

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

May 4, 2017

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
Steve Neuverth
Terry Rasmussen
Wes Petznick
Lyle Schjodt
Dale Albracht

STAFF PRESENT

Ryan Sullivan
Teresa McBride

COMMISSION ACTION:

With regard to the April 6, 2017 minutes, the following action was taken:

MOTION: Petznick

I move the minutes be approved as presented.

SECOND: Mathiesen

VOTE: Aye – Mathiesen, Petznick, Schjodt, Neuverth, Rasmussen, Albracht, Lambrecht
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 – Mathiesen, Petznick, Schjodt, Neuverth, Rasmussen, Albracht, Lambrecht
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: Approved Administratively per County Zoning Regulations Section 6.14 and 6.18.

Camp Fontanelle	15-04	Off Premise Sign
Cottonwood Marina	15-05	Off Premise Sign
Daniel & Linda Douglas	13-03	two homes temporarily

PUBLIC HEARINGS

CONDITIONAL USE PERMIT

1. Request by Farmers Union Co-op Association/Loren Katt

Conditional Use Permit request for storage & delivery of anhydrous ammonia and dry bulk fertilizer and a future 4’ x 8’ on premise business sign on Tax Lot 6 in Section 35 Township 17 North-Range 10 East of the Sixth P.M. (General location: 1366 County Road 19, Bennington, NE)

Loren Katt, representative for Gretna Co-op, explained that the business has grown in the northern part of Washington County. They have been looking for approximately 5 years for a site for a seasonal fertilizer facility. They plan to build a hoop building for dry storage and have two twelve thousand gallon anhydrous ammonia tanks. The main months of operation are March-May and Oct-Dec. All buildings have been removed except for the garage that will be used as an office.

Chairman Lambrecht opened the public hearing.

Greg Clausen, 23030 Dutch Hall Rd, addressed the commission, sharing concerns of some neighbors. Issues mentioned were the speed on the county road, clearance from the top of the hill, security of the tanks, security on the property, emergency protocols, a traffic count on the county road as traffic has increased over the last few years and location of the storage facility.

Joe Buschelman, 1255 County Road 19, stated the road is marked no passing for .9 miles and shared concerns about the traffic. The railroad tracks also add to the backing up of traffic.

Mary Ann Neff (west ½ mile off of P13) addressed the commission sharing concerns about Walnut Creek and water contamination that could possibly flow to the Elkhorn.

Jerry O'Stransky, President of the Gretna Co-op Board, 1120 Co. Rd. 16, Wahoo, addressed some of the mentioned concerns. The entrance will have a 60' wide culvert, with a fence and gate off road, so trucks can pull in and open gate without interfering with traffic on road. They can trim more trees to the north if necessary for better vision. Safety is their number one concern and there are many regulations & rules that must be followed. The county has agreed to post truck signs along the county road.

Jerry Hensler, 20304 High Hill Rd, has safety concerns regarding the open flame at the Douglas County landfill. Rasmussen stated that anhydrous is not flammable.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Ryan Sullivan, Washington County Planning and Zoning Administrator asked a few questions regarding safety. Mathiesen thought from past experience with another facility, a fence would probably not be allowed due to access for emergency vehicles. Katt explained that the tanks and valves are locked at night. Rasmussen inquired of Sullivan about the traffic study which showed approximately 1100 vehicles a day using the county road in 2015. Discussion was held on the possibility of adding a turn lane to help with traffic. Lambrecht asked Katt if there would be a benefit to having an entrance and exit or a turn lane on the property. The Co-op would like to try without a turn lane as they did not feel it would be beneficial at this time.

MOTION: Petznick

I make a motion to approve the Conditional Use Permit request with truck signage and a review in 25 years.

SECOND: Rasmussen

Commission continued discussion as to the turn lane and traffic on the county road. Lambrecht explained to the public that even though a conditional use permit has been approved for an extended number of years, it can be brought back up for review before the commission if issues arise, there are complaints or for changes.

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

MOTION CARRIED

REZONE

2. Request by Farmers Union Co-op Association/Loren Katt

Request to rezone Tax Lot 6 from A-1 (Primary Agriculture District) to A-2 (Agriculture Commercial District) in Section 35 Township 17 North-Range 10 East of the Sixth P.M. (General location: 1366 County Road 19, Bennington, NE)

Lambrecht states that applicant is present on the previous agenda item. Lambrecht asks if there are any questions from the commission for the applicant at this time.

Chairman Lambrecht opened the public hearing.

Jerry Moskes, 1100 County Road P15, Arlington, questioned why this needed to be rezoned to A-2. Sullivan explained the regulations.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Schjodt

I make a motion to approve the rezone request.

SECOND: Mathiesen

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

MOTION CARRIED

CONDITIONAL USE PERMIT

3. Request by The Giving Lake Foundation, Inc./Mary O'Donnell-Voi

Conditional Use Permit request to run a non-profit teaching, coaching, boot camp & workshop and all current on premise business signs on Tax Lot 16 in Section 15 Township 17 North-Range 12 East of the Sixth P.M. (General location: 4003 County Road P41, Fort Calhoun, NE)

Mary O'Donnell-Voi, Co-founder of the Giving Lake Foundation, addressed the commission and gave an overview of the Giving Lake's activities over the last three years. They wanted a place for their work and ministry that was away from the city. By referral they work with children ages 4-17, but the majority of the children are ages 7-10 and generally 6-8 children at a time from troubled homes. Her background is in religious education

and life coaching. They are non-denominational and supported by donations. Most of the traffic is from her family and not people that visit for the boot camps, etc.

Mark Huber is selling the property to The Giving Lake Foundation, Inc. on a promissory note. They are a 501C3 organization with a Board of Directors. They pay taxes on the property and donations to the Giving Lake Foundation are tax-deductable.

Mathiesen inquired if they have held events on the property such as weddings, company picnics, etc. O'Donnell-Voi stated that they have had their wedding there and sometimes people they know have friends that have inquired about holding an event there, but these are small events with no more than 75 people and they have several events scheduled on the books, but their friends or friends of relatives for this summer and the events are very small. O'Donnell-Voi advises the Commission that events such as weddings, graduations, etc. will no longer be held there. Lambrecht asks O'Donnell-Voi if they charge people. O'Donnell-Voi stated that it is donations only in order to keep the foundation. Lambrecht inquired if there is only one residence on the property. O'Donnell-Voi states that there is one residence and it is called the "Founders House". She stated people do not stay overnight on site. People do not live in the old west town. There is a kitchen, but they do not provide food. Caterers are allowed.

Petznick asked if O'Donnell-Voi was licensed like a daycare would be for the State when having children in for counseling. She said she is not.

Chairman Lambrecht opened the public hearing.

Noah , Mary's son, 4003 Red Fox Lane, spoke in favor of The Giving Lake, explaining that kids come there for a peaceful place to get away from bad homes. There is a Teen Advisory Board that also helps with the younger children.

Anna Barta, 4036 Red Fox Lane, addressed the commission with many concerns over the road traffic and the fact that The Giving Lake does not pay to help with upkeep on the road. She has witnessed many large events with lots of traffic. The roads are showing lots of wear. Traffic comes on Red Fox Lane to turn around.

Pat Newlin, 4238 Red Fox Lane, Secretary/Treasurer for the Red Fox Lane association, stated that The Giving Lake has never contributed toward maintenance fees. There are also concerns over what goes on at the Lake, what happens at the Boot Camps, are people there day and night, the location of the signs, large events and the dust and traffic. Mathiesen asked if the former landowner paid fees to the association. He was told they did.

Bob Grinnell, 4401 Red Fox Lane, addressed the commission with concerns over the large events with lots of traffic and access for emergency vehicles if needed. There have been many large events over the last three years. This appears to be commercial activity whether it is non-profit or not, the land is not zoned commercial. Lambrecht asked if that is a privately maintained road.

Charles Newlin, 4238 Red Fox Lane, gave a history of the property and the road. Lambrecht inquired if the road is marked private. Newlin advised it is marked. The Commission discusses the county road and Red Fox Lane with Sullivan.

Danna Grinnell, 4401 Red Fox Lane, explained what she believes are the issues with the road and traffic. She also stated there have been large parties and that she had things stolen from her property during one of those events.

Ethan Fitzgerald, 15369 White Cliff Dr., Teen Advisory Board, Meagan Elliott, director of programming and in charge of the website, Jackson Jeoveaha , 7610 S. 137th Ave, Omaha and Joe Joveack, 137th Ave, Omaha all spoke in favor of the Giving Lake.

Phil Turner, 4175 Red Fox Lane, said the homeowners on Red Fox Lane pay \$500 each year for maintenance and advised the damages of added traffic on county roads.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Petznick asked if there was liability insurance on the property and if the kids were allowed to ride four wheelers. O'Donnell-Voi advised they have a \$1,000,000 policy and the kids are not allowed on the Gator.

Lambrecht advised there are two separate issues with this. One being a nonprofit organization trying to help people in small groups and the second large events held for a donation. His opinion was that a Conditional Use Permit would not be needed to have children over for educational purposes, but it certainly would be needed for the events.

O'Donnell-Voi stated that the Ft. Calhoun teachers have asked to have their end-of-the-year party at the Giving Lake. She stated that the Giving Lake Foundation would like to continue doing their ministry.

Lambrecht stated that an occasional event is different than regular events. Events that require signs to direct people to you are commercial events, even if it is for a donation.

Sullivan explained that a home occupation may be permissible but it cannot be visible from the road and there can be no signs. A seasonal occupation may also be allowed.

Lambrech stated that commercial activity is not allowed and the property would not pass Fire Marshall Approval for commercial activity.

Schjodt stated that the ministry and helping the children is a good thing. He had many reservations about the property and the use of it.

O'Donnell-Voi stated that they hold camps for adults also, not just children. Enquiry as to whether anyone lived on the property. O'Donnell-Voi stated her sister lives on the property. But she is out there approximately four times a week.

Petznick questioned the schedule with many private events listed between June - September. O'Donnell-Voi stated that they have a lot of family events. She asked if they needed a permit to do the camps, workshops and life coaching. Sullivan advised that it could possibly be covered under a home occupation, but then there could be no visible signs or outward advertising like previously.

Mathiesen stated that it is more than just a seasonal business. He explains a seasonal business is a business that is open for a few months out of the year and then it is closed for the season. The work being done for the kids is great, but there is way more going on here with the big events. Mathiesen does not think it is a seasonal business and is not sure where it fits under the regulations.

Discussion was held on the use of the property, seasonal or not, activity, volunteers, events, who the official owner is, and what O'Donnell-Voi is actually asking for. The Planning Commission needs more details about all activities requested at the Giving Lake.

O'Donnell-Voi stated the large events are not the focus of the organization. Those events happened before they knew they could not have them. They would not be having the events anymore if that was a condition of the Conditional Use Permit.

MOTION: Lambrecht

I make a motion to not allow a Conditional Use Permit for The Giving Lake Foundation, Inc.

SECOND: Petznick

VOTE: Aye – Petznick, Albracht, Lambrecht, Neuverth

Nay – Mathiesen, Schjodt, Rasmussen

MOTION CARRIED

CONDITIONAL USE PERMIT

4. Conditional Use Permit request for CSM Enterprises, LLC/Joyce Sallach

Conditional Use Permit request to establish and operate an RV Park Complex and a future 4 x 8 on premise business sign on Tax Lot 48 in Section 28, Township 17 North, Range 13 East of the Sixth P.M. & Tax Lot 15 in Section 27, Township 17 North, Range 13 East of the Sixth P.M. (general location: 2164 Co. Rd. P51, Omaha, NE)

Joyce Sallach addressed the Commission and explained the intent to develop the Countryside Marina. They do not want to increase the overall size of the RV Park. They want to develop a family friendly campground with approximately 75-80 RV sites so they can have the RV Complex designation. The lot sizes are 75' x 35'. They are not planning for growth right away but may in the future. Sites have electric but no water or sewer. There is already a dump station. Kris Robinson, Washington County Building Inspector, made an inspection. He provided them a list of requirements to comply with within 60 days.

The Commission continued the discussion on the requirements and what would be allowed under the Conditional Use Permit.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Lambrech asked if there would be any work done to the road. Sallach stated there is no plan to at this time as it is a private road. The Commission discussed the roads. Mathiesen asked if the new lots would take up part of the farm land. Sallach stated no. Commission inquired about access for emergency agencies.

MOTION: Rasmussen

I make a motion to approve the Conditional Use Permit for an RV Park Complex with 80 spaces, a convenience store and marina to meet all County regulations and floodplain regulations to include properly sized sewage disposal and dump stations with a 20 year review. No sign is requested.

SECOND: Schjodt

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

Nay – none

MOTION CARRIED

NEW BUSINESS

Sullivan reported meeting with Kevin Marvin. They discussed having a six-pac meeting to discuss the new regulations and comp plan.

ITEMS FROM THE STAFF

Discussion was held on changing the day of the week the Planning Commission meets from the first Thursday to the first Tuesday of each month. The consensus was to keep the meeting day on the first Thursday of each month.

ITEMS FROM THE MEMBERSHIP

ITEMS FROM THE PUBLIC

ADJOURNMENT

MOTION: Rasmussen

I move to adjourn the meeting.

SECOND: All

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

Nay – none

MOTION CARRIED

The meeting was adjourned at 10:30 p.m.

Gary Lambrecht, Chairman