

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE IN THE CITY HALL COUNCIL CHAMBERS ON THE 13<sup>th</sup> DAY OF SEPTEMBER 2022. VICE-CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Brent Roggow, Brad Stickelman, Zak Eickhoff, Lee Davies, Rod Rayburn, Linda Hansen, Chuck Boden

MEMBERS ABSENT: Marlene Flaming, Mitch Moorhead, Roger Merritt

STAFF MEMBERS PRESENT: Judy Clark, County Planner; Michelle Bain, Recording Secretary; Stephen King, Deputy County Attorney

Notice of the meeting was given in advance thereof, by posting on in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

1. Roll Call.

Vice-Chair Roggow stated that a current copy of the open meetings act of Nebraska is posted at the back of the room.

2. Rayburn moved and Stickelman seconded the motion to approve the order of the agenda. Roll call vote: “Aye”: Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. “Nay”: None. Absent: Moorhead, Flaming, Merritt. Motion carried.
3. Boden moved and Rayburn seconded the motion to approve the minutes of the April 12, 2022 meeting. Roll call vote: “Aye”: Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. “Nay”: None. Absent: Moorhead, Flaming, Merritt. Motion carried.
4. Discuss and consider a request by Fairway Estates Home Owners’ Association Inc. to accept dedication and adoption of Fairway Estates Road, Fairway Avenue, Fairway Drive and Club House Drive as shown on Campbell Estates First Subdivision.

Judy explained that following a recommendation for approval from the Lincoln County Planning Commission on July 10, 2001, Campbell Estates First Subdivision was approved by the Lincoln County Board of Commissioners on July 16, 2001 and legally filed by the Lincoln County Register of Deeds on September 6, 2001. Fairway Estates Home Owners’ Association Inc. certifies that the roads have been constructed to Lincoln County Department of Roads standards, as designed by T.C. Engineering Inc., and meets all requirements as set forth in the Lincoln County Subdivision Regulations. There are several things Planning Commission should consider when looking at accepting and adopting county roads as shown in the Lincoln County Subdivision Regulations Article 4 Design Standards Section 4.01 through Section 4.25. Please be sure to review the design standards and if possible, visit the area to get an idea of the current condition of the roads, ditches and right-of-way. Planning Staff has reviewed the request. The roads were built to Lincoln County Subdivision Regulations in 2001. However, since then the subdivision regulations have been updated, and according to current regulations it appears the roads likely meet current minimum standards for local streets in width, number of lanes and designated right-of-way; however, based on Section 4.08 Street Grade and Elevation which states minimum grades for gutters and ditches shall be four tenths and five tenths of one percent, respectively, it appears the grades may be less than the minimum requirement which could be an issue. The regulations do allow grades for drainage to be less than minimum if approved by the Lincoln County Roads Superintendent. Additionally, in some areas of the subdivision, property owners have encroached into the County right-of-way with sprinkler systems and other landscaping. If the County accepts the roads, it is possible that these items may be broken if hit by a county maintainer or other large equipment required to maintain the area. Also, there will be additional costs to the County Department of Roads if the roads are

accepted and adopted which should be considered when making a recommendation.

Russ Derickson, President, Homeowner's Association, was present and stated the road was built to county standards and they have maintained the roads for the last 20 years. There is nothing left to do but dedicate the road, there are no water issues, they are the same grade as when they were put in. They don't want the risk and liability of maintaining the road. The county has the road superintendent who is an expert. The plan from the beginning was to dedicate the road.

Jason Schultz, Lincoln County Road Superintendent, was present and stated the county road's biggest concern is some of the drainage issues that are out there and potential future problems. Taking on this road in the condition it's in, they don't want any expectations that they will bring it up to standards.

Davies asked about road maintenance if the county takes them.

Mr. Schultz stated there are some subdivisions they do not do snow maintenance on the roads. It would be up to Planning Commission and Commissioner's what is expected. If the Roads Department takes care of snow maintenance that brings up concerns about sprinklers or other items encroached onto the road. It could cause some damage.

Eickhoff questioned how wide the road right-of-way is on the roads in the subdivision.

Mr. Schultz stated it is a 66' road right-of-way and the roads are approximately 22' paved. He is concerned that significant weather events could cause some drainage issues.

A Planning Commission member asked if it was the intent to take it over the roads after 20 years.

Judy explained she wasn't here when the plat was filed so she isn't sure, but looking at the covenants, it appears it was intended at some point to be dedicated.

June Robinson, lives in Fairway, was present and pointed out that the covenants say in the first 20 years 90% need to agree, after 20 years 75% need to agree.

There was discussion about possibly setting a precedence for other developments in the county. They would hate to see an influx of roads dedicated to the county.

Jack Weaver, 861 W. Fairway Dr., was present and stated the developer told them as soon as they had so many houses out there the road would be deeded to the county. There is a lot of tax money out there. As far as the water, since he has lived there, there has been one little puddle. There are no water hazards on that road.

There was more discussion regarding how many roads are not dedicated in the county. Judy explained some roads are dedicated when a subdivision is filed, others are built to standards but not dedicated.

Deputy County Attorney King explained this board is advisory. The commissioners decide whether or not to adopt the roads. They would look at recommendations from the Planning Commission.

Davies feels the roads should be adopted into the county, but he feels it's a budgetary thing and Planning Commission is not a budgetary group.

Davies moved and Eickhoff seconded the motion to accept and adopt Fairway Estates Road, Fairway Avenue, Fairway Drive and Club House Drive as shown on Campbell Estates First Subdivision and forward the recommendation to the Lincoln County Board of Commissioners. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

5. Public Hearing File No. CU22-005 Discuss and consider action on a resolution for an application by Gary and Ruth Stearns for a conditional use permit to allow a commercial strip mine operation on property located in an TA-1 Transitional Agricultural District and described as the NW ¼ and the S ½, EXCEPT portion Deed to the

State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M. Lincoln County, Nebraska.

Vice-Chair Roggow opened the public hearing.

Judy stated that the applicant generally states they are planning to provide the earthen material that will be required to construct the proposed Sustainable Beef Packing Plant located on Newberry Access in North Platte. This property will serve as one of two borrow pits required to provide the material needed to raise the elevation of the new site. The hours of operation for loading and transporting material will be from 7:00 AM to 6:30 PM, Monday-Friday unless it is deemed necessary to move material on Saturday due to lost days during the week to weather. This site will require 20-25 semi-trucks with side dump trailers from the borrow site to the construction site daily. Traffic control signs will be installed alerting motorists of the heavy truck traffic and efforts will be made to keep dust down as much as possible. The point of ingress and egress will also be signed appropriately. The borrow pit is being submitted exclusively for construction of the beef plant and is estimated to be completed within a year. No permanent or temporary structures will be constructed at the material site. However, a fuel transport unit will be on site and will comply to all specifications and regulations regarding fuel storage in addition to portable restrooms. The County Road's Superintendent is here if you have any questions. This property is partially inside the City of North Platte's 2-mile extraterritorial jurisdiction and was on the City Planning Commission's agenda for Monday, September 12, 2022. The information from that meeting was that the property owner requested for this borrow site to remain open for an additional 10 to 20 years. The City Planning Commission approved the application for a 10 year time frame with the condition that anytime an acre or more of property is disturbed, the project would have to submit a SWPPP Plan to the City of North Platte. That is how it will go on to City Council. County Planning Commission has the same option, and it will go on to County Board of Commissioners for final approval. Planning Staff has no objections to the conditional use permit if all elements of the application are complied with. The site is located in an agricultural district, which allows strip mining through approval of a conditional use application. Planning Commission may add reasonable conditions to the application as deemed appropriate.

Hank Knisley, 8366 S. Plum Brush Lane, was present representing someone that lives close to that location. He wanted to know what kind of soil they were looking for and how the operation would work with the area being pasture ground and canyons, and steep.

Darren Hellbusch was present representing the contractor. He explained they just got the soil report back. 75% silty clay, 25% fine sand. He showed the grid they laid out how many acres are impacted. They plan to pre-water the site and construct an earthen berm at a certain location that will retain any runoff water.

Eickhoff questioned reclaiming the site.

Mr. Hellbusch explained how the reclaiming would work and that wells have been applied for but they won't be approved until October 12<sup>th</sup>.

Eickhoff asked about the impact to the roads.

Jason Schultz, Lincoln County Road Superintendent, stated he has some concerns about the additional truck traffic on the south Old Hwy. 83 which is asphalt coming off of State Farm and transitions to gravel. The asphalt is showing signs of age, wear, deterioration, probably a 5 year life remaining. E. State Farm Rd., Old Hwy. 83 to Newberry he has data – Nebraska's website 2018. Based on the letter given to him they will have 500 to 750 loads per day. That's 1000 trucks per day so that will increase it by 900%. They have major concerns about the roads holding up. He feels Planning Commission should take into consideration any maintenance and damage to the road.

Stickelman Moved and Rayburn seconded the motion to close the public hearing. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

Davies explained that anything over an acre requires a SWPPP Plan to protect from erosion etc. which is why the City Planning Commission added that in their motion.

Eickhoff Moved and Davies seconded the motion to adopt Resolution CU22-005 "A", which grants and approves the conditional use application by Gary and Ruth Stearns for a conditional use permit to allow a commercial strip mine operation for ~~ten~~ years on property located in an TA-1 Transitional Agricultural District and described as the NW ¼ and the S ½, EXCEPT portion Deed to the State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M. Lincoln County, Nebraska, and all elements of the application are complied with and with the following condition: That the SWPPP Plan is in place if disturbing over an acre for each project, based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

There was some discussion about the road maintenance.

Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

6. Public Hearing File No. CU22-006 Discuss and consider action on a resolution for an application by Robert Long for a conditional use permit to allow a commercial strip mine operation on property located in a TA-1 Transitional Agricultural District and described as the NW ¼ of Section 19, Township 14 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska and the NE ¼ & E ½ SE ¼ & SW ¼ SE ¼ of Section 24, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska and part of the SW ¼ of Section 19, Township 14 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska.

Vice-Chair Roggow opened the public hearing.

Judy stated that the applicant generally states they are planning to provide the earthen material that will be required to construct the proposed Sustainable Beef Packing Plant located on Newberry Access in North Platte. This property will serve as one of two borrow pits required to provide the material needed to raise the elevation of the new site. The hours of operation for loading and transporting material will be from 7:00 AM to 6:30 PM, Monday-Friday unless it is deemed necessary to move material on Saturday due to lost days during the week to weather. This site will require 20-25 semi-trucks with side dump trailers from the borrow site to the construction site daily. Traffic control signs will be installed alerting motorists of the heavy truck traffic and efforts will be made to keep dust down as much as possible. The point of ingress and egress will also be signed appropriately. The borrow pit is being submitted exclusively for construction of the beef plant and is estimated to be completed within a year. No permanent or temporary structures will be constructed at the material site. However, a fuel transport unit will be on site and will comply to all specifications and regulations regarding fuel storage in addition to portable restrooms. Jason Schultz, County Roads Superintendent, states in a letter that there are some concerns about the potential damage to North Airport Road as a result of this operation. The substantial increase in heavy truck traffic will likely increase the maintenance of this portion of road during the project. The overall life expectancy of North Airport road is anticipated to decrease requiring resurfacing or rehabilitation. Planning Staff has no objections to the conditional use permit if all elements of the application are complied with. The site is located in an agricultural district, which allows strip mining through approval of a conditional use application. Planning Commission may add reasonable conditions to the application as deemed appropriate. Since the strip mine is for a limited time frame (1 year) it should not be a detriment to the surrounding area.

Jason Schultz, Lincoln County Road Superintendent, stated he has some concerns given the number of increase in trucks they are planning on the roads and the ability of the roads.

Darren Hellbusch, 2423 W. Anna St., Grand Island, was present and stated only about 20% of the yield will come from this pit. He has about 375 loads per day projected due to weather. He assumed it was a commercial pit because it has been used over the years. They will put signage and barricades.

Judy explained this operation appeared to be already existing. The property owners were granted a Conditional Use Permit to allow a commercial operation in the past effective for 5 years. There was miscommunication

between the property owner and planning department. They have been using that property. Not sure how many loads come out of there. They are trying to do the right thing.

Robert Long, 100 Long Dr., was present and stated his dad started using that pit out there with the original pit. He would like to get the conditional use permit extended for 10 years. As far as tearing up N. Airport Road he would imagine a lot of truck traffic will come through North Platte. It's a pretty through street going down 12th and across Newberry Access.

Judy had a letter from Don Adams, neighbor in the area, He has concerns about the truck traffic and safety in the area.

Davies moved and Rayburn seconded the motion to close the public hearing. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

Davies moved and Eickhoff seconded the motion to adopt Resolution CU22-006 "A", which grants and approves the conditional use application by Robert Long for a conditional use permit to allow a commercial strip mine operation for ten years on property located in a TA-1 Transitional Agricultural District and described as the NW ¼ of Section 19, Township 14 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska and the NE ¼ & E ½ SE ¼ & SW ¼ SE ¼ of Section 24, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska and part of the SW ¼ of Section 19, Township 14 North, Range 29 West of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with and with the following condition: That the SWPPP Plan is in place if disturbing over an acre for each project, based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

7. Election of Officers. Chair, Vice-Chair, Vice-Chair/Secretary.

Eickhoff nominated Roggow as Chair, Stickelman seconded the nomination. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

Roggow nominated Eickhoff as Vice-Chair, everyone seconded the nomination. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

Eickhoff nominated Hansen as Vice-Chair/Secretary, Davies seconded the nomination. Roll call vote: "Aye": Hansen, Roggow, Rayburn, Stickelman, Eickhoff, Davies, Boden. "Nay": None. Absent: Moorhead, Flaming, Merritt. Motion carried.

New Officers are:

Chair: Roggow

Vice-Chair: Eickhoff

Vice-Chair/Secretary: Hansen

8. Old Business. There was no old business to be discussed.
9. New Business. There was no new business to be discussed.

Stickelman announced that he is resigning effective tonight.

Judy stated they are planning to interview a few people so there should be two that can be appointed to the County Planning Commission.

Deputy County Attorney King stated Tyler Volkmer will be the attorney in charge of the meetings from this point forward.

Tyler Volkmer was present and stated he is taking over the remainder of Steve King's civil duties. He is currently the attorney that sits with the county board.

10. Adjourn. Vice-Chair Roggow adjourned the meeting at 6:11 p.m.

Submitted by,

Michelle Bain  
Recording Secretary