

KEITH COUNTY PLANNING COMMISSION  
MEETING MINUTES  
KEITH COUNTY COURTHOUSE MEETING ROOM  
January 4, 2018 – 7:30 p.m.

Present: Adams, Koontz, Palmer, L. Holscher, & Elliott  
Absent Excused: Laflan, Franklin, T. Holscher, & Spurgin  
Administrator: Poltack  
County Surveyor: Dickinson  
County Liaison: Krajewski  
Guests: Mark Daniels, Scott Lesuer, Cynthia Mitchell, Don Leseuer, Donna Shafer, David Shafer, Tim O Connor, Bonnie Nemecek, & Mike Babkiewich.

The meeting was called to order at 7:30 p.m. by Chairman Koontz. The Open Meetings Act poster is posted on the north wall of the meeting room.

**APPROVAL OF THE AGENDA:**

It was moved by Adams and seconded by Elliott to approve the agenda as presented. Roll Call Vote. All Yes. Motion Carried.

**MINUTES:** It was moved by Elliott and seconded by L. Holscher to approve the December 7, 2017 minutes as corrected. Roll Call Vote. All Yes. Motion Carried.

**PUBLIC HEARING:**

**Final Plat – C. Mitchell Replat of Lots 9 & 10, Block 4, of Bennett’s Replat of Lakeshore Subdivision located in Section 6, Township15 N, Range 40 W of the 6<sup>th</sup> P.M., Keith County, Nebraska.**

Statement of Fact was provided by Zoning Administration.

KCPC Discussion regarding the minimum lot size regulations as written. It was discussed that as per Article 19 Section 4A *“where an individual lot was held in separate ownership from adjoining properties, or was platted prior to the effective date of this resolution in a recorded subdivision and has less area width than required in other section of this resolution, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located”*. If the replat occurred prior to the adoption of the current zoning regulations of March 17, 2004, the lot size regulations with accompanying community water and waste water stipulations would not apply. However, if the property is under current replat review, the 2004 regulations would apply.

Public comment offered by Tim O’Connor with questions on the replat of lots vs. single lots and allowing to build on the lots in the future due to current size restrictions, he also inquired when the replat was done on Bennetts Lakeshore; Scott Lesuer asked when the original replat was done for Bennetts Lakeshore, he wants to do the replat to build and home and an accessory building on the joined lots; Toney Krajewski advised we should discuss to amend the regulations, and move towards a change that will solve the current problems. He believes that that current regulations were based upon county providing oversight in 2004 of water and wastewater regs, currently HHS and DEQ provide oversight of those regulations and the county does not; Bonnie Nemecek provided concern that the current regulations are stagnating growth. It makes sense to simply rewrite the regulations; Don Lasuer was asking if the Bennett replat was done in 2011, if that in fact was done in 2011 how could that have been

approved? They have put in a well, ordered the house, brought power in and spent a lot of money and now not to be able to build.

Administrator suggested that the C. Mitchell replat be withdrawn in order to the pc to come to terms on requirement to present to Board of County Commissioners for approval. Rather than deny, perhaps it be best to withdraw until regulations are modified, and the replat could be then resubmitted.

Cynthia Mitchell verbally withdrew her replat. until such time that the zoning regulations can be reviewed and amended as necessary.

**Final Plat - Von Kaenel REVISED Replat of Lots 1, 2 & 3 of Laws Replat, Tracts G-1 & G-2 Lineback Subdivision and the West 60 feet of a Tract of land located in the NE ¼ of Section 17, Township 15 N, Range 39 W, of the 6<sup>th</sup> P.M., Keith County, Nebraska.**

Statement of Fact was provided by Zoning Administration.

KCPC Discussion: Board discussed lot size is not consistent with the regulations. Previous replat was six lots to 3 and with this revision it is six lots down to 2.

Public Comment offered by Tim O'Connor advising that he works with folks before selling lots at Bennetts Lakeshore; comment offered by Bonnie Nemecek advising that she is working on a development and had spoken previously with a Commissioner and now has concerns on her up and coming project. They are just starting to work on plotting that and would like this concern addressed; Comment by Dickinson that he thought that the owner wanted to do a community well, discussion by Planning Commission on size of the lots and the definition regarding 3 or more lots or a community well OR community waste.

Administrator suggested the Planning Commission table this action, requesting Administrator to contact Mr. Kaenel and ask if he wished to withdraw this replat until such time as the regulations can be revised.

It was moved by Adams and seconded by Elliott to table the replat, authorizing the Administrator to contact Mr. Kaneal, to inquire if we wished to withdraw this replat until such time as the regulations can be revised. Roll Call Vote. All Yes. Motion Carried.

**Final Plat – Shafers Replat #2 of a tract of land located in the NW ¼ or Section 5, Township 13N, Range 37W, of the 6<sup>th</sup> P.M., Keith County, Nebraska.**

Statement of Fact was provided by Zoning Administration.

KCPC Discussion: Question by the Commission if the living quarters were verified in the accessory building, Administrator advised the property owner self-certified. Question to the property owner regarding placement of the wood building on lot 2 not meeting the setbacks, inquiry on the living quarters in the building on lot 1, questions regarding the shared well and septic.

Public Comment was offered by David Shafer regarding the property. Property owner has plans to sell the house and put another well on the house property in order that that water not be shared. There previously was a potable well on the east side of the property, however when asked, it may have been

plugged when the new well was installed. The septic is located on the west side of the property. As noted above when asked regarding the wood building on lot 2, Shafer advised he would tear down the wood building, and Donna Shafer verbally offered there is a living quarters in the building in lot 1.

David Shafer verbally withdrew his replat until such time as the zoning regulations can be reviewed and amended as necessary.

**ITEMS FOR ACTION:**

None

**ITEMS FOR DISCUSSION:**

**Nathalie Daniels- Placement of a single wide mobile home as a full time residence in Zone RR.**

Administrator presented aerial and GIS maps of the parcel in question to the Planning Commission.

Nathalie Daniels presented her inquiry to the Planning Commission regarding her placement of a 2018 single wide mobile home on her property consisting of 18.25 acres in RR. Further discussion as to why this is not zoned Ag and why it was changed to RR. There is currently a pivot on the property.

Surveyor Dickinson presented further information and held discussion with the Commission regarding possible solutions, and discussions on access and terrain for another road access. Administrator will do further research on the zoning difference prior to the next meeting.

No action was taken by the Planning Commission.

**Lot size regulations:**

No action was taken by the Planning Commission.

**Establish a zoning complaint process:**

Discussion was held on a complaint process for zoning violations. At the current time there is no written process with a paper trail; the Administrator will initiate a written process which provides that the complainant sign and submit their zoning violation inquiry to the zoning office. The building inspector will inspect the zoning violation, confirm a violation, and the violation will be handled per Article 25 Section 3A and 3B of the zoning regulations.

No action was taken by the Planning Commission.

**Schedule a date for the Comprehensive Plan workshop:**

Discussion was held that although the Comprehensive Plan work needs completed as soon as possible, the review of the zoning regulations are a priority at this time.

No action was taken by the Planning Commission.

**Special Meeting Workshop Planning Session to Review Zoning Regulations**

Discussion was held regarding the necessity to review the zoning regulations therefore a special meeting will be held on Friday, January 26, 2018 at 1:00 p.m. at 302 Diamond Springs Trail (off-site office of the county surveyor), Ogallala, Nebraska and will be published accordingly.

**ADMINISTRATORS REPORT:**

Administrator advised that the zoning map is over 50% completed. Staff has been reviewing old maps, Resolutions, and the Subdivision Index prepared by a previous Administrator. Poltack advised the Organization meeting for the Planning Commission is upcoming and if all current members were planning on continuing their terms.

**PUBLIC COMMENT:** None

**ADJOURN:**

It was moved by Franklin and Seconded by Spurgin to adjourn the meeting at 9:04 p.m. Roll Call Vote. All Yes. Motion Carried.