

Minutes
October 11, 2022
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on September 29, 2022. The Chairman, Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the display board. The Pledge of Allegiance was recited. Planning Commission Members Althouse, Mueller, Staben, Tesar, Felthousen, Sullivan, Crofoot and Widick met as advertised. Oehlerking and Dennis were absent. Approval of the minutes for September 12, 2022 was motioned by Tesar, seconded by Althouse. A voice vote followed with all voting aye.

Mueller asked Jensen to introduce the new Planning Commission alternate, Jim Crofoot. Jensen stated that he will step in as needed.

Mueller then stated that they were going to jump to the **second item** on the agenda - CUP #11462 – Ash Grove Cement on behalf of the owner, Ricky L Bond etal – 10617 Mynard Road, Louisville – Legal description: NW1/4, PART OF NE1/4, PART OF SW1/4 33-12-12 – Mining. Jensen was contacted by their engineer – they requested that this be tabled until the November 14th, 2022 meeting. They are working on alternative suggestions to their plan and would like a little more time to prepare it. Mueller made a motion to table CUP #11462 until the November 14th meeting. Seconded by Felthousen. A voice vote followed with all voting in favor. Tabled until the November 14th meeting.

Mueller then went back to the **first item** on the agenda was CUP #11308 – Riverside RV Park – Joe & Dan Riskowski, owners – 20015 Beach Road, Plattsmouth – Legal description: L2 EXC S16' & 4A DB138 P263 & TL36R NW1/4 35-13-13 – RV Park. Mueller asked Jensen to introduce this. Jensen stated they were waiting on the agreement between Riverside RV Park and Southpark Townhomes had not been produced yet. He contacted Dan Riskowski and advised him that he could either withdraw his application and re-apply when he has all his documents in order or they could take action on it as is. Riskowski decided to take action on it as is and then go before the Board in November. Tesar asked for a refresher on what the agreement was for. Mueller stated it was sewer line easement definitions, clarification on the fencing around the lake so Southpark Townhomes could access the lake and setbacks.

The public hearing was opened for public comment at 7:06pm. Two people came up to speak with the following concerns:

- Tried to come to agreement previously – unable to do so.
- Meetings were set up – owners from Riverside RV Park only showed up for one of those meetings and they were unable to come to an agreement at that time.
- Digging has started without permits. Loss of power because of this.
- According to meeting minutes, the Planning Commission members requested a mutual agreement to be drawn up and added to the Conditional Use agreement as an addendum.
- Concerns about waste water treatment plant.
- Requests Riverside RV Park have the necessary liability insurance in case something happens.
- Corp of Engineers involvement requested for the installation of the boat ramp with necessary permits.
- A designated member from Southpark Townhomes by Riskowskis to help enforce his rules and regulations.

Mueller asked if anyone else had any comments. Since there was nobody else wishing to speak, Mueller closed the hearing at 7:12pm. He then asked if there was any discussion from the Planning Commission members. Since there was no more discussion, Mueller made a motion to deny CUP #11308 because the setbacks aren't at 75 feet, there was no agreement between Southpark Townhomes and Riverside RV Park, the easement, the sewer impact and the safety concerns with the one way in and out. Seconded by Felthousen. A roll call vote followed: Widick – aye; Sullivan – nay; Althouse – aye; Crofoot – aye; Mueller – aye; Felthousen – aye; Staben – aye; Tesar – aye. Passed with a 7 to 1 vote. This will go before the County Board on November 8th, 2022 at 8:15 am.

The third item on the agenda is: Conditional Use Permit # 11494 – The Nebraska Land Trust, Inc. - Property owners, Stock Prairieland Inc – Waverly Rd, Eagle, NE – Legal Description: W1/2 SE1/4 08-11-10 – Conservation Easement All parcels surrounding this parcel including this parcel are in the Agricultural District.

Administrative Remarks:

This Nebraska Land Trust Conservation Easement application is more of a notification than an application. This application is to notify the County that this landowner wishes to put this parcel of land in Conservation Easement. These Conservation Easements must be adopted by resolution by the Cass County Board of Commissioners.

Jensen stated it was more of a formality – by state law it's approved – it's nothing we can deny. However, the applicant has to take it through the Planning Commission and the County Board before they can file it with the Register of Deeds.

Mueller opened the public hearing for this at 7:17pm. At this point, Darrell Stock, representative for Stock Prairieland Inc., came up to speak about Stock Prairieland and the family history of the 80 acre parcel. This is done in honor of the Stock family by putting a Conservation Easement on this parcel so there will never be anything but agricultural or park type uses on this land. This land has remained untouched since the homestead was built in the late 1800's. He asked if anyone had any questions. Tesar asked what the advantage is from putting this into a Conservation Easement. He stated with this easement, this can never be split up this parcel up. I can still be used for seed raising, agricultural operations and hunting. These also retained the opportunity to build a 2000 square foot building in case it's ever needed in the future. Mueller asked if it can ever be reversed. Stock stated that it couldn't. The stewardship director of the Nebraska Land Trust, Jacob Alishouse, came up to answer any questions that people might have. He gave a brief description on what the Nebraska Land Trust is and what it does. Several questions followed about taxation, doing your own trust as opposed to going through them and federal tax benefits.

Mueller then asked if there were any more comments or questions. Since there were none, he closed the public hearing at 7:28pm. He then asked if there was any discussion from the Planning Commission. Since there was no more discussion, Mueller made a motion to approve this CUP #11494 for the Conservation Easement. Seconded by Tesar. Widick – aye; Sullivan – nay; Althouse – aye; Crofoot – aye; Mueller – aye; Felthousen – aye; Staben – aye; Tesar – aye. Passed with 7 to 1 vote.

The **final item** on the agenda is the Regulation updates. Jensen stated that he and Tesar were working on some of the final touches as discussed last time. They are working on the verbiage for the setbacks for solar, verbiage on the 1 per 20 splits. They will be working on the wording for the setbacks for solar and descriptive language on the screening. They need minimal standards laid out in the regulations. Anything over and above will be laid out in the Conditional Use agreement. The 1 per 20 verbiage was discussed extensively including when the deed restriction would be used. They discussed getting the Regulations draft to the County Attorney to look over before the final document is drafted. Jensen stated that a special meeting for the Planning Commissioner's final draft approval will be on October 24 at the fairgrounds. It will go to the County Attorney the next day for them to review. Staben mentioned the previous meeting and the removal of Land Fills. He didn't want this to be misinterpreted to mean they are allowed since they aren't in the regulations. This will be discussed with the County Attorney.

At this point, Mueller asked if there were any comments or questions from the public. Since there were none, he asked if the Commissioners had any questions or comments. Since they had nothing more to add, Mueller asked for a motion to adjourn. Althouse made a motion to adjourn. Seconded by Tesar. Since there was no further business on the agenda, Mueller made a motion to adjourn. Seconded by Tesar. . A voice vote followed with all voting aye. Meeting closed at 7:50 pm.

Since the deadline for the ad in the Plattsmouth Journal was Monday, October 11th for the Thursday, October 13th issue – and Monday was a Holiday – the special meeting will be moved to Tuesday, November 1, 2022 @ 7 pm at the Fairgrounds.

Linda Brouhard
Recording Secretary

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