

MINUTES OF THE SPECIAL MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 9<sup>th</sup> DAY OF AUGUST 2023. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Brent Roggow, Judy Pederson, Aaron Edwards, Roger Merritt, Mitch Moorhead, Chuck Boden, Rod Rayburn, Zak Eickhoff

MEMBERS ABSENT: Lee Davies, Marlene Flaming, Linda Hansen

STAFF MEMBERS PRESENT: Judy Clark, County Planner; Michelle Bain, Recording Secretary

STAFF MEMBER ABSENT: Tyler Volkmer, 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.

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 Pederson seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Eickhoff, Boden. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.
3. Merritt moved and Moorhead seconded the motion to approve the minutes of the July 11, 2023 meeting. Roll call vote: "Aye": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.
4. Discuss and consider action on a request by Prairie View Acres 2<sup>nd</sup> Subdivision Home Owners' Association Inc. to accept dedication and adoption of Sagebrush Drive, Old Barn Road, Sagebrush Trail, and Windmill Road, part of Prairie View Acres 2<sup>nd</sup> Subdivision.

County Planner Clark stated a letter from Prairie View Acres 2<sup>nd</sup> Subdivision Home Owners' Association Inc, requests acceptance and adoption of Sagebrush Drive, Old Barn Road, Sagebrush Trail, all part of Prairie View Acres 2<sup>nd</sup> Subdivision. After discussion with Jason Schultz, Lincoln County Roads Superintendent, it was decided that Windmill Road, as part of Prairie View Acres 2<sup>nd</sup> Subdivision should also be included with this request. Jason has visited with the Home Owner's Association and since then the Home Owners' Association has repaired the roads as requested and the roads currently meet the Lincoln County Department of Roads standards. 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. Planning Staff has reviewed the request. The roads were built to Lincoln County Subdivision Standards in 2016. Jason Schultz has visited the area and has stated a portion of the subdivision roads are currently being maintained by the roads department and it makes sense to adopt the remaining roads in the subdivision.

Jim Einspahr, 337 Old Barn Road, was present and stated they have spent money to get the roads up to standards. He was in contact with the Roads Superintendent and their commissioner through the whole process.

Pederson moved and Eickhoff seconded the motion to accept and adopt Sagebrush Drive, Old Barn Road, Sagebrush Trail and Windmill Road, part of Prairie View Acres 2<sup>nd</sup> Subdivision, and forward the recommendation to the Lincoln County Board of Commissioners. Roll call vote: "Aye": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.

5. Public Hearing File No. CU23-001 Discuss and consider action on an application by Danny Carlyle for a conditional use permit to allow a 2nd dwelling on property located at 20095 E. Marcia Avenue north of Maxwell, Nebraska in an A-1 Agricultural District on property described as Lot 1 Carlyle Replat, Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

County Planner Clark stated that the applicant is requesting to renovate an existing accessory structure into a 2<sup>nd</sup> residential dwelling. Planning Staff has no objections to the proposed project. The area is residential in nature and should not be a detriment to surrounding properties. The 40' x 80' building was constructed several years ago for storage and now he wants to convert it to a second home.

There was discussion regarding the 40' x 80' building that is not complete.

County Planner Clark stated that the land use permit for the pole barn was issued two years ago and they are good for two years. When he said he wanted to turn it into a residential home she gave him the option to divide the lot or request a conditional use permit for a new building. He elected the conditional use.

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

Edwards moved and Pederson seconded the motion to adopt Resolution CU23-001 "B", which recommends denial of the conditional use application by Danny Carlyle for a conditional use permit to allow a 2nd dwelling on property located at 20095 E. Marcia Avenue north of Maxwell, Nebraska in an A-1 Agricultural District on property described as Lot 1 Carlyle Replat, Lincoln County, Nebraska., because said conditional use application does not meet the minimum standards stated in Section 5.04 Article 5 of the Lincoln County Zoning Regulations based on the following factual findings, to wit:

The applicant has not met the following requirements in Article 5 Sec. 5.04 of the Minimum Standards of the Lincoln County Zoning Regulations based on the following factual findings: #3 the use shall be in harmony with the character of the area. Roll call vote: "Aye": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.

6. Public Hearing File No. CU23-002 Discuss and consider action on an application by Tallgrass Energy, lessee, and North Platte Livestock Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 23, Township 10 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

County Planner Clark stated that Planning Staff has no objections to the proposed project. This project will help support a needed utility in the area and should not be a detriment to surrounding properties.

Austin Bruhn, 2113 Romney Avenue, Fort Collins, Colorado, was present to answer any questions.

Edwards asked if this is an existing site.

Mr. Bruhn stated that this is just an expansion on both facilities, this one and Oppliger (next on the agenda He called Adam Marsano, Project Engineer for Tallgrass Energy, on speakerphone.

Mr. Marsano stated that the only existing equipment that will be removed is a valve stem that connects to the trailblazer line. The existing equipment will remain.

Merritt asked about truck traffic.

Mr. Marsano stated that construction will last 2 to 3 months. He estimates a peak of 10-20 vehicles parking within the temporary work space per day.

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

Edwards suggested that they meet with Highway Superintendent and restore the roads out there.

Pederson moved and Edwards seconded the motion to adopt Resolution CU23-002 "A", which recommends approval of the conditional use application by Tallgrass Energy, lessee, and North Platte Livestock Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in and A-1 Agricultural District on property described as lying in the NW ¼ of Section 23, Township 10 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska., and all elements of the application are complied with including restoration of the road when construction is completed.

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": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.

7. Public Hearing File No. CU23-003 Discuss and consider action on an application by Tallgrass Energy, lessee, and Oppliger Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 13, Township 10 N, Range 33 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

County Planner Clark stated that Planning Staff has no objections to the proposed project. The area is agricultural in nature and sited close to a livestock feeding operation. This project will help support a needed utility in the area and should not be a detriment to surrounding properties.

Edwards pointed out that the legal description is wrong on all of their drawings.

Judy stated she will have them fix it appropriately before the County Commissioner's meeting.

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

Boden moved and Moorhead seconded the motion to adopt Resolution CU23-003 "A", which recommends approval of the conditional use application by Tallgrass Energy, lessee, and Oppliger Feeders, lessor, for a conditional use permit to allow construction of a new facility to support Tallgrass's ongoing pipeline operations located in an A-1 Agricultural District on property described as lying in the NW ¼ of Section 13, Township 10 N, Range 33 W of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with and the corrected survey is made.

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": Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. "Nay": None. Absent: Flaming, Davies, Hansen. Motion carried.

8. Public Hearing File No. AM23-005 Discuss and consider action on a resolution for an amendment to Lincoln County Nebraska Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 to add Sections 8.15 through 8.15.02 Crypto Mining and Data Centers.

Chair Roggow opened the public hearing.

County Planner Clark stated that this was discussed a couple meetings ago.

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

Moorhead moved and Pederson seconded the motion to adopt Resolution AM23-005 which recommends approval of the amendments to the Lincoln County Nebraska Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 adding Sections 8.15 through 8.15.02 Crypto Mining and Data Centers. Roll call vote: “Aye”: Roggow, Moorhead, Rayburn, Pederson, Edwards, Merritt, Boden, Eickhoff. “Nay”: None. Absent: Flaming, Davies, Hansen. Motion carried.

9. Election of Officers – Current Chair, Brent Roggow; Vice-Chair, Zak Eickhoff; Vice-Chair/Secretary, Linda Hansen.

Rayburn moved and Moorhead seconded the motion to continue with current officers. Roll call vote: “Aye”: Roggow, Moorhead, Rayburn, Pederson, Merritt, Boden, Eickhoff. “Nay”: Edwards. Absent: Flaming, Davies, Hansen. Motion carried.

Officers remain:

Chair: Roggow

Vice-Chair: Eickhoff

Vice-Chair/Secretary: Hansen

10. Old Business.

Edwards mentioned that there is no progress on the event center on State Farm Road.

Judy stated that a letter will be sent if there is no progress within a year.

There was additional discussion regarding the golf course north of Maxwell.

11. New Business.

Judy told the Planning Commission she was at the Ag Summit in Kearney and the Lincoln County Planning Commission was getting kudos for working with Livestock Feeding Operations.

12. Adjourn. Chair Roggow adjourned the meeting at 6:08 p.m.

Submitted by,

Michelle Bain  
Recording Secretary