

Minutes
August 8, 2022
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on July 28, 2022. The Chairman, Alan Mueller, opened the public meeting at 7:17 pm & stated that the open meetings act is posted on the wall. Planning Commission Members Althouse, Sullivan, Dennis, Mueller and Widick met as advertised. Tesar, Oehlerking, Staben and Felthousen were not present. Jensen was out sick.

Mueller asked for additions or corrections to last month's minutes. Since nobody had any, Sullivan made a motion to approve the July 11, 2022 minutes as read. Seconded by Widick. A voice vote followed with all present voting aye. Mueller introduced the first item on the agenda as Jensen could not attend. Cup #11308 – Riverside RV Park – Joe & Dan Riskowski, owners – 20015 Beach Road, Plattsmouth, NE – Legal description: L2 EXC S16' & 4A DB138 P263 & TL36R NW1/4 35-13-13 – RV Park. This went before the Board of Commissioners who tabled it and was sent back to Planning for changes in lot sizes. They came back with Dan Riskowski then came up to speak. Riskowski stated that the 0 to 9 vote to deny last time was due to some development errors. They actually planned to develop right up to the property line. Adjustments were made to allow for the setbacks. Also the number of campsites was cut way back. All changes have been made as requested from the Planning Commissioners and the Board of Commissioners. Talks with South Park Townhomes is in the works to come up with some kind of agreement with them. Maintenance on the road will be taken care of by the RV park. He then stated that he would answer any questions from the board. Mueller asked if TL36 was part of their property. Riskowski stated that TL36 is owned by the original owner of the property. Mueller stated that he believes that the setbacks for the lots are at 75 feet – but one was only at 45 feet. Riskowski stated that the 45 feet setback was a typographical error. It should also be at 75 feet. Mueller asked about the cul-de-sac at the end. Riskowski stated that it was at 350 feet. He stated that it called for 250 feet. Lot 19 was removed completely. Mueller stated that Mike Jensen, Zoning Administrator, had mentioned that Riskowskis had some conversations with Southpark Townhomes property owners about the fencing along the lake and wanted to know where they stood with that. Riskowski stated that Southpark Townhomes typed up a letter for him basically stating looking for permission from the Planning Board to do their own agreement with Southpark for a permanent visual barrier. He stated that they would prefer that the Southpark Townhome property owners also be able to enjoy the lake and the amenities there. Mueller asked if the fence started on Lot 1 on the north side of the lake. He stated it did and they had a print showing placement of said fence. He stated the fence would be a nice 4X4 post with 2 barge rope layers in between the posts. Mueller then asked about dust control. Riskowski stated that they were going to treat the road 3 times a year. Mueller asked if that was all on them. Riskowski stated that it was – they intend to take care of it. Mueller stated that there is another development that uses that road. Dennis asked if they have a common entrance. Riskowski stated that they did – and Jensen checked into and thought that they were supposed to maintain the dust on the road. However, they haven't added anything to the road yet to his knowledge. Jensen will check into it and will see if they are interested in splitting the cost with Riverside. Mueller then asked if there were any more questions. Since there were none, he opened the hearing up to public comment. Six people came up from the gallery with the following concerns/questions:

- Willing to make things good with the Riskowskis but can't get over the flood issues from previous years.
- Concern about the water treatment plant for Southpark Townhomes.
- Riskowskis agreed to appoint a representative from Southpark authorized to take care of enforcement.
- Boat ramp issues with a crack in the river bank already - tie wall has been compromised – Riskowski stated the ramp would be built with concrete.
- Requests Riskowski's provide liability insurance to the officers of Southpark for any damage to water plant, lines, pipes, etc. - or will facilitate the damage repair if a leaser causes damage.
- Would like to see the agreement between Southpark and Riverside in the Conditional Use agreement or as an addendum.
- The proposed RV Park is in the floodway – which could be problematic. Concerned about trailers being there year around.
- Breaking of pipes – both water and sewer – along with electrical or any other underground lines could cause a crisis in that area.
- Some kind of liability clause should be in the Conditional Use agreement.
- All changes in the agreement should be in writing.
- A recent powerline hit knocked out the electricity for several hours. This kind of issues could bankrupt the Home Owners Association – especially if any damage is done to the waste treatment plant.
- If something happens, worries about whether this will be fixed with everyone staying amicable.

- There is no way of knowing where any of the lines are located as the flood changed the topography of the land. Althouse asked if decks were allowed. Riskowski stated that the decks were taken out but they still plan on doing 8X8 ft. sheds. Dennis asked about the number of lots. Riskowski stated there would be 40. Dennis asked about the size of the shelter. Riskowski stated that it is 12X40 ft. Dennis stated that would be 480 square feet for 400 people. Riskowski stated that there were two shelters on the map. Riskowski stated that he check around the area and in counties close to Cass and most RV Parks had no shelters at all – no preparedness plan in place, no game plan in the event of severe weather. Widick asked if the electrical line was fixed by the Riskowskis. The chair of the Homeowner’s Association stated that it had been. Mueller asked the chair of the Homeowner’s association what they considered adequate cover on the liability insurance. The cost to replace the water treatment plant would be 3.5 million. They stated that 5 million should be sufficient to cover what they need. The plant was inspected recently by the State and was told that the plant has about 5 years left before the tubs should be replaced. Mueller asked if there were any more questions or comments. Since there were none, Riskowski came back up to address the questions or concerns. One of the concerns was the storm shelter. He stated that most RV parks in the area have no storm shelters at all. He stated they are using conex buildings and will be burying them in the ground similar to Omaha Fish and Wildlife Club. He did state that they removed decks from their Business Plan but kept the sheds on it. He stated that their liability for underground lines will be during initial construction for electrical and sewer. They will have the lines professionally located before digging anything. They went off of the original development plans for information on where the lines ran. Mueller stated that he recommends that the RV Park and the Southpark Townhome association need to get together and come up with some kind of formal mutual agreement as far as sewer lines, easement points, liability insurance, dust control are concerned and resubmit that which will give them the opportunity to go back and make sure the lot lines are 45 degrees from the connection point. This can then be entered as a supplemental information filed with the Conditional Use agreement. Mueller asked who owned the boat ramp. Riskowski stated that they do – and Southpark Townhomes have an easement to the water treatment plant. Mueller also suggested they keep a few lots empty in the event that they need to move a trailer off of a rented lot to fix something. Mueller then asked for any other questions or comments. Since there were none, he closed the public hearing at 8:04 pm. He then made a motion to table this Conditional Use permit until the September 12, 2022 meeting which will give Southpark Townhomes and Riverside RV Park time to get a mutual formal agreement drawn up. Seconded by Sullivan. A roll call vote followed with the following votes: Althouse – aye; Widick – aye; Mueller – aye; Sullivan – aye; Dennis – aye. Motion carried with an 5 to 0 vote. This will go before the Planning Commissioners on Monday, September 12th at 7 pm.

The second item on the agenda is the Regulations update – as an action item. Mueller had a checklist of items that were to be changed.

- Page 58 - Add Short Term Rental: AG – C; TA – C; R – C; REC/AG – C. Althouse asked if it was permitted in AG. Mueller stated it was.
- Delete MUD as an overlay. Mueller commented that it does still shows up in p. 68; p. 125, p. 129. They are more for clarification that could be used for applications in the future. He didn’t see any issues with that.
- Density on AG splits – 3 per 160 acres; in TA – 4 per 160 acres. Remaining ground would filed as a Deed Restriction.
- Neighborhood Solar and Commercial Solar split in the Matrix so they each have a line. Add “C” for Neighborhood Solar in all zones. Also add “C” for Solar in TA based off of a 300 ft setback – screening of 500 ft for anything across from it. One person came up to ask a question about why we are still talking about solar in TA. She asked if they were ignoring the minutes of the meeting held that these regulations were voted on. She stated it was clearly stated in the minutes that Jeff Ray explained that Commercial Solar could not be in TA because it is transitional land between farming and residential. She stated it was agreed upon by the County Commissioners that this was true. It was voted on that there could not be Commercial Solar in TA. Mueller stated that the County Board requested that Jensen go back through and update regulations. The Planning Commission is supposed to make a recommendation to the County Board – who can accept it or reject it. Mueller stated that this is based off of what other surrounding counties are doing with Solar and based off of some owner feedback about restrictions on how they can use their own property.
- Page 10 - Add Brew Pub and Brewery to definitions.
- Page 52 - Add Brew Pub in Matrix – wine and tasting room in AG – C; TA – C
- Page 37 - Change Self-Service Storage to Indoor Storage Unit: AG – C; TA – C; R – C; C – C; I – P; I/AG – C; C/AG – C.
- Change Storage Facility to Outdoor Storage Facility: AG – C; TA – C; C – C; I – P; I/AG – C; C/AG – C.
- Delete Compatible Use Categories in all districts.
- Page 128 - Section 8.07; Subsection F: add comfort station waiver.

- Page 131 - Section 8.07: Delete pay phone requirement; under Subsection “K”, Letter “f”.
- Section 8.09: Replace updated Cell Tower requirements with previous Cell Tower requirements. Jensen met with the consultant who suggested we replace the new requirements with the previous requirements as they were easier to understand.
- Section 6.03.4: Standards for Floodplain Management; Subsection F; Appurtenant Structures – Line 3 – Change maximum square footage from 400 square feet to 800 square feet before elevation to 2 feet above BFE is required.
- Section 5.07 Agricultural District – Permitted Conditional Uses: Add “g” – the remainder of the existing parcel shall be platted in an Agricultural Preservation Easement and an agreement shall be entered into between Cass County and original owner to be prepared by the County Attorney as a Deed Restriction identified as an Agricultural Preservation Easement and recorded in the office of the Register of Deeds. Said agreement shall prohibit further division of land for residential development.
- Section 5.08 Transitional Agricultural District – Permitted Conditional Uses - Add “f” - the remainder of the existing parcel shall be platted in an Agricultural Preservation Easement and an agreement shall be entered into between Cass County and original owner to be prepared by the County Attorney as a Deed Restriction identified as an Agricultural Preservation Easement and recorded in the office of the Register of Deeds. Said agreement shall prohibit further division of land for residential development.

Mueller asked if there were any more questions or comments. Althouse stated that Auto Salvage and Junk Yards should be in IA, I and CA. They also have Recycling Centers as a “C” in AG but should also be in IA, I and C. Also on P 53 – Solid Non-metallic waste disposal is a Conditional Use in AG; however, he feels it should not be allowed in AG but should be in IA and I only. Mueller asked if there were any more comments or questions. At this point, David Begley, an attorney from Omaha, came up to speak. He discussed the history of NextEra and that they are currently convicted in Federal Court and have been placed on probation. He stated that Cass County shouldn’t do business with criminals. He stated in the state of Minnesota Solar Energy only works 8 percent of the time. He stated that he would submit the resolution to Jensen concerning this. Mueller then asked if there was anything else that needed addressed. Widick asked about the discussion concerning composting discussed last winter and asked if Althouse was talking about the same thing. Althouse stated they were discussing solid non-metallic waste disposal. He just wanted to clarification on this. Mueller asked if there were any other public comments. Since there was none, Mueller closed the hearing at 8:33. Mueller then asked about having a special meeting on August 22 to finalize the regulations. Since it worked for everyone, and if the fairgrounds is available, this will be set up for that day. Since there was nothing else on the agenda, a motion was made to adjourn. A voice vote followed with all voting aye.

Meeting adjourned at 8:49 pm.

Linda Brouhard
Recording Secretary

***NOTE* The meeting for August 22 will be moved to August 29 to allow for the 10-day advertising deadline.**

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