

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

September 1, 2016

7:00 p.m.

Supervisors 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
Matt Mathiesen, Vice Chairman
Terry Rasmussen
Wes Petznick
Dale Albracht
Steve Neuverth
Lyle Schjodt

STAFF PRESENT

Tanna Wirtz
Teresa McBride

COMMISSION ACTION:

With regard to the July 7, 2016 minutes, the following action was taken:

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

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

MOTION: Neuverth
I move the agenda be approved as presented.
SECOND: Rasmussen
VOTE: Aye – Rasmussen, Lambrecht, Mathiesen, Petznick, Neuverth, Albracht, 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 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

Conditional Use Permit reviews for August: Approved Administratively per County Zoning Regulations Section 6.14 and 6.18. There are no Conditional Use Permit reviews for September.

02-05 R. Wilkens & Sons sludge
04-04 Mike Fitzgerald corn milling bio-solids
13-02 Wurdeman corn milling bio-solids

Gordan Anderson was present and stated the Wilkens site was active. He also stated that he would be leaving the job in a few months.

PUBLIC HEARINGS

LOT SPLIT

1. Lot Split request for Helen's Farms, LLC

To create a 5.45 acre tract building site on Tax lot 19 in Section 5 Township 18 North Range 9 East of the Sixth P.M. (General location: Co. Rd. P1 south of Co. Rd. P18).

Dave Monke was present and stated that the intent of the Lot Split was to build a house on the new Lot.

Chairman Lambrecht opened the public hearing.
Chairman Lambrecht closed the public hearing.
Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Mathiesen
I make a motion to approve the Lot Split request as presented.
SECOND: Rasmussen

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

MOTION CARRIED

REZONE

2. Rezone request for Helen's Farms, LLC

Request to rezone from A-1 Agriculture Primary to A-LSR Agriculture-Lot Split Residential on Tax lot 19 in Section 5 Township 18 North Range 9 East of the Sixth P.M. (General location: Co. Rd. P1 south of Co. Rd. P18).

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Petznick
I make a motion to approve the Rezone as presented.

SECOND: Albracht

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

MOTION CARRIED

LOT SPLIT

3. Lot Split request for Ridgeline Farms, Inc./David Hilgenkamp

To create a 2.01 acre tract building site in N ½ SW ¼ NW ¼ in Section 21 Township 18 North Range 10 East of the Sixth P.M. (General location: Co. Rd. 15 south of Co. Rd. 24)

David Hilgenkamp was present and stated that the reason for the Lot Split was to build a house on the new Lot.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission

MOTION: Rasmussen
I make a motion to approve the Lot Split request as presented.

SECOND: Schjodt

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

MOTION CARRIED

REZONE

4. Rezone request for Ridgeline Farms, Inc./David Hilgenkamp

Request to rezone from A-1 Agriculture Primary to A-LSR Agriculture-Lot Split Residential in N ½ SW ¼ NW ¼ in Section 21 Township 18 North Range 10 East of the Sixth P.M. (General location: Co. Rd. 15 south of Co. Rd. 24)

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission

MOTION: Mathiesen
I make a motion to approve the Lot Split request as presented.

SECOND: Neuverth

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

MOTION CARRIED

GENERAL DEVELOPMENT PLAN

5. Request by Barry Kolterman

A proposed 9-lot residential subdivision, to be known as Homestead 77, from the NW ¼ SE ¼ and tax lot 23, Section 6 Township 17 North-Range 12 East of the Sixth P.M. (general location: Co. Rd. P35 north of Co. Rd. 32)

Denny Whitfield appeared for the applicant as the coordinating professional.

Tanna Wirtz asked if there was an easement for the pipeline. Whitfield stated they had been in contact with Magellan and there would be a 50' easement on either side of the pipeline. There would be a 100' no build zone. Wirtz asked for information on the creek crossing. Dan Mormon, a civil engineer with Civil Solutions out of Omaha will be designing the road grades and slopes and also working with the creek crossing and embankments. They will also be discussing the area with the Core of Engineers regarding the pond area. They have discussed the area with two County officials but there needs to be a certificate from the Core. Whitfield believes the Koltermans talked to the County and the NRD and both referred them to the Core.

Whitfield gave a general plan description. The Kolterman's plan is to develop nine lots into a Subdivision/Nature Preserve. Each Lot will have a two-acre fenced-in homestead which will contain a house built by Mr. Kolterman. The rest of the land will be free range for shire horses (1-7

horses). Koltermans plan to start with one house a year. The entrance will have a Ranch-style design with cattle guards to keep the horses in. There is a designated bus loop with a corral in the center if the horses need to be contained. There will be walking trails throughout the subdivision

Wirtz reminded Whitfield there is a 90' setback from the county road for any building. This would affect Lot 9. Wirtz stated that basically someone would buy nine or so acres, but would only get to use two acres. Whitfield commented that they would use two acres as a homestead and the rest as a nature preserve.

Wirtz stated that the Cul-de-sac is very long and subdivisions usually have two entrance/exits. Were there plans for another entrance/exit? Mr. Kolterman is also in discussion with adjacent land owners to expand the property to the South to possibly provide another entrance/exit off of County Road 32. The proposed road has a very steep grade. The exact footage was not determined (3000+) but it is a long road. No contact has been made with the Fire Dept yet. The utilities and other agencies would be contacted before the Preliminary Plat. Kolterman has received a culvert permit from the roads department and spoke with the Roads Superintendant. The County requires letters of approval before the Plat moves on. Whitfield stated there would only be four residences at the end of the cul-de-sac past the creek. The road will be paved. All properties must have access to the internal road.

Schjodt asked what type of gating system will be at the entrance. Whitfield explained the entrance with up rights, crossbars, fence and cattle guards. The covenants state 1-7 shires on the entire 77 acres. Whitfield mentioned at some point there would be walking trails in and through all the lots which will be shown as egress/ingress walk easement. Wirtz stated that green space would need to be identified on the Preliminary Plat.

Neuverth asked if the two acre building site would be predetermined by the developer or in conjunction with the buyer. Whitfield stated that Mr. Kolterman would pick the best location for the house and build it.

Wirtz asked if the green space would be available for the homeowners use or just the horses. Whitfield stated that the walking trails would be easements for all residents but the rest of the space would be just for the horses. The walking trails will not be fenced nor will the property lines be fenced.

Mathiesen wanted clarification on the use of the land. He asked if the land owners would have use of the rest of their land besides the two acre homestead to use for accessory buildings or anything else besides letting the horses use it. Whitfield stated they may be allowed an outbuilding but it would have to be approved by the homeowners association. Not shown on the Plat is an Out lot A. It will be Lot 7. It will contain a community barn facility for storage for the homeowners and owned by the homeowners association. It will also be a stable for the horses and common use for the homeowners. Individual homeowners won't need their own outbuildings.

Lambrecht asked if the homeowners can have their own horses. Whitfield stated no.

Whitfield read from the covenants the rules regarding the horses.

Wirtz asked what size water lines run down P35. There have been problems in that area with water pressure. This will have to be addressed. Whitfield did not know if the Koltermans had talked with the NRD.

Wirtz questioned the road surface. Whitfield stated that County requirements state that the road has to meet or exceed County Road 32 standards. He believes it will be concrete, no curbs or gutters.

Mathiesen asked how far the bus loop was from the road. The Road Department would need to be consulted on that. The fence is not regulated by the County.

Wirtz mentioned there are questions regarding a road easement across Lot 9 which would need to be addressed in the Preliminary Plat. Mr. Kolterman is taking care of the issues with the easement. The landowner to the North might wish to purchase that triangle.

Chairman Lambrecht opened the public hearing.

Barbara Lerouge, 6280 Co. Rd. P35, addressed the commission and asked if Mr. Kolterman has horse expertise. She stated a cattle guard would not keep in a shire horse. Her husband, Pierre, asked if they were going to fence in the enter subdivision. Wirtz stated that was the plan. She was glad there would be a barn for the horses. She also wanted information on the pond and if would affect their wells.

Pierre Lerouge, 6280 Co. Rd. P35, stated his concerns over the water supply. The last new house affected their water pressure. He also had concerns about the condition of Co. Rd. P35. It is deteriorating and the additional traffic would make it worse. Wirtz explained that would need to be addressed by the Roads Dept.

Tim Smith, 6527 Co. Rd. P35, addressed the commission. He first noted the discrepancies on the maps and felt like the easement should have been shown on the Plat. He voiced concerns over the flow of water, snow melt, shared easement area, the financial stability of the subdivision and possible future expansion. Not opposed to the subdivision just wants these issues dealt with.

Steve Benoit, 4680 Pioneer Rd, addressed the commission as one of the owners of the easement. He voiced concerns about the fence going around the property, a gate going up on the easement, and people getting snowed in.

James Prucha, 6460 Co. Rd. P35, questioned the number of Lots allowed in the subdivision and could the number and layout be changed. Wirtz explained that the only way to change the number of Lots after a Subdivision is Platted is to do a Replat. The number of times a Subdivision can be changed is based on building setbacks, septic requirements and other things. Prucha also voiced concerns about the horse care. Lambrecht stated the Subdivision can always be changed by the homeowners association and changes would have to come before the Planning Commission.

Patty Smith, 6527 Co. Rd. P35, voiced her concerns. They included concerns about the easement becoming a public area, open horse spaces, the grade of the hills and being able to get a fire engine up there, access to Co. Rd. 32 would be up that steep hill, location of the walking trails, financial issues and water pressure problems.

Tim Smith asked if the County enforces Subdivision Covenants. Wirtz stated that the County can enforce land use, setbacks, building codes, but the covenants are up to the Homeowners Association enforcement.

Prucha inquired how does the establishment of the Covenants affect your decision as the Planning Commission for approval? Wirtz advises that the approval is cannot be based on the covenants as they have no control over the covenants.

Prucha asks since they do not have county road access and have an internal road, how does that affect your decision? Wirtz explained that the roads will have to meet County specifications. Lambrecht stated the roads will not be controlled or maintained by the County.

Scott Swanson, 6817 Co. Rd. P35, asked if the bluffs are going to be cut down to make buildable lots.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission

The Planning Commission discussed some of the issues the public had raised.

Schjodt brought up the concern of animals roaming freely in the bus loop and the care of the animals. Wirtz mentioned the radius of the bus loop may need to be increased.

Schjodt stated for clarification that the developer needs to meet all the County requirements before the Preliminary Plat can be approved. The developer needs to address all the concerns and come back to the Planning Commission. Wirtz advises that this is a General Development Plan which is designed to bring the item to the Planning Commission for questions. It can be presented to the Board of Supervisors for their review and additional requirements. The Preliminary Plat has to be passed through the Planning Commission before it goes to the Board of Supervisors. Wirtz advises the Planning Commission that she asked the Koltermans to start with a General Development plan due to the uniqueness of the project. Wirtz suggests this be forwarded to the Board of Supervisors for their input prior to the Preliminary Plat.

MOTION: Lambrecht
I make a motion to disapprove the site plan on Homestead 77 on the conditions of the length of the Cul-de-sac, no general road grade and no NRD and Core recommendation on the creek crossing.

SECOND: Petznick
Schjodt said he would be voting against the motion but not because he approved the Site plan.

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

MOTION CARRIED

Tanna stated that this item would be place on the BOARD OF SUPERVISORS agenda for 9/13/16 at 9am.

NEW BUSINESS

Wirtz mentioned this was her last meeting and her replacement, Ryan Sullivan, was in the audience.

REPORTS FROM STAFF

ITEMS FROM THE MEMBERSHIP

ITEMS FROM THE PUBLIC

Tim Smith asked if they would be notified of further action in the paper or by certified letter. Wirtz stated both. She also informed Mr. Whitfield that 9/12/16 would be the deadline to be on the 10/6/16 Planning Commission meeting.

ADJOURNMENT

MOTION: Petznick
I move to adjourn the meeting.

SECOND: Mathiesen

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

The meeting was adjourned at 8:45 p.m.

Gary Lambrecht, Chairman