

KEITH COUNTY PLANNING COMMISSION
MEETING MINUTES
KEITH COUNTY COURTHOUSE MEETING ROOM
September 7, 2017 – 7:30 p.m.

Present: Laflan, Adams, Koontz, Palmer, L. Holscher, Franklin, T. Holscher, and Spurgin

Absent: Tom Elliott (excused)

Administrator: Rod Hopken

Floodplain Manager/Surveyor: Ryan Dickinson

Excused: Elliott

Guests: Keith Marvin, Leah Dennon, Lynn McGaha, Ken Lierley, Jan Nielsen, Fred Lierley, Justin Fote, Charlie McCroden.

The meeting was called to order by Chairman Koontz

APPROVAL OF THE AGENDA:

The agenda was accepted with modification.

MINUTES: The August 3, 2017 minutes were approved.

PUBLIC HEARING:

Conditional Use Permit for Lierley Farms to operate a power generating facility (solar farm) on properties described as follows: a 153.69-acre tract of land located in the NW ¼ of Section 20, Township13 North, Range 35 West of the 6th P.M., and a 159.23-acre tract of land located in the NW ¼ of Section 20, Township13 North, Range 35 West of the 6th P.M., all in the NW ¼ of Section 29, Township13 North, Range 35 West of the 6th P.M. except a 6.01-acre tract of land all in Keith County, Nebraska.

Hopken presented Statement of Fact concern the Lierley Farms CUP and provided information on applicant inquiries. Utility easements and vacating a minimum maintenance road.

- Ken Lierley (Lierley Farms) spoke in support of requesting whether the county would allow a solar farm. Minimum of 150 acres continuously fenced by chain link fence (currently there are 50 acres on the south side of the road and 148 acres on the north side of the road). They will not cross a county road – therefore the road will need to be vacated. Question is the economic impact to the county in regard to county tax base. Unknown on the megahurt volume. One-two year period of time to complete the project. They are still in the discovery phase.
- Fred Lierley in support of the project provided the project value of \$80-\$100 million dollar project, and the economic impact to the county
- Steve Nelson position neutral requested more information
- Justin Fote remarks cautioning opening the door to other projects
- Ken Lierley is asking if the county will allow a solar farm. Lierley Farms will move forward with putting more information together for submission. Lierley advised road closer is a deal breaker.

- Charlie McKroden would like a presentation from Innovative Solar Systems specific to the project

KCPC Discussion: Regarding whether the county will allow a solar farm. Solar would be allowed in Keith County if it meets the zoning regulations, however the project itself would have to be approved. In closing the road, question was posed if it would land lock anyone; it is a minimum maintenance road. What time frame will Lierley Farms need to provide more information in order to move forward. Commission needs more information in order to make a determination. Along with a CUP application the Commission will need additional plans and specs to make a determination. The project would be subject to the same guidelines as wind energy (site plan/ narrative description/ decommissioning plan etc.).

It was moved by L. Holscher and seconded by Spurgin to table the matter until next month. Roll Call Vote. All Yes. Motion Carried.

Dennon Replat located in Lot 2 of McGaha Subdivision, located in the West ½ of Section 21, Township 15, Range 40 West of the 6th P.M., Keith County, Nebraska.

Hopken presented Statement of Fact concerning the Dennon replat. Gary A. Dennon and Leah R. Dennon are the property owners. They are requesting a replat from one large lot into three lots. There is access to the other lots from McGaha Lane from a circle drive, so they are not blocking any access.

Dickinson provided information that all the lots are under stacked as far as the replat, and there is plenty of square footage. All equal size lots, not anything you haven't done before; all 147 on each one.

- Leah Dennon spoke requesting a replat in order for other family members to build there and be together.
- Hopken asked Mrs. Dennon if there are any existing improvements. She responded they just put in a well which is placed at the corner between lot 1 and lot 2 (mostly on lot 1). That is the only improvement so far. The next step is to run electrical power to the lots.
- Dickinson advised there are utility easements all the way through.
- Ms. McGaha spoke opposing the replat. She reviewed the subdivision regulations, and wishes verification that the community well meets specifications. Prior to the sale of eight months ago, she was told by Mr. Dennon there would only be only one home on the total acreage. She would have not sold the property if three houses were to be placed on the lots along the ridge. The structures will impact her view, recognize what was told to her verbally, does not have legal bearing, and impacts her motivation and she disapproves of the replat.
- Ms. Dennon advises that they have checked and the well is to spec.
- Ms. McGaha stated square footage is her contention.
- KCPC Discussion: General questions from the Planning Commission on square footage with Dickinson and if this is a covenant question. Discussion that the minimum is 60,000. The well does not affect what the Planning Commission has to vote on.

No other public comment offered for or against the replat.

It was moved by Laflan and seconded by Palmer to recommend approval of the Dennon Replat request to the Keith County Board of Commissioners. Roll Call Vote. All Yes. Motion Carried.

K-C Replat of Lots 3 and 4, Bayside Country Estates #3 by Chris A. and Kathryn S. Thompson to replat a tract of land located in the Southwest ¼ of Section 23, Township15 North, Range 40 West of the 6th P.M., Keith County, Nebraska.

Hopken presented Statement of Fact. The replat will do away with a utility easement in the middle of the lot which will make the lot 1.84 acres, and has a utility easement all the way around it; 10' from the back and the front and 5' on the side. Located next to the golf course.

Dickinson advised there are no utilities to the site.

No public comment was offered for or against the replat.

Motion by Laflan seconded by L. Holscher to recommend approval of the K-C Replat request to the Keith County Board of Commissioners. Roll Call Vote. All Yes. Motion Carried.

ITEMS FOR DISCUSSION:

Keith Marvin was present regarding the update of the Comprehensive Plan. Marvin asked the Commission if they had reviewed the paperwork that he had previously presented to them. Specific to the map, this is the best he could come up with what he had scribbled down from a previous meeting. One of the things he has done for simplicity is that he kept them close to core borders as he could, some actually go into the lake, just to simplify it. So he can adjust that once he gets it into the GIS system and not him doing it in Word as there is more ability in GIS than he has. This is what you came up with and scribbling and looking at the map. The floodplain is not on that map that will be inserted later. VDA = Village Development Area.

The concept (VDA) is basically like a village but it is not incorporated. So the land use side when transferred into zoning, that VDA will have a number of uses allowed in that District. It is up to you guys how you want to do it. In VDA you can have commercial and stuff like that. Areas on the south have a little commercial and not a ton. He is open to ideas, kind of following your old one, and looking overall at what the major use it. He looked at existing land use map, and discussion with planning commission on what needed to be kept the same and what changes needed to be made. The Planning Commission discussed among themselves specific to the map and Questions were posed. Clarification on the south side regarding LSN Node; Marvin will add another LSN further east. Only difference between AG and TA is there no large confinements allowed. (A new TA section will need to be added to the planning/zoning regs) So in a livestock friendly county you are not allowing livestock? Marvin stated right now the names they have for land use in the District are no different than what they are in the future land use map. You will have to decide how this works in your zoning regs. So river protection in the corridor, will be treated like an ag area, but will minimize anything that is hazardous. Trying to protect the river. You have something similar to that in your land use policy, this updated area is smaller than what you have now. The land use plan is the policy statement, and then implement the policy. If you are looking

at ag district that you don't have one more than one dwelling unit in one section of ground. If you go to TA you can jump to four units per quarter. It will push more people who want to live on an acreage to look at those specific corridors. What Marvin needs is for the Planning Commission to look at the map and make any changes, and if it looks good they are ready go for hearing.

Commissioners want the map blown up in size. Marvin advised that they would receive a wall size map when complete. Commissioners want Rural residential and TA where the lines are where they are supposed to be. What is the wildlife management (it is in TA). Wildlife management can be 'allowed'.

Is this map the concept that the Planning Commission wants. He doesn't want to spend the time and money to put the map together and then the Planning Commission changes their minds. Minor changes can be made to the big map. Questions on the ETJ for Paxton, Brule, and Ogallala.

Marvin needs feedback on land use chapter; do you want the feedback filtered to one person? Make sure the sections fit what you want. Some of the information came out of the current plan and he has tweaked it. Dickinson advised there are some areas with asphalt roads in southern Keith County, should those be more TA? Marvin will work on the notes received. Input on different sections in the county. Commission asked about pivot corners. He advised it will hit in your zoning regs. Will still zone the corners TA and you can have one house per quarter section. Discussion on change to minimum 3 acres. Underlying concept what are the primary and good uses of the land?

PUBLIC COMMENT: None

ADJOURN:

It was moved by Franklin and Seconded by Spurgin to adjourn the meeting. Roll Call Vote. All Yes. Motion Carried.