KEITH COUNTY PLANNING COMMISSION
MEETING MINUTES
KEITH COUNTY COURTHOUSE MEETING ROOM
February 1, 2018 – 7:30 p.m.

Present: Adams, Koontz, Palmer, L. Holscher, & T. Holscher
Absent Excused: Laflan, Spurgin, Franklin, & Elliott
Administrator: Poltack / Rod Hopken
County Surveyor: Docekal
County Liaison: Krajewski
County Roads Department: Tim Ryan
Guests: Greg Steward, Megan Steward, Pat Struckman, Jean Struckman, Albert VanBorkum, Miranda Kiewatt, Luacas Kiewatt, Kellie Newton, Mark Daniels, and Nathalie Daniels

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. Recognition of recording by the Administrator.

APPROVAL OF THE AGENDA:
Poltack advised that the Cowan's had contacted the Administration office and pulled their discussion item from the agenda. It was moved by L. Holscher and seconded by Adams to approve the agenda as corrected. Roll Call Vote. All Yes. Motion Carried.

MINUTES: It was moved by Adams and seconded by T. Holscher to approve the January 4, 2018 minutes as presented. Roll Call Vote. All Yes. Motion Carried.

PUBLIC HEARING:
Patrick & Jean Struckman Zoning Change Request from A to RR2- A tract of land located in the NE ¼ of the NE ¼ of Section 28, Township 13N, Range 40W, of the 6th P.M., Keith County, Nebraska.

Statement of Fact was provided by Zoning Administration, attached to these minutes and incorporated herein.

Pat Struckman spoke on behalf of the zoning change request. Wondering why he didn't put the bin site someplace else in a corner that is vacant. Worked out well with NPPD to get power to this site. The site has good drainage, other three corners poor drainage; that is not where you put a bin site. This happen to work out perfect, on an oil road. In time he wants to put in 2 more bins, wants to keep this bin site for himself in the next approximately 10-15 years. To use it in conjunction with tenant and himself. The rest of the corner, the lot with 6.92 acres is an excellent place for a family, will probably sell it down the road, has a windbreak, nice home, nice shop, nice storage shoed, nice set of corrals, nice watering system piped all over the corner. Totally separate from the bin site; electricity and everything. Contacted Dickinson for his suggestion on the best way to go.

Commission discussion/questions: Discussion regarding the fact it looks like spot zoning. Zoning administrator was asked regarding spot zoning, and a map (copy attached) was provided regarding all the areas within the area that have small acreages. The question was raised why the change of zoning would not be RR to rather than RR2; the response was that lot #1 as planned at 1.40 acres would be eligible as minimum lot size per the guidelines in RR2 which are in force to date. Originally discussed RR but due to size regulations moved to RR2. Further discussion regarding a Minor Subdivision; it can have

no more than four (4) lots, balance of the Minor Subdivision regulations read aloud. Question from commissioners what are the areas zoned that are indicated on the map; the information was not available. Discussion using the Minor Subdivision Rule to get around the regulations. The area in it's entirety as it is now is considered sub-standard as it is less than 10 acres. The concern was voiced that why the need to do a text amendment to the current regulations to change minimum square footages if the Minor Subdivision Rule will be allowed. Discussion regarding lowering the minimum 10 acre Ag regulation. It appears that spot zoning was allowed in the past.

Monte Docekal spoke on behalf of Dickinson Land Surveyors: The Struckman's are their client. The route that they started with, obviously is zoned Ag. What we needed to do is change the zoning on it, to get it approved. So they took a couple of different routes, initially they thought zoning to zone it RR but that would not have worked because of the square footage, so they went to RR2. If you look at your regulations under RR2 it is permitted under use by right, the same as RR. They thought the spot zoning was going to be an issue so that is why they also did the Minor Subdivision route. Docekal briefly summarized again the regulations for a Minor Subdivision. If the Commission did not want to do the zoning to RR2, then the Commission should consider the Minor Subdivision as it meets the regulations. Perhaps some of the regulations needs changed. Dickinson's are open to suggestions. A member of the planning commission stated there may be a change of minimum acreage of three to five acres, but that would be down the line and answer the spot zoning question. Questions regarding change of zoning prior to the replat request which is to follow the change of zone request.

Liaison Krajewski was asked regarding Commissioners position on the minimum Ag acreages. The Board of County Commissioners really want something brought, they want it lowered below ten as ten is not a usable amount of acres. They want these lowered, they would like to see density addressed, so you wouldn't have a bunch of small little clusters of houses or little communities out there which would require additional services from the county. They don't want that, they do want the ability of the individual farm owner to parcel off a piece of ground for a child or to sell it. A lot of them have looked at utilizing these pivot corners and they want to try and make it easier to use some of these pivot corners.

Chairman Koontz asked of the Commission what they want to do regarding this matter. Further inquiry to Struckman if he is planning on doing anything with this right now? Struckman response was that he is looking down the road. Struckman was asked if he would delay his plan due to the changes that will be coming within the regulations, he was asked if he would allow the Commission some time so they could make regulation changes. Further discussion of reducing the minimum size Ag acreage, and that the 1.40 acres for the proposed lot 1 would still not meet the minimum Ag acre size. Discussion by Struckman how he could make lot size changes, and he would rather not cut out the windbreak to do that. He wants to make it nice for the next owner, square it off nice, and there is plenty of room for the bin site. A board member advised that at best, three acres would be the minimum if adopted by the Board of County Commissioners. Further discussion was held regarding keeping the bin site with the quarter; Struckman advised he owns the quarter but he doesn't know for how long. He does not want to chop into the quarter to increase the size of lot 1; you do not want to jeopardize the price of a quarter.

Koontz asked Struckman if he would be willing to pull his request for now until we can get some of these things settled. We have several issues on the back burner that we are trying to work through. Things that have been handed to us that we have to do something about. Struckman asked how long of time frame are we looking at? Koontz replied hopefully in the next quarter-- three or four months probably. Struckman advised he can live with that; and he asked if he was going to be made to have a three acre

parcel? Discussion keeping the bin site with the pivot and when you sell the pivot you are going to have to do something to pull off the bin site. Discussion of a possible Conditional Use Permit.

Liaison Krajewski stated that that might be something that can be worked with, but we would like to get our stuff straightened out planned and there are going to be discussions to get us a lot closer in dealing with lot sizes.

Struckman's agreed to pull their request for the change of zoning.

PUBLIC HEARING:
Patrick & Jean Struckman Final Plat of Struckman Minor Subdivision- A tract of land located in the NE ¼ of the NE ¼ of Section 28, Township 13N, Range 40W, of the 6th P.M., Keith County, Nebraska.

Based upon the previous information, the Struckman's agreed to pull their replat request.

PUBLIC HEARING:
Mark & Nathalie Daniels Zoning Change Request from RR to RR2 – A tract of land in the remaining of Parcels "F" and "G", located in part of the NE ¼ of Section 26, Township 15N, Range 40W, of the 6th P.M., Keith County, Nebraska

Statement of Fact provided by Zoning Administration and attached hereto and incorporated herein. Administrator recommended allowing the change from RR to RR2 designation due to the other areas southwest of the property are zoned RR2 and they are simply adding a single wide mobile home to the 18.25 acres and they are not able to do that with the zoning district RR.

Opposition Testimony Received: Albert Van Borkum, landowner adjacent, presented public testimony. He advised that right now everything adjacent to the property is a stick built structure. There are no modular homes out there. I know they want to bring it in for a temporary time and build a house afterwards, but nobody knows what the future holds. I know they want to build a house in two years on the property; two years from now, something tragically happens, then they have to sell it, and there sits a single wide modular home from 1960 sitting on a lot, somebody buys the lot and they have no ambition to do anything else with that – and there it sits and it doesn't go any further.

Response to Opposition: Mark Daniels, property owner, presented information to the Planning Commission. They are planning on buying a 2018 single wide. It will be a brand new trailer sitting on the lot, and we plan on building a new house eventually. He stated they cannot not afford to do it right now. He added, if they have to do a double wide, then there is no chance of building their dream house.

Discussion by the Planning Commission members: Concerns were raised by Palmer regarding this being spot zoning and the front row (lakeside) are nice stick built homes. Adams advised that the issue with it is the surrounding stick built houses and what we want there on the lake front. Adams verified the change of zone was for the entire tract and not just a portion. Koontz, L. Holscher and T. Holscher did not think it was a problem.

Nathalie Daniels presented testimony: She re-iterated they want to build their home on the south side of the property and they are not going to be on the lake view side of the property. That is where they want to build and that is where they want to put the single wide. Five-six years down the line they want

to build eventually –but we are way up off the lake. I don't know if that is the issue. Nathalie advised that is their plan, it is their dream to retire here, build, and see the lake.

It was moved by L. Holscher and seconded by T. Holscher to recommend approval for the change of zoning request for Mark and Nathalie Daniels from RR to RR2. Roll call vote: Adams No, Koontz Yes, Palmer No, L. Holscher Yes, and T. Holscher Yes. Motion Carried.

ITEMS FOR ACTION:
None

ITEMS FOR DISCUSSION:
Keith County Roads Department – 1 & 6 Year Plan:
Tim Ryan, Keith County Roads Superintendent, provide the 1 and 6 year road plan, and explanation thereof. He provided information regarding the limited availability of funding for roads projects.

Joe & Kellie Newton – Change of Property Zone:
Administrator provided a colored map (see attached) of three properties that initially the property owners had plans for improvements. For presentation purposes the three parcels in questioned were numbered Lot 1, Lot 2, and Lot 3. At the time of the presentation Lot #2 (Parcel 261200100) was set aside and no discussion was held, property owners changed their mind on doing anything with that parcel. Discussion was held on Lot 1 (Parcel 262400100) and Lot 3 (Parcel 261210100).

Miranda Kiewatt, Operations Manager for Eagle Canyon Hideaway spoke on behalf of the property owners. They are wishing to install three to four RV hookups on parcel 261210100. They also would like to add a cabin to parcel 262400100.

Administration advised for Parcel 261210100 they would have to change zoning from RR to TS, the campground is allowed under Conditional Use permitted by special review.

On Parcel 262400100 there is already a CUP 2008-50 on the property. If they want to put a cabin on there, the Administrator would have to review the CUP to see what needs to be done to get that approved. Commission suggested they submit their paperwork for review.

No action was taken by the Planning Commission.

Greg & Megan Steward- replat:
A brief explanation was made regarding the replat of two existing lots into one parcel with 15,750 sq ft.

Discussion by the Planning Commission: A PC member advised that the property lies within Albees, and the north lot has an existing single wide trailer on it. It has been there for years and years and has its own well and septic. The lot to the south is on the corner, is a lot smaller, and is a typical example of why the property owner wants to replat the two together to build an accessory building. As of right now with the current regulations, it would require them to have both a community water system and community wastewater system and they couldn't do that. It was suggested that that with the recommended text changes being proposed by the Planning Commission there would be no problem with that at a later date.

No action was taken by the Planning Commission.

Lot size regulations:
Administrator had mailed out information regarding what was discussed from the workshop. The Administrator questioned the planning commission members regarding the change in the minimum lot size requirements vs. the language in General Provisions in RR and RR2. Further discussion was held to expressly add language "when requesting to replat a combination of existing lots (in their entirety)". Additional discussion was held regarding doing a replat to break up a larger property into a smaller substandard lots would then need to follow the proposed minimum lots sizes. The Administrator will make language revisions and submit the draft copies to the Planning Commission for review.

No action was taken by the Planning Commission.

Schedule a date for the Comprehensive Plan workshop:
Discussion was held, the Comprehensive Planning workshop will be held on February 22, 2018 at 1:00 p.m. at the Court House Meeting Room. The Notice will be published accordingly.

No action was taken by the Planning Commission.

ADMINISTRATORS REPORT:
Included in discussion above.

PUBLIC COMMENT: None

ADJOURN:
It was moved by L. Holscher and Seconded by Adams to adjourn the meeting at 9:08 p.m. Roll Call Vote. All Yes. Motion Carried.