

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

January 4, 2018, 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
Matt Mathiesen
Steve Neuverth
Wes Petznick
Terry Rasmussen
Lyle Schjodt
Doug Wolfe

STAFF PRESENT

Ryan Sullivan
Teresa McBride
Lori Diefenbaugh

COMMISSION ACTION:

With regard to the December 7, 2017 minutes, the following action was taken:

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

MOTION CARRIED

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

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

ELECTION OF OFFICERS – Required at the first meeting of 2018.

Chairman Lambrecht opened the nominations for Chairman of the Planning Commission

MOTION: Rasmussen
I nominate Lambrecht for Chairman.
SECOND: Schjodt
I move nominations cease and Lambrecht be elected as Chairman.
VOTE: Aye - Rasmussen, Lambrecht, Mathiesen, Petznick, Schjodt, Neuverth, Wolfe
Nay – none

MOTION CARRIED

Chairman Lambrecht opened the nominations for Vice Chairman.

MOTION: Schjodt
I nominate Mathiesen for Vice-Chairman
SECOND: Petznick
I move nominations cease and Mathiesen be elected as Vice-Chairman.
VOTE: Aye - Rasmussen, Lambrecht, Mathiesen, Petznick, Schjodt, Neuverth, Wolfe
Nay – none

MOTION CARRIED

OLD BUSINESS

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

Mike and Sherri Jacoby 01-01 Alpacas of the Heartland “Alpaca Day” and Seasonal Boutique with unlit sign

PUBLIC HEARINGS

LOT SPLIT

1. Request by Russ and Staci Nelsen

A request for a Lot Split under Article 2, Section 2.02 of the Subdivision Regulations for the S ½ of the NW ¼ in Section 30 Township 19 North-Range 10 East of the Sixth P.M. (General location: Co. Rd 11 and Co. Rd 16, Blair, NE).

Russ Nelsen arrived during the discussion of this item. He explained the purpose of separating this piece of the property so someone could build a house there. There use to be a house there so nothing would really change.

Chairman Lambrecht opened the public hearing.

Edward Peterson, Lance Peterson and Gary Gieselmann spoke against the Lot Split, mainly due to the disapproval of development in the area and tax increases. They wish to see all the land in that area reserved for farm use.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht turned this over to the commission for their thoughts and actions.

MOTION: Mathiesen
I make a motion to approve the Lot Split as requested.
SECOND: Wolfe
VOTE: Aye –Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe

Nay – none

MOTION CARRIED

REZONE

2. Request by Russ and Staci Nelsen

A request to Rezone under Article 2, Section 2.02 of the Subdivision Regulations for the S ½ of the NW ¼ in Section 30 Township 19 North-Range 10 East of the Sixth P.M. (General location: Co. Rd 11 and Co. Rd 16, Blair, NE). The rezone is from A-1 to A-LSR.

Chairman Lambrecht opened the public hearing.

Bill Rhea addressed the Commission and asked them to consider changing the zoning regulations to prevent residential development from encroaching on farmers rights.

Sullivan explained the Comprehensive Plan already addresses that issue.

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 request from A-1 to A-LSR as presented.
SECOND: Mathiesen
VOTE: Aye – Lambrecht, Mathiesen, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe

Nay – none

MOTION CARRIED

MODIFICATION OF CUP

3. Request by Mark Thompson

A request to modify the existing CUP (98-12) under Article 7, Section 7.16 of the Zoning Regulations for the application of sludge cake (bio-solids). Request is to add a 74.6 acre field described as Tax Lot 8, Section 31 Township 20 North-Range 10 East of the Sixth PM. (General location Co. Rd 4 and Co. Rd 13 Herman, NE)

Sullivan shared with the Commission the Application from the City of Omaha, the obtained road permit and the map showing the required setbacks.

Chairman Lambrecht opened the public hearing.

Sullivan read a letter from one of the neighbors asking for information and voicing concerns. Sullivan provided the information he had for her and then referred her to Don Hembry, City of Omaha Biosolids Coordinator.

Hembry explained to the Commission that he had spoken with this women and answered all her questions.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Mathiesen

I move to approve the CUP request to modify the existing CUP to include this new parcel.

SECOND: Neuverth

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

MOTION CARRIED

CUP

4. Request by William Rhea for Percheron Holdings, LLC

A request to allow for a borrow pit to excavate and remove topsoil under Article 7, Section 7.02 of the Zoning Regulations on property located at the NW ¼ of the SE ¼ Section 11 Township 17 North Range 10 East of the Sixth P.M. (General location: Co. Rd 21 and US Hwy 30, Arlington, NE).

Bill Rhea addressed the Commission and explained that he had sold dirt to the City of Fremont. He has two more days of work on this project and then he will find other projects.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission

Neuverth asked if this CUP was for this project only. Sullivan stated that the conditions of the CUP would be up to the Planning Commission, if the CUP was for this project only or this piece of land at this time.

Lambrecht asked if there was any silt fencing installed. Rhea said yes there were silt fences and terraces.

The Commission discussed the problems with enforcing the regulations when they have not been enforced in the past. There are other people moving dirt without CUP's. Sullivan stated that the WCPZ department deals with issues when they are brought to the attention of the office. There were several calls and complaints about this project so the landowner was contacted.

Neuverth asked if Rhea would be farming this land after this project is completed. Rhea stated they would be leaving this site open for more dirt removal.

Schjodt asked Sullivan if he had asked for legal advice from the County Attorney. Sullivan stated that he had and was advised to proceed with this action. Sullivan had also contacted the consultant who wrote the regulations for clarification.

MOTION: Schjodt

I make a motion to approved the CUP request for the borrow pit with a review in one year

SECOND: Wolfe

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

MOTION CARRIED

Lambrecht asked the Commission members to inform Sullivan of any other borrow pits like this ongoing in the County.

Amendment to Subdivision Regulations

5. Washington County Planning Commission

Amend Section 2.02.07 of the Subdivision Regulations to add allowance for a homestead of 10 or more years to waive the minimum lot width measurement at the midway point of the parcel.

Sullivan explained the purpose of the amendment was to solve the issues the Planning Commission members asked him to look in to at the December 4th, 2017 meeting. This amendment would allow a waiver of the 200' minimum lot width measurement at the midway point of the parcel on homesteads that have been in place 10 years or more.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission

The Commission discussed the purpose of the amendment and the possible ramifications of implementing it. Wolfe asked if we would actually end up encouraging more flag lots instead of preventing them. Sullivan stated with the specifications of this amendment, he did not believe that would be the case. Schjodt believed the amendment needed more clarification. Neuverth believed the homestead site should have been in place longer than 10 years.

MOTION: Wolfe

I make a motion to approve the new regulation for a homestead that has existed for ten years or more then the lot width may be meet at the area of the property containing the house and other accessory buildings.

AMENDED MOTION: Neuverth amended the motion to change the ten years to be prior to 1979 to concur with the existing regulations.

SECOND THE AMENDED MOTION: Petznick

Planning Commission discussed the details and time limits of the amended amendment.

VOTE ON AMENDMENT: Aye-Lambrecht, Neuverth, Petznick, Rasmussen, Schjodt, Wolfe
Nay – Mathiesen

MOTION

MOTION: Lambrecht

I make a motion to approve the amendment to allow a homestead that existed prior to 1979 to take the minimum lot width at the area of the property containing the house and other accessory buildings.

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

MOTION CARRIED

LOT SPLIT

6. Request by Judy Schneider

A request for a Lot Split under Article 2, Section 2.02 of the Subdivision Regulations for the W ½ of the SE ¼ of the W ¼ in Section 20 Township 18 North-Range 11 East of the Sixth P.M. (General location: Co. Rd 26 and Co. Rd 25, Blair, NE).

Sullivan provided the Commission with a legal land survey of the property as requested at the last meeting.

Judy Schneider explained her plan to split off the land for her son. The house has been in her family 150 years. The rest of the land will continue to be farmed.

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 Lot Split as presented.

SECOND: Rasmussen

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

MOTION CARRIED

REZONE

7. Request by Judy Schneider

A request to Rezone under Article 2, Section 2.02 of the Subdivision Regulations for the W ½ of the S ¼ of the W ¼ in Section 20 Township 18 North-Range 11 East of the Sixth P.M. (General location: Co. Rd 26 and Co. Rd 25, Blair, NE). The rezone is from A-1 to A-LSR.

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 Rezone as requested.

SECOND: Schjodt

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

MOTION CARRIED

NEW BUSINESS

ITEMS FROM THE STAFF

ITEMS FROM THE MEMBERSHIP

Petznick asked about the new Comprehensive plan. Sullivan explained there were going to be two six pac meetings planned for everyone to see the new Comprehensive Plan and Zoning Regulations. Petznick asked if the changes could be highlighted. Sullivan explained most of the Comp plan is new.

ITEMS FROM THE PUBLIC

Tanna Wirtz mentioned that Cuming County has a regulation for protection of farmland. She also stated that sometimes flag lots are necessary.

ADJOURNMENT

MOTION: Schjodt

I move to adjourn the meeting.

SECOND: Mathiesen

VOTE: Aye – Lambrecht, Mathiesen, Neuerth, Petznick, Rasmussen, Schjodt, Wolfe

Nay – none

MOTION CARRIED

The meeting was adjourned at 8:20 p.m.

Gary Lambrecht, Chairman