MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 13th DAY OF OCTOBER 2026. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Brent Roggow, Vern Friesen, Zak Eickhoff, Chuck Boden, Tony Johnson, Aaron Edwards, Lee Davies, Roger Merritt

MEMBERS ABSENT: Russ Miller, Judy Pederson, 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 available at the back of the room.

2. Merritt moved and Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Edwards, Eickhoff, Davies, Friesen, Boden, Merritt, Johnson. "Nay": None. Absent: Miller, Pederson, Moorhead. Motion carried.

3. Merritt moved and Davies seconded the motion to approve the minutes of the August 11, 2026 meeting. Roll call vote: "Aye": Roggow, Edwards, Eickhoff, Davies, Merritt. "Nay": None. "Abstain": Friesen, Boden, Johnson. Absent: Miller, Pederson, Moorhead. Motion carried.

4. Public Hearing File No CU26-012 Discuss and consider action on an application by Troy Erickson, Stone Creek Landscape & Design, LLC for a conditional use permit to allow a landscape and hardscape contracting business with a small store front market (nursery) at 2490 and 2561 East Correction Line Road in an A-1 Agricultural District on property described as a two tracts of land located in the W ½ of the NW ¼ of Section 3, Township 12 North, Range 30 West of the 6th PM, Lincoln County, Nebraska consisting of approximately 47.09 acres.

   Chair Roggow opened the public hearing.

   Judy stated that as stated by the applicants in the justification statement, the proposed use represents the continued operation of an established local landscape business. The subject properties serve primarily as the company's administrative office, employee and project siting location, landscape-material storage and sale. The existing operation is relatively low intensity with no manufacturing, fabrication, rock crushing or commercial equipment repair. There should be no increase in traffic as the existing operation generates relatively limited customer traffic. The applicant states that he is not aware of evidence that the existing operation has substantially diminished or impaired established property values in the area. The applicant intends to operate the business in cooperation with the appropriate approval and applicable county requirements. The intention is to continue the established business, with hours of Monday through Friday from 7:00 AM to 5:00 PM, with the market open Monday through Saturday from 10:00 AM to 6:00 PM and Sunday from 12:00 PM to 4:00 PM with varying seasonal hours. Currently the business has 6 employees with approximately 2 seasonal employees. They typically meet at the property at 7:00 AM and then leave for off-site project locations. The application seeks approval of the existing business, no additional buildings, parking area or major site improvements are proposed. Planning Staff has no objections to the proposed landscaping business. A nursery, which is similar to the proposed use, is allowed in an agricultural district through approval of a conditional use application. The site has been in operation for a number of years, and once it was discovered, the applicant complied with the county's request for appropriate approval. The property is located in an area that is transitioning from rural agricultural to more of an urban feel with large acreage residential properties. This property has been the location of a landscaping business, with no indication of issues from neighboring property owners until recently. The applicant is currently, and has been, utilizing the property as a mix of residential and low-intensive commercial for a number of years. The structures used for the commercial venture are located

approximately 483' from the nearest occupied dwelling, screened by cedar trees and should not be a detriment to the neighboring property owners.

Julie Cunningham, 2334 E. Correction Line Rd., presented copies and pictures for the Planning Commission (these materials are available in the file in the Planning Office). She stated they own the adjoining property and are opposed and have submitted an objection and photographs and other supporting documents. She feels the applicants do more than just landscape and hardscape such as building decks and waterfalls which describe a contracting yard and should be considered for classifying the operation and its impacts. The packet includes her cedar tree line for screening. Those trees should not be considered permanent screening provided by the applicant. The operation has grown and there is an increase in workers, equipment, stored materials and deliveries which increases traffic on the road. This is a residential, not rural setting. Their home is the closest residence and they have an interest in adjoining land less than 150' from the construction yard which could affect their marketability. No new buildings being proposed now doesn't mean nothing later. The operation's history should not substitute for lawful operation. She asked the Planning Commission to table the application until the nursery designation is identified.

Joe Nutter, 1859 E. Correction Line Rd., was present and stated traffic has never been a problem for him. He has no problem with the application.

Joseph Lupomech, 2334 E. Correction Line Rd., was present and stated since the applicants bought the property in April they will be selling more stuff. Customers come to get the stone on the pallet. If it's a rainy day and they're working the road will be a mess.

Judy stated she received a phone call on a voice mail from Dave Jantzen who couldn't be at the meeting but has no issue with the application. He said he received a letter but it must be under an LLC.

Mr. Lupomech stated his house is at least a half mile away but he has land there.

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

Troy Erickson, 2561 E. Correction Line Rd., was present to represent the application. In response to questions from the Planning Commission, he stated he has owned some of the property for 16 years but purchased some of it in April. He has planted eight trees on his property to help with screening. They are 6' tall. As for definition of a nursery, they take the plants to projects, the piles of rocks etc. are job specific. There are trees, shrubs, plants, perennials and the trees will root down and they dig them up and plant them elsewhere. Materials such as waterfalls get shipped directly to the customers' houses. Plants, stone and mulch are on his location. There are probably 20 pallets of stone at the location now, most goes to the job site.

Judy explained that when it comes to trying to fit this business into what is allowed, there is not one that says landscape business so that's where the nursery category came out. There are quite a few things allowed by conditional use in an ag district that are similar. She also stated Planning Commission can add conditions for additional screening or different things like that.

There was discussion among the Planning Commission about where the project would fit in the land use table.

Attorney Volkmer stated landscaping contractor is not a permitted use. It's not in the A-1 District. Forestry, etc. is exempt. Landscaping is not defined and has slipped through the cracks. This is being put into uses not defined for this purpose, a definition should be added and stated where it is allowed. He understands this is a use that has been existing for a long time; however, if it was an ag business he could run 100 semis down that road every day and nothing can be done about it. It may be best to table the application until it's fixed.

Edwards moved and Merritt seconded the motion to table the application until the definition can be clarified.

Judy stated she would come back with a definition and in what zoning districts she feels it should be allowed. Planning Commission would make a recommendation to Commissioners and they would have to approve it.

Attorney Volkmer stated it might not come back to Planning Commission if it is an allowed use. He explained what the process would be going forward if the application is tabled.

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

Judy stated the process will be done as quickly as possible.

5. Discussion of possible regulations for private powerplant or private generation facilities. No formal action will be taken.

   Judy explained that staff has been researching regulations for power plant operation. With the latest legislative move on allowing them in conjunction with something like a data center it needs to be decided if the county can regulate power plants and how they can regulate them. She asked for guidance on how to proceed. She has reached out to counties across the state and received very little response.

   After much discussion, it was decided Judy will present some information at the next meeting and they will decide if they want a committee or how to proceed from there.

6. Discussion of recently adopted data center regulations. No formal action will be taken.

   Judy stated the regulations are in place but certain items will continue to be discussed such as the decommissioning bond. Since these are built in phases, it is likely better to ask for the bond in phases to better protect the county. Temporary generation also needs to be explored.

   Edwards stated that Judy Pederson has concerns or questions about vibrations at property line and maybe other protections can be utilized.

   Judy stated she will bring something to the next meeting.

7. Public Comment Period.

   Nancy Nelson, 1316 S. Beveridge Rd., Sutherland, Nebraska, was present and stated Cass County said you can't build a hyperscale data center. She would like this board to look at that. She has been going through the Comprehensive Plan and page 100, under solar, it talks about American Farmland Trust developing general principles for siting solar development on farmland. They safeguard ability for land to be used for agriculture. Because of the Comprehensive Plan statement, she doesn't feel data centers or solar should be allowed because of agricultural protection.

8. Old Business.

   Merritt asked about the governor's community development funds, are they trying to take our money.

   Attorney Volkmer stated so far nothing has happened with the Community Benefit Agreement.

9. New Business.

   Judy invited the Planning Commission to take advantage of the NPZA workshop.

   There was some discussion about data centers and property taxes.

10. Adjourn. Chair Roggow adjourned the meeting at 6:54 p.m.

Submitted by,

Michelle Bain
Recording Secretary