

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 12th DAY OF SEPTEMBER 2023. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Brent Roggow, Judy Pederson, Aaron Edwards, Roger Merritt, Chuck Boden, Lee Davies, Zak Eickhoff, Linda Hansen

MEMBERS ABSENT: Marlene Flaming, Rod Rayburn, Mitch Moorhead

STAFF MEMBERS PRESENT: Judy Clark, County Planner; Michelle Bain, Recording Secretary, 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. Pederson moved and Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Pederson, Edwards, Merritt, Eickhoff, Boden, Davies, Hansen. "Nay": None. Absent: Flaming, Rayburn, Moorhead. Motion carried.

3. Approve minutes of the August 9, 2023 meeting.

Edwards asked about the election of officers and if it was handled correctly.

Deputy County Attorney Volkmer stated that State Statute doesn't detail how the entire board is elected. Roberts Rules asks for the chairman to call for his job and there is a discussion about who's nominated. The Chair passes it off to the new chair who then takes over.

Judy stated right or wrong, the way it was handled is how it has always been done.

Deputy Attorney Volkmer stated he feels it could be a procedural deficiency but not a legal deficiency.

Pederson stated it will be recorded in the minutes of this meeting to do differently next year.

Pederson moved and Edwards seconded the motion to approve the minutes of the August 9, 2023 special meeting. Motion and second for minutes. . Roll call vote: "Aye": Roggow, Pederson, Edwards, Merritt, Eickhoff, Boden, Davies, Hansen. "Nay": None. Absent: Flaming, Rayburn, Moorhead. Motion carried.

4. Public Hearing File No. AM23-006 Discuss and consider action on an amendment Lincoln County Nebraska Land Use Map amending certain land from Agricultural Protection to Residential Acreage. The property is located at 22468 North Cattle Growers Road and described as lying in the NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing on item nos. 4, 5 and 6 on the agenda.

County Planner Clark stated that Items # 4, 5, and 6 on the agenda involved the same property. If Item #4 is not approved Items #5 and 6 cannot be acted on and will be pulled from the agenda.

County Planner Clark stated that in order to rezone a property, it is the duty of the planning commission to ensure that the rezoning is in conformance with the current comprehensive plan. The request for the

amendment has been submitted in conjunction with a rezoning. The applicants are requesting the amendment to allow a change in zoning to occur. The applicants, in Items #5 and 6, are proposing to rezone approximately 10.24 acres in the NE ¼ of the section and request a conditional use permit to construct a multi-family dwelling for the purpose of housing agricultural farm workers. The applicants have already begun construction of the building. The applicant plans to have a multi-family dwelling unit strictly for living quarters for agricultural workers employed by the landowner. There is a need for this because it is becoming increasingly more difficult to find adequate housing for employees.

Lyle Duling, 20477 N. Llama Road, was present and stated since this place is already built, he is concerned if there will be any oversight as to the conditions of the property. He wonders if they are planning on renting individual places or selling them.

Planner Clark stated it is a multi-family dwelling.

Mr. Duling asked if anyone will watch out for how the building is kept up and the water. Nitrates are a problem in the area. He asked who will watch out for the tenants whether anything is up to code on this building.

Planner Clark explained that they are applying for a multi-family dwelling unit strictly for agricultural farm workers so they will be hired at the farm. As far as oversight, Lincoln County does not have a building inspector and issues land use permits. The county has no authority to inspect. The contractor and property owner are responsible to meet state statute. When they provide the land use permit, they sign that they will comply with Nebraska State Statute. The oversight comes from the state.

Mr. Duling stated the feedlot hires somebody and provides the place to leave. His understanding is most of these employees will be from Africa. They won't have anyone to speak for them if things go wrong. Planning Commission should think about what will happen if they change that into a residential area.

John Childears, 12825 E. Kilmore Valley Road, was present and stated he sold Mr. Scholz the feedlot and attended the planning and zoning hearing for him to expand the feedlot. He asked why ¾ of this section included in the paperwork and not just the immediate site of the building.

Planner Clark explained that the legal description she had at the time was the entire property and it says just a certain section lying in there.

Mr. Childears stated this building is ½ mile from his house but not from the Scholz house on Lake Maloney. The house will house presumably 24 workers, unmarried men. He's concerned about what activities will happen in and outside that building. There are areas closer to the feedlot where they could walk to that feedlot. He respects Mr. Scholz for success in the feeding industry and that he has to find workers and appreciates efforts to take care of them but feels the city limits of North Platte would be more appropriate to house those employees where policing could deal with activities. He is against the rezoning of this property. He lives near this site, Mr. Scholz lives 20 miles away.

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

There was discussion among the Planning Commission regarding following Nebraska Building Codes.

Edwards suggested having the applicant submit architect plans in the Conditional Use Permit.

Davies stated the Planning Commission looks at the zoning, not the actual building.

Planner Clark stated applicants sign a Land Use Permit where they agree to adhere to State Building Code.

Pederson moved and Davies seconded the motion to adopt Resolution AM23-006 "A", which recommends approval of the amendment to the Lincoln County Nebraska Land Use Map amending certain land from Agricultural Protection to Residential Acreage located at 22468 North Cattle Grower Road on property

described as lying in NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska, more particularly described on the map attached to the meeting materials.

There was some discussion about what has been done in the past. Planner Clark explained that there have been pivot corners with single family dwellings which are allowed in an agricultural district. Cattle Growers Road is a fairly well maintained road in the county. This area is not densely populated.

Roll call vote on above motion: “Aye”: Roggow, Davies, Hansen, Pederson, Edwards, Merritt, Boden, Eickhoff. “Nay”: None. Absent: Moorhead, Flaming, Rayburn. Motion carried.

5. Public Hearing File No. Z23-002 Discuss and consider action on an application by Steve and Tricia Scholz to rezone certain land from an A-1 Agricultural District to an R-2 Urban Residential District on property located at 22468 North Cattle Growers Road and described as lying in the NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska.

The public hearing for Item No. 5 was held and discussed with Item No. 4 above.

Merritt moved and Pederson seconded the motion to adopt Resolution Z23-002 “A”, which recommends approval of the rezoning application by Steve and Tricia Scholz to rezone certain land from an A-1 Agricultural District to an R-2 Urban Residential District on property located at 22468 North Cattle Growers Road and described as lying in the NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska, more particularly described on the map attached to meeting materials. Roll call vote: “Aye”: Roggow, Davies, Hansen, Pederson, Edwards, Merritt, Boden, Eickhoff. “Nay”: None. Absent: Flaming, Moorhead, Rayburn. Motion carried.

6. Public Hearing File No. CU23-004 Discuss and consider action on an application by Steve and Tricia Scholz for a conditional use permit to allow a multi-family residential structure to house agricultural workers on property located at 22468 North Cattle Growers Road and described as lying in the NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska.

The public hearing for Item No. 6 was held and discussed with Item No. 4 above.

Pederson moved and Davies seconded the motion to adopt Resolution CU23-004 “A”, which recommends approval of the conditional use application by Steve and Tricia Scholz for a conditional use permit to allow a multi-family residential structure to house agricultural workers on property located at 22468 North Cattle Growers Road and described as lying in the NE ¼ W ½ and SE ¼ of Section 27, Township 16 N, Range 29 W of the 6th P.M., Lincoln County, Nebraska, and all elements of the application are complied with 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.

Edwards asked about adding a condition for an architect stamp.

Davies stated he feels asking for it would bring a liability to the Planning Commission.

Deputy Attorney Volkmer stated it would be no different than requiring them to follow State Building Code

Chair Roggow stated it may open up a can of worms if it is required. Planning Commission is there to take their expertise and make the decision as a whole. Also, it’s a recommendation.

Deputy Attorney Volkmer stated requiring it is probably not an appropriate condition. It is requiring something Planning Commission doesn’t actually enforce.

Roll call vote on above motion: “Aye”: Roggow, Davies, Hansen, Pederson, Edwards, Merritt, Boden, Eickhoff. “Nay”: None. Absent: Rayburn, Flaming, Moorhead. Motion carried.

7. Old Business.

Edwards pointed out there is still no progress on the event center that was approved.

Planner Clark asked him to remind her when it has been a year.

Edwards stated it will be a year in another month.

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

9. Adjourn. Chair Roggow adjourned the meeting at 6:22 p.m.

Submitted by,

Michelle Bain
Recording Secretary