

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on March 31, 2022. Planning Commission Members Althouse, Tesar, Staben, Mueller, Dennis, Felthousen, Sullivan, Widick and Oehlerking met as advertised.

The Chairman, Alan Mueller, opened the public meeting at 7 pm & stated that the open meetings act is posted on the wall. Felthousen made a motion to approve the March 14, 2022 minutes as read. Seconded by Althouse. A voice vote followed with all present voting aye.

Mueller then stated that the first item on the agenda - Conditional Use Permit 11304 – Tri City Signs – owner Danco II 2722 Greenwood LLC - 13014 238<sup>th</sup> Street, Greenwood, NE - Parcel 130104760 - Legal Description: TL7 NW1/4 NW1/4 35-12-09 – Sign.

Mueller then asked Mike Jensen, Cass County Zoning Administrator, to introduce this Conditional Use Application permit. Jensen stated that the Application for Conditional Use permit 11304 meets the Cass County Zoning Regulations Section 7.03, Public Hearing under Conditional Use Permits; Page 54, Use Matrix under accessory; Article 8, Supplemental Regulations, section 8.04, Subsection K and 8.05, Section 3.02, Definition of Terms, page 33 – 34. He then went over the Exhibits.

Under Administrator Remarks: Application for this sign permit was not compatible with the Cass County Zoning Regulations regarding height and sign face size limitations. Applicant applied for a variance through the Board of Adjustment. This variance was granted due to visual obscurities of neighboring structures and natural topography. Mueller then asked if there was anyone here to speak from Tri City Signs. Jeanne Davis came up to answer questions. Felthousen asked about the height of the previous sign. Jensen stated that it was 104.5 feet tall. Felthousen asked why it was taken down. Jensen stated that it was blown down in a windstorm and the new sign that is 125 feet tall is a replacement for the one that blew down. Mueller asked about any fall zones for these signs. Jensen stated that there really isn't a fall zone per se like you would see with cell towers. He stated that 125 feet is quite tall, however, the State of Nebraska was consulted on this permit and they had no objection. The public hearing was opened for comment at 7:02 pm. Mueller asked if there was anyone that wanted to speak at this point. Since nobody came up to speak, Mueller closed the public hearing at 7:06 pm. Mueller then asked if there was any more discussion from the board. Since there was none, he asked for a motion. Tesar motioned for approval for Tri City Signs following the guidelines in the Conditional Use Agreement. Seconded by Felthousen. A roll call vote followed with the following votes: Althouse – aye, Widick – aye, Dennis – aye, Oehlerking – aye, Mueller – aye, Sullivan – aye, Staben – aye, Felthousen – aye, Tesar – aye. Motion carried with a 9 to 0 vote. Mueller stated it would go to the Board of Commissioner's meeting at the Cass County Courthouse on May 10, 2022 at 8 am.

The next item on the agenda is Conditional Use Permit 11306 – Hanlie, LLC – owner, Bob Luebbe – parcel # 130104876 – Legal description: FRAC LT 1 EXC HWY SE1/4 NE1/4 34-12-09 – Greenwood RV Campground – RV Park. Mueller asked Jensen to introduce this. Jensen stated that this property is zoned as Transitional Agricultural as is the properties to the south, east and west of this property. The property to the north is zoned Commercial. Jensen stated that the Application for Conditional Use permit 11306 meets the Cass County Zoning Regulations Section 7.03 Public Hearing under the Zoning Use Matrix; page 53, Parks and Open Space and Section 8.07 Recreational Vehicle Park/Campground. He then went over the Exhibits.

Administrator Remarks: This RV Campground is located immediately south of the 420 Greenwood exit. The applicant's history with his existing RV Park in Ashland has earned him endorsements from the City of Ashland and their Economic Development Council.

Mueller then opened the hearing at 7:09 pm. He then asked if anyone from Hanlie, LLC wished to speak. Bob Luebbe, owner of the property, came up to speak. He also introduced Dale Schlautman, EA Engineering, who designed the preliminary concept of the campground and also did the campground at Platte River State Park. The properties proximity to the interstate makes easy access for RV's and campers. Luebbe states that there is a definite need for more available camping. A lot of the ideas used in his other campground will be implemented in this campground including full hookups and high-speed internet. They will have an office, a nice shower house, laundry facility, a splash pad/playground for kids, a fenced dog park with nice buffer areas with trees. North side of the campground has a paved service road which they will hook up to. Mueller asked if this road had turning lanes. Luebbe stated that there is no existing turning lane. Oehlerking asked if they would be concrete pads or rock. Luebbe stated initially they would be rock pads with the possibility of making them concrete later. Tesar asked what they plan to do with the surrounding farm ground – is that intended for future use? Luebbe stated that they plan to leave it as farm ground – they have no

immediate plans for that. Could be campers during the winter months also. A question was asked about remediation of the water - there is a waterway on the west side of the Antique Mall – how do you plan to eliminate that? At this point, Dale Schlautman came up to respond to the questions about the waterway. He stated that they are going to try to minimize the storm water runoff by using underground piping and surface remediation. Jensen mentioned the bad runoff that ends up on the west side of the interstate. The area is extremely flat and they already have terrible water situations there already. He stated that he would encourage them to look into storm water containment area to buffer some of that. Schlautman stated that they would do calculation to determine how much water to expect. Their goal is to make it better than it is now. Jensen then mentioned the water concerns. He suggested doing a draw-down test to check the capacity of the aquifer. Schlautman stated that their need is in the 20 to 30 gallons per minute. Jensen stated the biggest concerns were the RV wash and the splash pad. Althouse asked how many buildings would be put up immediately. Luebbe stated they would put the sites in place with a small office initially along with the shower house and bathrooms. These will also be used as storm shelters. Tesar stated that he didn't believe the shower house would be large enough in the event of a bad storm. Luebbe did recognize the issue with not having enough room for all campers if the campground was full. Tesar stated that he will have to have a plan for some place for people to go. Mueller asked if there was any more discussion at this point. Since there was no more questions from the board, he then opened up the public hearing at 7:34 pm and asked if anyone else wanted to speak. 10 people came up to speak – including two local business owners, Ashland Economic Director and an SID spokesman with the following issues/comments:

- Not enough demand for that many campgrounds – might be full on weekends but during the week maybe only at 50% capacity.
- Flooding during heavy rain.
- Sewer & well concerns – SID needs to update system.
- Current campground very well run
- Great tax revenue
- Growth will continue – need more of these types of facilities.
- Dramatic growth in this area and surrounding towns within the last few years.
- Taxes generated in 2021 – NE sales tax - \$8,093., City of Ashland tax - \$2,207., Saunders County tax - \$5,886. And NE Lottery tax - \$1,471. This was from the one campground in Ashland. The new campground will be three times larger. Big economic boom for the County.
- SID did work with the proposed campground and he does have an agreement to attach. Plant built in the early '70's and is running at about 10 - 20% capacity. This is a mechanical system with a wastewater operator. System is in compliance and has the capacity for hookups. Gravity-fed sewer line. Challenges over the years – but not a lot of flow change. System can handle 50,000 gallons per hour but is only running at about 5,000 per hour. System runs on about \$35,000 revenue per year with over half of that going to labor for operator.
- Speed through that interchange is too high and will get worse with added camper traffic.
- Safety concerns

At this point, Mueller asked if anyone else wished to speak. Since there was no more discussion from the gallery, he closed the public hearing at 7:55 pm. Mueller reminded the board that – per the County Attorney - any approval would need some conditions to the permit and can be added or deleted from the original Conditional Use agreement. He then asked if there was any more discussion from the board. Oehlerking asked where the sewage goes and does it also support the trucking company in the area. Jensen stated that they are hooked up to the SID #2. Mueller stated that since they will be required to follow the conditions of the Conditional Use agreement, everything should be broken out. Jensen stated that they already have approval from the SID and that NDEE has not stated that there would be any issues with the campground. Althouse asked where the SID is located. Jensen stated that they are SW of I-80 raceway in the SW corner. NDEE states that they are in compliance. Althouse asked if there would be winter storage. Jensen stated that it would be opened year around so there would be no storage. Widick asked a question from one of the other business owners. He asked what the occupancy percentage is at her campground. She stated it was pretty full on weekends. During the week they might hit 50% capacity. Not full during winter months at all. Mueller then asked if there was any more discussion from the board. Since there was none, he asked for a motion. A motion was made by Felthousen to approve with the condition that the storm-water issue is addressed and a storm-water containment plan be in place along with the conditions listed on the Conditional Use agreement. Seconded by Widick. A roll call vote followed with the following votes: : Althouse – aye, Widick – aye, Dennis – aye, Oehlerking – aye, Mueller – aye, Sullivan – aye, Staben – aye, Felthousen – aye, Tesar – aye. Motion carried with a 9 to 0 vote. This will go before the County Commissioner's on May 10, 2022 at the Courthouse at 8 am.

Mueller asked Jensen to introduce the next item on the agenda. Conditional Use Permit 11308 – Riverside RV Park – owners, Joe & Dan Riskowski – 20015 Beach Road, Plattsmouth – Legal Description: L2 EXC S16' & 4A DB138 P263 & TL36R NE1/4 35-13-13 – RV Park.

Jensen stated that the zoning on the properties including the proposed property and surrounding are as follows: Applicant parcel – Transitional Agricultural/Floodway; North – Platte River; South – Transitional Agricultural/Floodway; East – Transitional Agricultural/Floodway; West - Transitional Agricultural/Floodway.

Jensen stated that the Application for Conditional Use permit 11308 meets the Cass County Zoning Regulations under the Use Matrix, page 53 Parks and Open Space and Section 8.07 Recreational Vehicle Park/Campground. He then went over the Exhibits.

Administrator Remarks: The Riverside RV Park concept is identical to the Merritt Beach RV Park. This is a seasonal RV Park with annual leases. These seasonal RV Parks have weekly waste pumping as opposed to comfort stations. Jensen then turned it over to Ryan Galer, attorney. He handed out an addendum to the original Business Plan. He stated that the proposed development will only use 12% of the 43+ acres available on this property. The Business Plan includes management being available on-call 24 hours a day with on-site management during open season, water will be supplied by Cass County Rural Water, power to be supplied by OPPD. The area is fairly flat so drainage shouldn't be an issue. Sewage will be collected by a selected contractor. Dust control will be applied as needed with a dust control agent. There are also plans to monitor and evacuate as needed during flooding – notifying campers to evacuate campers within 8 hours. The Riskowski's have a friend in Sarpy County with farmland that is willing to let them park the campers there in the event that they may need to evacuate. Also addressed was quiet time which would be between 10 pm – 8 am seven days a week. This RV Park is consistent with other surrounding RV Parks. He then asked if any of the Planning Commission had questions. Jensen stated – in regards to dust control on the road – dust has been an ongoing issue with Boyer Young and the increased traffic on the road. He encourages them to get in some kind of agreement with Roger Schmidt and Boyer Young for dust control before this goes to the County Board of Commissioners. Mueller asked if this was for 52 lots. He stated that yes – it is. Dan Riskowski came up to speak stating that the first phase would be adding 30 campsites. If the area that used to have a lake fills up again, they would like to add the additional 22 spots around that. The first phase will be done on the river side. Felthousen asked if it would be year around. Riskowski stated that it would be from April 1 through October 31. Felthousen asked if they would be removed after that. Riskowski stated that after that date, they can be stored on-site. Jensen will visit the site to confirm that the propane tanks are removed from the campers, the tires are inflated and the campers aren't usable during the winter. Tesar stated concern about storage buildings and decks. Jensen stated they are limited on size. Althouse stated that he thought the campers at Boyer Young were originally set up to be moved after the end of the season. Jensen stated that initially, that was the case. The Cass County Board of Commissioners changed that last summer to allow them to stay as long as the propane tanks were removed and tires inflated. Tesar stated that he still wants these pulled out – they don't need to stay there. That is a bad spot when flooding happens. They should be removed so there is never another situation that the Fire Department has to rescue someone that decided to stay in their camper. Jensen stated that he noted his objection on record against letting them stay in the park. Tesar stated he also doesn't want to see decks or sheds in there. At this point, Mueller asked if there were any more questions. Felthousen inquired about the ATV's and UTV's use being for property owners only – no guests were allowed to use them. Riskowski stated that their plan is to allow golf carts down there during open season – then if the Riskowskis or their family wanted to go they would use the land for hunting. Felthousen found it interesting that no tenants or guest were allowed to hunt but the property owners could. Riskowski stated that they would be down there during the winter months when the RV Park was closed and that nobody else would be there. Just for clarification, Jensen asked about the authorized vehicles – it states that the tenant will not be allowed to have ATV's – only golf carts. Riskowski stated that he was correct. Jensen stated that in #3 of the Campground Rules and Regulations, it states that "ATV's, UTV's, Boats and Golf Carts will be allowed for tenants, guests are not allowed to bring any ATV's, UTV's, Boats and Golf Carts on the property". So the ones you are leasing to will be allowed to have ATV's then. Riskowski stated that he would like to have all of the items approved, but when the rules are set in place for the tenants, it will be golf carts only. Jensen stated that they would need to amend the current Rules and Regulations to address this. He stated that they would have to word it accordingly in the Rules and Regulations for the campground if he wants ATV's, UTV's, Boats and Golf Carts allowed for himself and his family. Felthousen asked if Beach Road is a county road and goes all the way around to Boyer Young. Jensen stated that it is. Mueller then asked again if there were any more questions. Since there were not, he then opened the public hearing at 8:15 pm.

Eight people came up to speak with the following concerns:

- There is no dust control

- No repairs ever done on road
- Calls to Boyer Young and Sheriff's Office do no good (Jensen suggests they call the Roads Department or the Commissioner for that area, Jennifer Sommers)
- Glad to hear there will be no ATV's or UTV's allowed
- Trash in yards from campers
- Safety
- Speed
- Already enough camping sites with 5 RV Parks in the area with over 500 available lots
- Property value decrease due to RV Parks
- Increased traffic from Boyer Young RV park
- Vandalism/theft
- Dumping of trash and debris
- Strain on waste water system
- Negative impact on families already in the area
- High number of people with only one access road
- ATV & UTV use is already bad
- Items float away during flooding
- Debris from previous flooding in the lakes
- No privacy for surrounding property owners
- Residents are still there when the owners decide to hunt.
- Integrity & trust are major – this was breached early on.
- Wants to be assured that property surrounding Robin Hood Lane stays undeveloped.
- Placement of fencing is an issue
- No outlet road beside the one
- Trains tend to block the only access road at times.
- No way out when Railroad does maintenance – they do open up the gate by Country Bar but they have to go north and then turn around to go back south.
- Existing road issues with change in river channel.
- Doesn't qualify for septic tanks

A few people mentioned that they could not rebuild if their homes were significantly damaged because they are located in a floodway. Jensen stated that if the house was damage beyond 50%, they would not be able to rebuild. However, South Park Townhomes are under a Letter of Map Amendment through FEMA. Jensen suggested they look into the steps to be put under a Letter of Map Amendment. It would be worth their efforts. Jensen stated that the NRD did propose some new flood plain maps – they haven't been finalized yet. He stated they have moved that floodway line up to the north closer to the river just a little bit. Mueller asked if there was anyone else that wished to speak. Since there was not, he closed the hearing at 8:49 pm. He then asked if there was any more discussion from the Planning Commission. Widick asked where the fence would be. Riskowski stated that in the plans, there was no fence. A fence is not required for this permit. Widick asked about the property that wraps around South Park Townhomes – is there any future intent to do anything with that property? Riskowski stated that there isn't any plans to do anything with that. Felthousen asked where the septic system is located for South Park. Tesar stated that it is up by the river. Felthousen asked about the black line that runs along the road. Riskowski stated that it's the route of the sewer line and there is also an easement for a contractor to get back there to maintain the system which is on their property. Felthousen asked if the road coming off of Beach Road going up north to the river currently in place today. Riskowski stated that it is. Felthousen about that road because it appears to cross the sewer line a couple of times which could cause issues in the future. Felthousen asked how far underground the tube is. Riskowski stated that he did not know. Jensen stated that per State guidelines, it's probably 3 to 4 feet underground. Felthousen was concerned about the added traffic driving over those lines to get to the RV Park. Mueller asked for clarification on the numbers driving on this road: 125 units at Boyer Young and the campers remain after the season, 12 units at South Park Townhomes and 5 residences on Beach Road. Jensen stated that this is correct. An observation was made about regulations on fencing. After discussing this regulation, Jensen stated that the RV Park would be required to do some kind of fencing plan. Jensen also stated that since they both have access to the beach, he would expect some kind of agreement to be made between them before the Board of Commissioners meeting. Felthousen confirmed with Jensen that they would have to put some kind of fencing up. Jensen agreed that this would be required to a certain extent. An agreement with South Park tenants would also need to be drawn up that also meets the regulations. This would also have to be added to the Conditional Use Agreement. Jensen stated that in the case of Boyer Young, one of his arguments was that in order to let them stay there year around, they would have to have a second access in case of a flooding emergency.

However, the State of Nebraska would not grant that. Felthousens concern is the traffic from the five property owners, the Country Bar, Schmidt's Trucking – there is a lot of activity there. There is also concern with the railroad tracks. There is only one way in and out. They want to allow more campers in that area but if a flood comes, won't allow home owners to fix their homes back up. However, if it floods again, we will allow the campers to float down the river, it would be on the County to clean them up, then the tenants of these sites would be able to come back the next year and camp again – but the owners of homes can't rebuild. Widick asked about the conex buildings that they have on the plans. He just wants an explanation on what they are going to look like and if they will be painted. Riskowski stated that they got the idea from Lakeland and intend to use them for storage and shelters. He stated they would be semi-buried and painted with the dirt half way up them. Mueller asked about lots 1 ,2, 3 and 4 to the South Park Townhomes and how far of a distance is that across that lake? Riskowski stated that it was probably 100 yards. Tesar stated that the regulations states 250 feet which is far enough but lot 41 would also have to be 250 feet. Riskowski stated that if they add those in Phase 2 that they would make sure it's at least 250 feet. Tesar stated that the regulations also state you have to have a 75 foot setback from the peripheral property line which would include lots 19 & 20 which won't meet the setbacks on the east side and lots 31 – 40. This will possibly cut it back to just a single line of campsites along there. Jensen stated that they would have to look at that on the river side to see where the property line lies – which may be in the river – and can change yearly depending on the river. Mueller then confirmed that their lots can have up to 10 guests. Riskowski confirmed this. Mueller stated with all the traffic, there could be some serious Emergency Management issues with this. Staben asked if this permit is for just the first 30 lots or does it cover all 52 lots. Mueller stated that it covers all 52 lots. Mueller asked if there were any more questions or comments from the board. Since there were none, he asked for a motion. Dennis motioned to deny this permit as proposed for proper regulations, lot spacing and setbacks. Seconded by Sullivan. A roll call vote followed with the following votes: Althouse – aye, Widick – aye, Dennis – aye, Oehlerking – aye, Mueller – aye, Sullivan – aye, Staben – aye, Felthousen – aye, Tesar – aye. Motion denied with a 9 to 0 vote. This will go before the County Commissioner's on May 10, 2022 at the Courthouse at 8 am.  
Meeting adjourned at 9:15 pm.

Linda Brouhard  
Recording Secretary

\*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.