

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 9<sup>th</sup> DAY OF JULY 2024. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Marlene Flaming, Rod Rayburn, Chuck Boden, Roger Merritt, Judy Pederson, Brent Roggow, Aaron Edwards, Lee Davies, Zak Eickhoff, Russ Miller

MEMBERS ABSENT: 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. Merritt moved and Davies seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Rayburn, Flaming, Boden, Roggow, Edwards, Pederson, Davies, Merritt, Eickhoff, Miller. "Nay": None. Absent: Moorhead. Motion carried.
3. Boden moved and Edwards seconded the motion to approve the minutes of the April 9, 2024 meeting. Roll call vote: "Aye": Rayburn, Flaming, Boden, Roggow, Edwards, Pederson, Davies, Merritt, Eickhoff, Miller. "Nay": None. Absent: Moorhead. Motion carried.
4. Public Hearing File No. CU24-003 Discuss and consider action on a resolution regarding an application by Brian and Heather Cox for a conditional use permit to allow a mother-in-law quarters (2<sup>nd</sup> Dwelling) on property located at 10928 South Whispering Hills Road. The property is located in an R-1 Rural Estates Residential District and described as Tracts 8 & 9 Whispering Hills Subdivision part of the E ½ of Section 4, Township 12 N, Range 31 W of the 6<sup>th</sup> P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

County Planner Clark stated that the applicant generally states that they plan to set up a mobile home as a mother-in-law quarters (2<sup>nd</sup> Dwelling) on their son's property. It is a large acreage and should have no detriment to neighboring property values. Planning Staff has no objections to the proposed project, addition of a mother-in-law quarters (2<sup>nd</sup> Dwelling) on a large acreage should not be a detriment to surrounding property owners. She received a phone call from Barry and Janet Deaver, 8123 W. Miller School Rd, who do not want to see any additional dwellings in the area.

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

Edwards said he called all the neighbors and heard no complaints from anyone.

Flaming asked the policy for moving a trailer house in.

County Planner Clark stated mobile homes are not allowed as a main residence. As a second dwelling it does not exclude mobile homes so they are allowed as accessory dwelling units.

Miller asked about septic tank setbacks.

County Planner Clark stated they will get the setbacks from the certified septic installer.

Brian Cox, applicant, 1928 Whispering Hills, was present and stated Platte Valley Septic is doing the installation. He has taken the measurements and is a licensed septic installer.

Edwards asked if covenants are enforceable by the public.

Attorney Volkmer indicated they are not enforceable by public entities.

Eickhoff moved and Edwards seconded the motion to adopt Resolution CU24-003 "A", which recommends approval of the conditional use application by Brian and Heather Cox for a conditional use permit to allow a mother-in-law quarters (2nd Dwelling) on property located at 10928 South Whispering Hills Road, 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.

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

5. Discuss and consider forwarding a letter to the Lincoln County Board of Commissioners making a recommendation to consider county building inspections.

County Planner Clark stated she drafted a letter but it can be changed and updated the chairperson to sign.

Chair Roggow and Davies stated they think it's a good letter.

The two County Commissioners present at the meeting were asked what they thought of the draft.

Both Commissioner Wuehler and Bruns thought the letter was well written.

Pederson stated she knows of a couple issues that have arisen in the county with lawsuits being filed because houses are not being built correctly and thinks it would be wise to have someone inspecting homes before the city absorbs poor construction with annexation.

Edwards stated there are issues with buildings being built in flood plain. They can pull everyone's flood insurance in the county.

County Planner Clark stated she received information that 2 or 3 buildings in the county were built in the flood plain and there is no way to get those buildings out of the flood plain. They will have a hard time selling it because something will be attached to it that they are in the flood plain. Also, she received a phone call from Nancy Seifer-Nelson of Sutherland who is adamantly opposed to this, she doesn't want more government interference.

County Planner Clark stated that ag is exempted through the state.

Davies stated this is more life safety of things.

Flaming stated you cannot protect people from themselves and asked if it is really the county's place to step in.

Eickhoff stated he believes it is okay to step in. There are things he asks local building inspectors about making things right. Some builders don't care so we need to make sure everyone follows the code.

Flaming feels this would be picking winners and losers saying one contractor is qualified and one is not. It should be the home owner's right to pick who they want.

Pederson feels it goes back to health and safety. There are regulations on smoking and drinking.

Flaming still questions going this route and picking winners and losers that do this.

Pederson feels it levels the field because everyone knows they have to comply with building codes. It takes responsibility off of the person having the home constructed.

Edwards stated with growth that is coming it will affect around Hershey, Sutherland, Wallace, etc. (Inland Port Authority). This will help protect some of the smaller communities. He feels it should start with this.

County Planner Clark explained if this were to go forward there would probably have to be things put into the regulations such as what do they inspect, etc. Those regulations would have to come back to this Board to tell what the inspector would have to enforce.

Edwards stated Hall County had a building inspector, got rid of the inspector, then started it back up because of problems.

County Planner Clark stated not having an inspector bothers her, especially for commercial properties that may come in.

Davies stated it would set the stage that everyone needs to get a building permit. Right now it just needs to be determined what needs to be inspected.

Chair Roggow understand both sides. This will take money to do it. He even has to deal with it, if it's a shoddy build, he may not insure it. There should be guidelines. Building inspectors are not a bad thing. It is the choice of the individual building it.

Pederson pointed out that the contractor may cut corners but the owner may not know.

County Planner Clark stated that when she issues a land use permit, it has attached that they will follow Nebraska State Statute.

Flaming stated it all boils down to the individual's rights. She has seen what happens with inspections. In California she saw where someone tried to remodel one room and every two weeks he had another inspector coming in. What should have taken a month to complete took 2 years. This is something we should have no control over.

Pederson stated she doesn't see the building codes any different than any other laws. The building codes are already there so if contractors are breaking that they are in violation of those codes. How will someone know if no one is checking on it.

Eickhoff suggested someone can pick and choose what to exempt such as insulation inspection that may not be needed. But the core things he feels that spending \$2,000 on inspections is a good investment to make sure they have proper footings, walls, final framing inspection. Crucial parts that consumers don't think about at the beginning stage are imperative. This is a safety aspect that should be addressed.

Davies stated if a contractor builds a house, the framing etc. cannot be inspected by an inspector hired afterwards.

Chair Roggow stated this is just trying to help guide people down the road with guidelines. It won't be to the point where we have to fine line it.

Davies stated this is more for the next person down the road.

Edwards stated that the county does not issue occupancy permits so sometimes mortgages cannot be sold.

There was discussion about state regulations.

Merritt stated this has come up 5 times since he has been on the board and been denied 4 times.

Merritt suggested this is another tax. Someone living on the outskirts of Lincoln County will not get the same service as someone in the middle.

County Planner Clark stated the building permit fees would definitely have to increase. She will present this letter to the County Commissioners with how many would like to see it and how many don't want to see it.

Edwards suggested sending it to the commissioners and let them decide what will happen with it.

Miller asked if the inspector would they answer to the commissioners or what.

County Planner Clark stated that it would probably be decided by the commissioners and be back to this board. It would have to be written into the regulations. It may be part of planning or they may create a whole new office. Could perhaps be interlocal or possibly get villages involved.

Chair Roggow asked why it didn't get forwarded in the past.

Merritt said it was pretty much because everyone is responsible for themselves.

County Planner Clark stated that one time the contractors were all against it.

Chair Roggow suggested it could affect timing of a project if there is only one inspector.

Pederson stated it goes back to how many things are inspected.

Eickhoff stated it would take scheduling by everyone.

Edwards stated he would like to think wherever someone is in the county they are treated the same.

Pederson moved and Davies seconded the motion to ask the Chairman to sign this letter and be forwarded onto the commissioner's for their discussion in the next two weeks. Roll call vote: "Aye": Rayburn, Roggow, Edwards, Pederson, Davies, Eickhoff, Miller. "Nay": Flaming, Boden, Merritt. Absent: Moorhead. Motion carried.

The letter will be forwarded with the votes as well as the remarks from this discussion.

## 6. Old Business.

Edwards stated the event center has a kitchen.

County Planner Clark stated she will go out there when the land use permit expires to make sure it was done the way that was presented in the conditional use permit. Any issues will have to go back directly to Commissioners she believes.

Merritt asked about the status of the Wasserburger's conditional use permit.

7. New Business.

County Planner Clark stated there was some discussion prior to the meeting about the conditional uses for second dwellings. In the city accessory dwellings are allowed by right. She asked if this board would have in interest in coming up with regulations without a Conditional Use Permit.

It was suggested she brings what the city has to review at the next meeting. County Planner Clark will bring what the city has and check with other counties to see if they have regulations to allow them as a right.

Flaming pointed out they have refused three of them since she has been on the board.

Merritt stated this is a mother-in-law house now but down the road it may not be.

Flaming stated she doesn't want a trailer house that she'll drive by every day but it's his right as a land owner to put it on there so she voted yes.

There was discussion amongst the board regarding county nuisances.

8. Adjourn. Chair Roggow adjourned the meeting at 6:35 p.m.

Submitted by,

Michelle Bain  
Recording Secretary