two have been removed. Had plans to tear down two more and remove a metal shed from the floodway, but we see no use it now that we have been treated this way.

Rasmussen asks how many wells and septic are there. Siedlik states that the corporation has 3 wells.

Rasmussen asks if we make this an RV park, they do not have to have individual septic, right? Wirtz replies whatever this board recommends. They do have to provide something for the RV Park.

Petznick inquires if that is considered a public water system? Wirtz advises that would be a DEQ question? Petznick asks about the packet that they had mentioned earlier. Siedlik explains that they received a packet, but believe it didn't seem to fit them. The best they could come up with was transient status, but that doesn't really fit either. They couldn't figure out what they were asking for or wanting. They explained best they could what their plan was and are just waiting for a reply back from them.

Mathiesen asks "You said there were nine structures and you removed two of them, what were you going to put in place of the structures you were going to take down"? McClanahan states that they are leasing the lots out for RV's.

Mathiesen inquires "What was your understanding at that time the CUP was reviewed in 2012 as to what structures could go back in there?" McClanahan replies, "We were allowed to have campers, trailers, or motor homes." Mathiesen comments "So basically it would be an RV Park." McClanahan states "That wording did not show until April 23rd, when Tanna removed the 911 addresses and that was the first time that Tanna referred to them as an RV Park under a CUP." McClanahan states "I did not know she did that with a stroke of a pen without going before the Board, but it has been Tanna's agenda from the very beginning to get them called an RV park, since she took the over the job."

Mathiesen questions "But under what you just stated, basically, you are an RV Park, because you cannot bring a mobile home in there." McClanahan states he has two concerns and is sure that no one has addressed the Assessor's office. Because the Assessor's office assesses them \$5000 when electric is installed. They are worried about how things will change. If they are changed to an RV Park, as taxes are based per lot. Mathiesen asks "But what do you give reports on just the seven mobile home structures that are there?" McClanahan states on all the lots, along with carports, patios, etc.

Mathiesen asks "If your understanding was that you were going to have to bring in campers, trailers, etc., then where did we get to bringing in these sheds/small buildings." McClanahan refers to a shareholders' meeting on March 14, 2014, where they invited Tanna to attend as they had people concerned about placing sheds. Cannot quote it, but it is in the minutes that Tanna told them they could have sheds 150 sq ft, on skids and portable. As long as it can be pulled it down the road, they could have them. McClanahan states he asked Tanna for specifics and was told to stop by her office. McClanahan went to Wirtz's office the next week and states he was told "if you can pull it down the road that is all that matters". He went three days later down to the place on Hwy 75 and ordered a shed. Has a nice shed, has his lawnmower and some tools in it and that is all it is used for is storage. They store their stuff in the shed, so that it does not get stolen. Every shed has skids; we haven't tried to get away with anything. We asked for guidance, they got it and they have followed it. The sheds are portable, which is the main concern on FEMA. We can move them and we have moved them.

Neuverth states everyone here could say they are storage sheds for mowers and rakes, but they look like rally cabins to him. Whether they are being used for rally cabins or not, RV and movable on the river is for safety. Hoskins states he was the first to talk to Tanna about a shed and she said it was Ok. Hoskins asks McClanahan if he has a copy of the email correspondence so that the Commission can review. That's where it all started, precedence was set and everything done since then has been based on that original information. Neuverth inquires about "One that is on the south end back in by a permanent structure, it has windows, sitting on the ground and it has four chairs sitting in front of it. What's that one?" Someone asks if he knows what lot. Neuverth states "No, I do not know what lot".

Lambrecht comments, while you guys are working on that, Matt, you have the floor. Mathiesen states "That's why I asked the question, how we got to where we are at. That's all I wanted to know."

Lambrecht says he is going to break protocol and asks you are done, right Matt?

Hartline states "That's mine, that's my permanent structure. What you just pointed out is my permanent structure. That's my FEMA trailer. It is able to be licensed and titled; I'm doing research right now on the title because the person I bought it from never mailed the title." Wirtz inquires if it is an RV or a FEMA mobile home trailer? Hartline states "It meets the criteria as licensable and movable." Wirtz asks is it a licensed RV? Hartline states he can license it through the State of Nebraska as a job trailer. It meets the FEMA criteria of sq footage and it was built and designed by FEMA.

Lambrecht states that he is going to break protocol a little bit. "Sir, you have had your hand up three times back there and you never stated anything before, so do you have something."

Jim Buscher, 4545 Moon River Lane, Fort Calhoun, NE, states that he lives there year round. He has a well, crawl space and even a road, everything done by FEMA. So he believes that he has grandfather rights and has a shed on skids. As far as he knows, he is the only one living down there year round now.

Lambrecht asks if anyone else from the Commission has questions. Albracht asks when the area became a floodway or has it always been a floodway? He was told it has always been a floodway, even on the old map.

Neuverth asks Mr. McClanahan, "You showed us pictures of what it looked like during the flood and how nice it looks now, but yet you have trouble with the permitting and this and that, but once feathers get ruffled there is some things, you talk like you want it to be the nicest thing on the river, but you got some things that are good for nobody but you have decided to not tear them down which I understand. As things do not move forward, but for the people you have coming in or hope to come in your community, I would think if we could come to an agreement you would want." McClanahan asks Neuverth, "so what is your question."

Spracklin states they want it to be nice and would like to remove those structures. Neuverth states that was not the impression that he had gotten from McClanahan. McClanahan comments that he would like to take them down. "This is only the second year of our ten year CUP and my feeling is I have been directly involved with the people who have done the hard work and also involved in the financial end of what we have spent, but you start a project and then the boat gets rocked and it is not you who is rocking it, that is why my expression was misunderstood."

Lambrecht asks if there are any other questions from the Commission for the public at this time.

Lambrecht states that the CUP is on the agenda for an RV Park with 76 lots. He summarizes that there are seven permanent structures of those 76 at this point in time. There were nine originally and there are seven now. Those seven structures have well and septic to those structures at this point in time. A RV Park for the other 69 spots would be called a RV Park and a RV Park would not have to have individual septic and well, but there would need to be dump stations. How many dump stations would be feasible for an RV Park? Wells, if they are going to be used for public would have to be tested and meet Nebraska State Statutes. Sheds would need to be a number that is workable for all as to size and be moveable. Structures that are down there, whether they are called a shed or for a game day party are for storage of lawn mowers and not habitable. Because a habitable structure would get the County in hot water with FEMA, because even a shed in there on skids that is habitable meaning you are sleeping in there, there is running water. Someone from audience asks what the definition of habitable is. Lambrecht advises that this is his definition of what the Planning Commission has to determine for a CUP on the seven structures and 69 RV lots. Any habitable structure would have to be on wheels. My definition of an RV is on wheels and licensed. RV's can be driven out. You don't have to hook a log chain to it or anything else. The last concern is public safety. Wells are taken care of on the State level and their requirements. The State might not regulate the dirty water, which is what we have to be concerned about. We need to make sure it is in a RV tank and is going to a dump station, because if it is running across the ground that is a public safety hazard and it comes back on us.

Lambrecht states for the Commission, Kris Robinson, Washington County Building Inspector is present. Unidentified Person asks "How far do septic have to be from the River". Robinson states drainfield would need to be 50' from surface water and that septic systems and must comply with all NDEQ requirements. Person asks "Even if it is grandfathered"? Robinson informs that there are no grandfathered rights on septic, if they are bad, they are bad. Nebraska DEQ states if you touch them, you have to bring them up to State guidelines, which includes size, tank and placement. Nebraska DEQ does govern and regulate all State water, whether above ground or below. If you pollute it, they are after you. Unidentified Person asks "so if I touch my septic tank". Robinson replies if you have to repair it or it starts seeping above ground or polluting a well next to it, because there are wells and septic out there that have no records. Unidentified Person inquires about his septic. Robinson states "I have no idea about your tank and whether it is legal or not". Robinson comments there are many systems out there that he does not know if they are legal or not.

Lambrecht asks McClanahan "How many gallons is the dump tank they have out there now?" Siedlik states the one they have is a 2000 gal tank. They are starting with one, but if they have to pump it every few weeks, they may need to put in more. They may have to put in a septic system. They did not say no, but they did not apply for one. Most people are down there on the weekends and most use the porta pots. Lambrecht asks "In your application did you state what your pumping procedure is going to be." McClanahan replies "Yes". Mathiesen asks if this been approved by the State? Sidelik answers "Certainly."

Robinson advises that the way the State looks at this park is different. Wherein an RV Park you have people pull in and out and are usually just there a short time. They usually dump into a holding tank and those tie into a dump station for their personal use. Dump Stations are for chemical waste. Dump rate is 75-150 gal per day flow rate per RV. That's why most of the systems are done by engineers and have to be approved by DEQ first before we even look at them.

Schjodt asks Wirtz, if he wanted to start an RV Park, what would be the regulations in Washington County that we have right now on septic, wells and sheds? Wirtz states it would have to meet all the DEQ guidelines; she has an email from FEMA on the sheds, so this is what we would have to comply with and all DEQ, State and Federal regulations. They would have to meet FEMA regulations and be consistent with what we already have. Lambrecht states of course it would have to be in the same floodway situation. Schjodt explains we have a unique situation here; "We have to be consistent with what we do in the rest of

the County, because we cannot formulate rules just for this RV Park as we have other RV Parks. What we are actually doing this evening is converting a Mobile Home Park CUP to an RV Park CUP. The Mobile Home CUP permit is null and void because you cannot have that in a floodway. So we have to consider structures and lots already there in use. What do we do about the ones already there? Second part of the motion needs to deal with specs on new things. We need to consider a motion that takes care of what is already there and addresses any new stuff coming in."

Rasmussen inquires if we have other RV Parks in the County? Wirtz advises that there are two other RV Complexes. Rasmussen questions if they are considered still the same thing, just allowed more things. Are they in the floodway or floodplain? Wirtz replies Floodway and floodplain combination. Rasmussen asks "So we have RV Complexes already in there. What are their regulations? That is what these people have to comply with?" Wirtz advises that their sheds are small portable, about the size of the back of a pickup or less, 180 consecutive days that RV can be on premises, floodway regulations relating to no new structures. As far as the RV Complexes that are there, they have more sophisticated septic systems, potable water, so that is a little different. Rasmussen asks "But that is not a requirement for an RV Park, to have potable water?" Wirtz replies that is a State question. I do not know that for a fact. Rasmussen indicates "I do not camp, but have been to parks that have signs saying "non potable water"." Wirtz state a lot of them have potable as well. Rasmussen comments "Yes they do, but for our regulations for an RV Park, we do not make them have potable water?" Wirtz replies we do not have anything that states that.

Siedlik asks "Is that in writing for the requirements on the sheds and all that for the other parks?" Wirtz replies "I am going by the FEMA regulations. There are emails that have gone back and forth from FEMA." Hartline asks "What are the dates on those"? As most of these sheds have been there 5-6 months. Since they have already been in place and now, we are discussing with FEMA the size issue, from today forward we would like a set size, like a an 8' x 10' or whatever so there is no confusion for you or us. Wirtz replies "Nothing there is grandfathered unless it is pre-flood." Siedlik states it does not mean it cannot be grandfathered by the board. Wirtz replies "I have to comply with what FEMA regulations state and as far as they are concerned there are structures down there of the larger sheds." Siedlik comments "FEMA does not have in the regulations as to a size. Wirtz states this is what I received from FEMA. You got one email from FEMA."

John Blankenship, 3004 CR 49, Omaha, NE, asks "About the 180 consecutive days in the RV Complexes that already exists in Washington County, is there a rule that says they have to move them and if not how come they do not?" Lambrecht replies there are rules within the County that do not have a lot of teeth behind them. How do you force things to happen? That is what Rasmussen was just reminding me that for all the other RV parks that we have approved, we have put in the motion to the Board of Supervisors the 180 consecutive day rules. That is our understanding of what FEMA wanted and that is what we put in. Unidentified Person so to be clear if you move it and move it right back on, you are Okay? Lambrecht answers that his understanding is if you move it an hour and move it back, you weren't there 180 consecutive days. Siedlik comments or just read it the way it is stated. It is an "OR" statement. Lambrecht answers that if that is the truth, and it could be, the Planning Commission has not taken it as an "OR" and in all of our motions sending it forward to the Board of Supervisors, we listed it as something that needed to be done. Siedlik comments that you do not have to take that position tonight.

Lambrecht states he will take this question and shut down the public input until we have something revised. Rasmussen just asked me what is the logistic of sheds on the other properties. The other RV Parks are a little bit different from this one because they are a slotted size of approximately 20' x 40' slot for an RV. They park the RV and pull the truck up next to it and the space is filled. We never had the problem of a shed of the sizes that are being discussed because the lots are much larger as they were conformed for mobile homes at one point in time.

Lambrecht states the Public hearing portion is closed. There will be no more questions taken and He will leave it up to the Commission for their thoughts and actions.

Wirtz passes out pictures that were taken of the sheds along with an email response from FEMA. Lambrecht addresses them. Mathiesen states his understanding on the email from FEMA is they do not hard state on what sizes the sheds have to be. They have to be moveable. Commission continues discussion amongst themselves.

MOTION: Schjodt - I move to approve the CUP for an RV Park for Desoto Park Estates replacing the current CUP for a Mobile Home with the following conditions:

1. All existing sheds shall be considered acceptable if they are "registered" with the County Planning Department and must also meet FEMA regulations as far as being moveable.
2. No new habitable structures will be allowed (includes converting existing structures into a habitable structure).
3. No new permanent structures (includes permanent building, fireplaces, fire pits, bars, fences, etc).
4. No new portable structures in excess of 6' x 8'.
5. No new concrete (including pads, sidewalks, driveways, etc).
6. Existing structures shall not be replaced, repaired or improved in excess of 50% of the value.

Allowed:

1. RV's (with quick disconnect utilities, must display current RV license plate, and be road ready).
2. One RV per designated lot

3. Portable sheds (maximum size 6' x 8', anchored with a quick disconnect(s), ready for removal by light duty pickup or other means along with RVs when a threat of flooding exists).
4. Well house (not to exceed 4' x 4' in size, flood gates on up and down stream sides, pump must be flood proofed with a back flow valve).
5. Propane tanks must be anchored.
6. Carports (completely open sides, roof and posts only).
7. Picnic shelters and pergolas (completely open sides, roof and posts only).
8. Electrical power supplies (must be flood proofed and above Base Flood Elevation).
9. Waste systems (must be engineered, meet Nebraska Department of Environmental Quality and County approval) pre-flood systems must be inspected.
10. Ground level decks (must be securely anchored).
11. Elevated decks (at least 12" of ground clearance may have a roof and screened sides only) deck must be securely anchored. A non conversion agreement must be issued for screened sides.

SECOND: Rasmussen

Lambrechth opens the discussion on the Motion. Schjodt asks "I am unsure if this needs to be a part of the Motion, but there is a suggestion that Floodplain Development Permit and building permits are required prior to any activity whatsoever."

Lambrechth states that he sees the Motion as a step in the right direction. "There are things in the motion that I do not 100% agree with. This is a unique situation because the Mobile Home Park was permitted previously and because of the location and how it was being handled, I think a 6' x 8' in my opinion is small shed. I don't camp, but if I did I would want a fire and I think fire pits that are open should be allowed. I believe that an open fence, not a solid fence should be allowed as it cannot impede the flow."

Lambrechth started to make a motion but then stopped to ask what size sheds are down there now? The answers varied from 10' x 16', 10' x 20', 12' x 20', and 12' x 32', but in the motion made by Schjodt the shed just need to be permitted.

Mathiesen asks "Have you got room for 69 - 12' x 32' sheds on the floodplain"? Hartline states they have approximately five acres up by the farmhouse. Mathiesen inquires how realistic is it to drag 69 - 12' x 32' sheds up there. Someone states it is realistic. Those sheds are \$5000 a piece. "We lost them in the first flood. We are not going to lose them again." Mathiesen noticed pickups and cars in those pictures. "Why weren't those moved before the flood?" Spracklin explains "the water comes up in a day, the water goes down, and everyone thought this was just a normal flood. The water came up and up and was up for six months. By the time it got up to the point that we knew it wasn't going to go back down, we were not allowed to go back down. Originally, they told us it was not going to flood. They gave us a certain amount that it was going to go up to, so we had put all of our stuff on stilts because that was as high as they said it was going to go up to and within 24 hours it had raised so high we could not go in and get it."

AMENDED MOTION: Lambrechth - I would like to amend the Motion to allow sheds, not to exceed 10' x 16', to allow portable fire pits and to allow fences lower than 4'.

SECOND: Schjodt

Neuwerth asks Robinson "For clarification on the permitted sheds, would they be inspected for electrical, if they had it." Robinson advises "That any electrical added to any of these sheds they are required to be wired by a State of Nebraska licensed Electrical Contractor."

Lambrechth asks "If there is any further discussion on these amendments."

Mathiesen inquires "Who is going to police these sheds to see if someone is living in them?" Spracklin asks "Does habitable mean running water and toilet?" Lambrechth states "Everyone has a different take on definitions of habitable, but we both know what we are talking about." Mathiesen states "If you don't have a camper down there, and you are staying down there in the shed, it is habitable." Neuwerth asks "On Lot 16, from what I can see, just has that shed. Is that now how the picture shows it?" Spracklin answers "It is on wheels. There is a camper next to it on the next lot. They own both lots."

Lambrechth says the building inspector will be down there doing inspections. He can keep an eye on things. Somebody is going to ask for a permit to do something and we as a Planning Commission have to work with you guys and we all have to stay on the same page. You guys knowing this is what we have in our Motion to not have a habitable structure on the ground, you are going to police yourselves because you want to keep your CUP. Wirtz advises "If it is found to be habitable, we can pull your CUP." Hartline says "We understand that would be in noncompliance and we don't want to go the wrong direction."

Schjodt questions if there is anything from FEMA on the fences that would deny the County insurance, if we have fences in any of the RV Parks. Wirtz advises "If we permit anything that is beyond FEMA regulations, yes." Schjodt asks "What the FEMA regulations are/" Wirtz advises "They say anything that will restrict flow, if a fence isn't open or a solid fence." Schjodt states "A fence isn't going to restrict flow, because it wouldn't be there in a flood."

Lambrecht asks "if there is any further discussion on the amendment."

Mathiesen stated "not on the amendment, but did we address the holding tank?" Schjodt answers "Yes, it was addressed."

Lambrecht restates the Amended Motion. The Amended Motion changes are to allow sheds, not to exceed 10' x 16', clarify the allowance of portable fire pits and grants fences 4' and lower.

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

AMENDED MOTION CARRIED

Lambrecht now we are back to Schjodt's Motion as amended.

Schjodt asks "if we still need to address the 180 consecutive days and the term length of the CUP." Mathiesen has a question about the regulations on cement. Wirtz informs "that is something, I was unaware of until about six weeks ago, they are saying that any concrete in the floodway will increase the rate of flow and cause more flooding downstream because that area is not permeable. No more concrete, what is there is there. No more from this point on. There is a velocity study that can determine whether more pads can be put in there. That is an option from FEMA." Lambrecht indicates "from working with the NRD on so much flood control, there is concrete out there that is permeable. It is expensive, but it is out there." Schjodt advises "that he is more concerned about the concrete being flipped up and causing a bearer for stuff to build up behind it." Wirtz asks "what about the paving stones?" Lambrecht states paving stones would be more acceptable.

Schjodt asks other than the 180 consecutive days, is there anything else in the current Washington County Planning and Zoning Regulations that we haven't covered that needs to be included in this CUP. Wirtz advises that everything has to have a permit. A Floodplain Development Permit, but it does not have to be disclosed in the CUP because it is already in the regulations.

Lambrecht inquires if there is anything else we are missing in the Motion? Schjodt's suggestion would be to make it for a one year review, just to make sure everything is working properly, since this is an unusual situation.

Mathiesen inquires about the 180 consecutive days and the OR issue. Lambrecht said they are working on it. Mathiesen states he is just wondering about it. Wirtz states our other permits say "and". Lambrecht advises we have to stay consistent.

Neuverth asks building inspector Robinson, "if the electrical has to be flood proof in a shed?" Robinson says "it has to be above base flood elevation and a have quick disconnect." Lambrecht theoretically we have discussed a quick disconnect on the RV, but not on the shed. Schjodt just assumed that to mean any electrical disconnect. Robinson advises utility disconnect covers all of it. Wirtz asks Robinson is electrical code quick disconnecting on a shed. Robinson if you have an electrical cord going to a shed, I am going to treat it like a trailer home within 35' and it is going to have a plug on it and not a trip pad. You want your sheds to be able to be picked up and moved out.

Lambrecht – I move to amend the Motion. No RV can be on the same spot for more than 180 consecutive days, the length of this CUP till review is one year, and that all sheds that have electrical to them have to be on a quick disconnect, both the way it is fastened down and the electrical going to it. Paving stones is a permitted use.

Robinson asks "are you going to specify what size, 4' 8', 16'?" Lambrecht states there will be no discussion until there is a second on the motion.

Second – Mathiesen

Mathiesen asks "what is this "and/or" stuff?" "And/or" what?" All three of these things, is that what you are talking about?" Lambrecht states on the 180 consecutive days. Schjodt in my opinion, "the way it is there and the wording you have to meet all three of those criteria in a floodplain/floodway." Wirtz informs "that we have interpreted it as a County as all three and that's how it has been consistent with the other RV parks." Schjodt states from the County perspective I would consider that to mean all three. Lambrecht inquires "does that answer your question Matt?" Mathiesen said "it is exactly the same as I was thinking."

Lambrecht asked for any further discussion?

Schjodt asks "we need to make a decision on the propane. So do we need to make it plural "portable sheds need to have quick disconnects" so it would cover everything?"

Lambrecht restated amendment to the Motion.

The amendment states 180 consecutive days before it has to be moved, the permit will be reviewed in one year, paving stones are able to be used and all sheds have to have electrical quick disconnects.

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

Nay – none

AMENDMENT TO MOTION CARRIED

Lambrecht states "those are the additions to Schjodt's Motion at the present point in time, any other questions?"

Mathiesen inquires about the dump station situation? Schjodt believes it is covered through the NDEQ? Wirtz states "Yes, waste systems must be engineered to meet NDEQ and County approval. Pre-flood systems must be inspected."

Lambrecht asks if there is any further discussion.

Mathiesen asks about water? Wirtz informs up to DHHS.

Any further discussion on the Motion as amended?

VOTE: Aye- Lambrecht, Neuverth, Rasmussen, Schjodt, Albracht, Mathiesen, Petznick
 Nay – none

MOTION PASSED AS AMENDED

Lambrecht advises "Rasmussen just brought up a very important part. You just heard the recommendation that the Planning Commission is going to send on to the Board of Supervisor. They do not have to take our recommendation. They can make it harder or they can make it easier. So you need that before you go out of the room."

NEW BUSINESS

REPORTS FROM STAFF

ITEMS FROM THE MEMBERSHIP

ITEMS FROM THE PUBLIC

ADJOURNMENT

MOTION: Rasmussen

I move to adjourn the meeting.

SECOND: Albracht

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

The meeting was adjourned at 9:50 p.m.

Gary Lambrecht, Chairman