



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**January 7, 2019**

Pursuant to adjournment, the Planning Commission met with E. Nelson, Starns, McEvoy, Trutna, Proskovec, and Rezac. Member N. Nelson was absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Tabled item from October 1<sup>st</sup> meeting: Application #8731, by Bruce Rogers, change of zone, Transitional Agricultural to Residential Estates, 4-12-9, Ashland Township.

The zone change was requested to allow the possibility for the applicant to split 35.6 acres into six lots. The current zone, Transitional Agricultural, would only allow 1 split.

Motion to **Approve**, by McEvoy, seconded by Starns. Voting Yes: Rezac, Trutna, Starns, McEvoy, Proskovec, Nelson. Voting No: None. Motion carried.

A public hearing was held for Tabled item from December 3<sup>rd</sup> meeting: Application #8781, by Chad Palensky, split in agricultural district for single family dwelling, 13-14-6, Chapman Township.

The applicant was absent again. The Planning Commission stated that this would be the last time the application would be tabled.

Motion to **Table**, by Trutna, seconded by Starns. Voting Yes: Proskovec, Trutna, Rezac, Nelson, Starns. Voting No: McEvoy. Motion carried.

A public hearing was held for Application #8798, by Jordan Larsen, to split two 3 acre parcels in agricultural district, 17-14-8, Wahoo Township.

Motion to **Approve**, by Starns, seconded by Nelson. Voting Yes: Rezac, McEvoy, Starns Trutna, Nelson, Proskovec. Voting No: None. Motion carried.

A public hearing was held for an item requested by the Planning Commission: Amend Zoning Regulations:

- A. Amend 6.01.02 Agricultural District: Permitted Principal Uses and Structures #9a to read “the location contains a minimum of 3 acres on the site.”
- B. Add to 6.01.02 #9: i. The ratio of the lot depth width shall not exceed 4 to 1.
- C. Remove from 6.01.03 Conditional Uses: #1 a-m.
- D. Section 6.01.05 Minimum Lot and Yard and Maximum Height Requirements (chart): remove line 1.



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Motion to **Approve**, by Starns, seconded by Nelson. Voting Yes: Trutna, Nelson, Proskovec, Rezac, McEvoy, Starns. Voting No: None. Motion carried.

Motion by McEvoy, seconded by Starns, to **approve**, the following annual reviews:

- MP#1718 Dolezal Sand & Gravel – Gravel Pumping Operation
- MP#2704 Larry Dolezal – Gravel Dredging
- MP#6990 Larry Dolezal – Sand & Gravel Operation at Wolf Lakes

Voting yes: Rezac, Starns, McEvoy, Proskovec, Nelson. Trutna. Voting no: None. Motion carried.

Motion by Starns, seconded by McEvoy, to **approve**, the minutes of the December 3<sup>rd</sup> meeting.

Voting yes: Rezac, Proskovec, Starns, Nelson, McEvoy, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (2/4/19, 3/4/19, 4/1/19)

In open discussion, the Planning Commission members discussed the transfer process of Conditional permits. Zoning Administrator George Borreson stated that conditional permits are non-transferrable. There was also discussion regarding a proposed parcel split in the TA district, of a potential wedding reception facility. This split would violate zoning regulations for density if this were a single family dwelling, as the parcel is 15.77 acres, and there is already a single family dwelling on the parcel.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Starns, to declare meeting adjourned. Meeting adjourned at 8:15 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**February 4, 2019**

Pursuant to adjournment, the Planning Commission met with E. Nelson, Starns, Trutna, Proskovec, and Rezac. Members McEvoy and N. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Tabled item from December 3<sup>rd</sup> meeting: Application #8781, by Chad Palensky, split in agricultural district for single family dwelling, 13-14-6, Chapman Township.

Motion to **Approve**, by Starns, seconded by Trutna. Voting Yes: Rezac, Trutna, Starns, Proskovec, Nelson. Voting No: None. Motion carried.

A public hearing was held for Application #8808, by Dan Sanderson, on behalf of Mark Kanouff, agricultural zone split for single family dwelling, 11-13-7, Richland Township.

Motion to **Approve**, by Starns, seconded by Nelson. Voting Yes: Proskovec, Trutna, Rezac, Nelson, Starns. Voting No: None. Motion carried.

A public hearing was held for an application by the Zoning Administrator, to update Zoning Regulations.

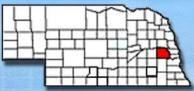
Add to 6.01.05 and 6.02.05, below the table:

5. A transfer of a right to build a single family dwelling is permitted, from one adjacent land owner to another if the following criteria is met:

- Both the transferor and transferee's property must be in the same quarter section, or abutting properties in the same section.
- Both properties must be in Saunders County Zoning jurisdiction.
- The transferor must have at least 20 acres where the maximum density for single family dwellings has not been met.
- A document must be signed by both parties, acknowledging that the transferor is giving his right to build a single family dwelling to the transferee.

The Planning Commission recommended approval on the condition that some of the verbiage be removed, so that the first bullet point reads "*Both the transferor and transferee's property must be in the same section.*"

Motion to **Approve, on condition**, by Starns, seconded by Rezac. Voting Yes: Rezac, Starns Trutna, Nelson, Proskovec. Voting No: None. Motion carried.



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Motion by Starns, seconded by Nelson, to **approve**, the following annual reviews:

- **MP#512 – NEBCO Inc. – Gravel pumping operation**
- **MP#7548 – Western Sand & Gravel – Sand & gravel extraction operation**

Voting yes: Rezac, Starns, Proskovec, Nelson, Trutna. Voting no: None. Motion carried.

Motion by Nelson, seconded by Starns, to **approve**, the minutes of the January 7<sup>th</sup> meeting.

Voting yes: Rezac, Proskovec, Starns, Nelson, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (3/4/19, 4/1/19, 5/6/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by Nelson, seconded by Trutna, to declare meeting adjourned. Meeting adjourned at 8:02 PM.

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Zoning Administrator

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Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

March 4, 2019

Pursuant to adjournment, the Planning Commission met with McEvoy, Starns, Trutna, Proskovec, and Rezac. Members E. Nelson and N. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application #8821, by Neil Timmerman, to sell, store, and distribute fertilizer, seed, agricultural chemicals, and feed, 5-13-9, Clear Creek Township.

This operation is in the same location as Reid's Farmacy, permit #8117 (to sell, store, and distribute fertilizer, seed, agricultural chemicals, and feed), filed in April of 2016. Due to the same location and operation type, it was approved with the identical conditions that the original permit required:

- Annual review
- Certificate of liability insurance (and workers comp if any employees)
- Copy of permit from Department of Environmental Quality
- Copy of license from the Nebraska Department of Agriculture
- Keep traffic from the west to a minimum

Motion to **Approve, on condition**, by Starns, seconded by McEvoy. Voting Yes: Rezac, Trutna, Starns, Proskovec, McEvoy. Voting No: None. Motion carried.

A public hearing was held for an application by the Zoning Administrator, to update Zoning Regulations:

*Remove 6.02.03, #15, a-j, 6.03.03, #8a, 1-10, 6.08.03, #14, a-j, 6.09.03, #28, a-j, 6.10.03, #38, a-j.*

*Add the following verbiage to Sections 6.01.03 26&27, 6.02.03 15&16, 6.03.03 8a, 6.08.03 14&15, 6.09.03 28&29, 6.10.03 38&39:*

1. Storage units, subject to the following conditions:
  - a. There shall be a minimum lot area of three (3) acres.
  - b. All storage shall be within enclosed building.
  - c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
  - d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and one travel lane 15 feet in width. All two-way driveways that provide direct access to cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent extension of vehicles beyond property lines.
  - e. All lights shall be shielded to direct light away from adjacent properties.



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- f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing assembly or processing of any product shall be permitted.
- g. The owner or operator shall properly police the area for removal of trash and debris.
- h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the conditional use permit application.
- i. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

2. Open Storage, subject to the following conditions:
  - a. Any open storage shall be limited to licensed watercrafts, motor homes, camper trailers, and vehicles.
  - b. The Planning Commission and Board of Supervisors may attach such other conditions as deemed necessary to provide for compatible development.

*Add the following to Section 1.03 Definitions:*

**OPEN STORAGE** shall mean the use of premises for keeping or storing licensed watercrafts, motor homes, camper trailers, and vehicles other than in a wholly enclosed building.

Motion to **Approve**, by Starns, seconded by McEvoy. Voting Yes: Proskovec, Trutna, Rezac, McEvoy, Starns. Voting No: None. Motion carried.

A public hearing was held for Application #8822, by Corey Pemberton, Replat 1 of Bundy's Subdivision, 15-16-8, Pohocco Township.

Motion to **Approve**, by McEvoy, seconded by Starns. Voting Yes: Rezac, Starns Trutna, McEvoy, Proskovec. Voting No: None. Motion carried.

Motion by McEvoy, seconded by Starns, to **approve, and remove from annual review**, the following annual reviews:

- **MP#7354 – Virgin Island – Campground**
- **MP#2647 – Trade Well Pallet Supply – Sawmill**

Voting yes: Rezac, Starns, Proskovec, McEvoy. Trutna. Voting no: None. Motion carried.

Motion by Starns, seconded by McEvoy, to **approve**, the minutes of the February 4<sup>th</sup> meeting. Voting yes: Rezac, Proskovec, Starns, McEvoy, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (4/1/19, 5/6/19, 6/3/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Rezac, to declare meeting adjourned. Meeting adjourned at 8:01 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

April 1, 2019

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, E. Nelson, and Rezac. Members Starns, McEvoy and N. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application #8829, by Dustin Foutch, wedding/event venue, 5-12-9, Ashland Township.

Dustin Foutch stated that he has planned to build two small buildings, one for the Bride and Bridesmaids, and one for the Grooms and Groomsmen, to prepare for their weddings. The receptions would be held outside and a tent would be used for shelter. Proposed maximum guest capacity would be 250. A fence will be constructed between his property and the landowner to the west.

In the future, he stated that a Morton building would be constructed to house the weddings.

Bruce Rogers, a member of the public, spoke with concern regarding the application. His family owns the property directly west, adjacent to Mr. Foutch's. He said that traffic is a concern on that road, as vehicles routinely speed and the proposed entrance to the venue is at the bottom of a hill and could be a safety issue. Mr. Rogers was also concerned about liability on his property, due to alcohol being served on the premises. He also stated that his land would be used for cattle grazing and did not want the guests to complain about livestock odor.

Motion to **Approve, on condition**, that the applicant carries a \$1M insurance policy, has 30% parking per capacity (75 parking stalls), approval of driveway access by the Saunders County Highway Department, the driveway be 20' wide, with gravel or a rock surface, and the application be placed on annual review, by Rezac, seconded by Nelson. Voting Yes: Rezac, Trutna, Proskovec, Nelson. Voting No: None. Motion carried.

Motion by Nelson, seconded by Rezac, to **approve**, the following annual reviews:

- **MP#5522 – Blue River Regulators**

Voting yes: Rezac, Proskovec, Nelson. Trutna. Voting no: None. Motion carried.

Motion by Trutna, seconded by Nelson, to **approve**, the minutes of the March 4<sup>th</sup> meeting. Voting yes: Rezac, Proskovec, Nelson, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (5/6/19, 6/3/19, 7/1/19)



# Saunders County Planning and Zoning Minutes



Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by Nelson, seconded by Trutna, to declare meeting adjourned. Meeting adjourned at 8:20 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date

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# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

April 1, 2019

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, E. Nelson, and Rezac. Members Starns, McEvoy and N. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application #8829, by Dustin Foutch, wedding/event venue, 5-12-9, Ashland Township.

Dustin Foutch stated that he has planned to build two small buildings, one for the Bride and Bridesmaids, and one for the Grooms and Groomsmen, to prepare for their weddings. The receptions would be held outside and a tent would be used for shelter. Proposed maximum guest capacity would be 250. A fence will be constructed between his property and the landowner to the west.

In the future, he stated that a Morton building would be constructed to house the weddings.

Bruce Rogers, a member of the public, spoke with concern regarding the application. His family owns the property directly west, adjacent to Mr. Foutch's. He said that traffic is a concern on that road, as vehicles routinely speed and the proposed entrance to the venue is at the bottom of a hill and could be a safety issue. Mr. Rogers was also concerned about liability on his property, due to alcohol being served on the premises. He also stated that his land would be used for cattle grazing and did not want the guests to complain about livestock odor.

Motion to **Approve, on condition**, that the applicant carries a \$1M insurance policy, has 30% parking per capacity (75 parking stalls), approval of driveway access by the Saunders County Highway Department, the driveway be 20' wide, with gravel or a rock surface, and the application be placed on annual review, by Rezac, seconded by Nelson. Voting Yes: Rezac, Trutna, Proskovec, Nelson. Voting No: None. Motion carried.

Motion by Nelson, seconded by Rezac, to **approve**, the following annual reviews:

- **MP#5522 – Blue River Regulators**

Voting yes: Rezac, Proskovec, Nelson. Trutna. Voting no: None. Motion carried.

Motion by Trutna, seconded by Nelson, to **approve**, the minutes of the March 4<sup>th</sup> meeting. Voting yes: Rezac, Proskovec, Nelson, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (5/6/19, 6/3/19, 7/1/19)



# Saunders County Planning and Zoning Minutes



Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by Nelson, seconded by Trutna, to declare meeting adjourned. Meeting adjourned at 8:20 PM.

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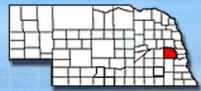
Zoning Administrator

Date

Planning Commission Chair

Date

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# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

May 6, 2019

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, N. Nelson, and Rezac. Members Starns, McEvoy and E. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application #8838, by Amber Cherny, Zone Change from Transitional Agricultural (TA-1) to Residential Estates (RE), 4-16-8, Pohocco Township.

Approximately 20 members of the public attended the meeting, in opposition to the application. Many voiced their opposition on the grounds of increased traffic, wear and tear on the county road, and urbanization of their rural community.

Due to the absence of the applicant and overwhelming opposition, the application was denied.

**Motion to Deny**, by Nelson, seconded by Trutna. Voting Yes: Rezac, Trutna, Proskovec, Nelson. Voting No: None. Motion carried.

Motion by Trutna, seconded by Rezac, to **approve**, the minutes of the April 1<sup>st</sup> meeting. Voting yes: Rezac, Proskovec, Nelson, and Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (6/3/19, 7/1/19, 8/5/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by Nelson, seconded by Rezac, to declare meeting adjourned. Meeting adjourned at 8:27 PM.

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Zoning Administrator

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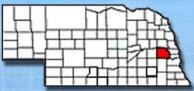
Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## BOARD OF ADJUSTMENT PROCEEDINGS May 6, 2019

Pursuant to adjournment, the Board of Adjustment met with Kavan, Johnson, Girmus, Ohnoutka, and Trutna.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Board and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Kavan called the meeting to order at 7:00 P.M.

A public hearing was held for Application #8834, by Eugene & Patricia Benal, construct addition to a non-conforming structure, 50% greater than original footprint, 25-15-7, Center Township.

The Benal's stated that the addition was to add a bedroom to the main floor of the residence, to avoid the stairs, which lead to their existing bedroom. A washroom would be added to the main floor as well. It is currently in the basement. The Benal's stated that they have already received approval from the state for the proposed addition.

A few neighbors spoke in support of the application.

Motion to **Approve**, by Trutna, seconded by Johnson. Voting Yes: Girmus, Kavan, Johnson, Ohnoutka, and Trutna. Voting No: None. Motion carried.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Board of Adjustment were included in the agenda, published, and posted prior to said meeting.

Motion by Girmus, seconded by Johnson, to declare meeting adjourned. Meeting adjourned at 7:15 PM.

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Zoning Administrator

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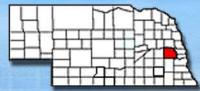
Date

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Board of Adjustment Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**June 3, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, N. Nelson, McEvoy, and Starns. Members Rezac and E. Nelson were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:50 P.M.

A public hearing was held for Application #8857, by Todd Hoppe, All Metals Market Inc, to build a retention pond, 33-17-8, Pohocco Township.

Motion to **Approve**, by McEvoy, seconded by Starns. Voting Yes: Starns, McEvoy, N. Nelson, Trutna, Proskovec, Nelson. Voting No: None. Motion carried.

Motion by Nelson, seconded by Trutna, to **approve**, the minutes of the May 6<sup>th</sup> meeting. Voting yes: Proskovec, Nelson, and Trutna. Voting no: None. Abstained: McEvoy, Starns. Motion carried.

The Planning Commission reviewed future meeting dates: (7/1/19, 8/5/19, 9/9/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Starns, to declare meeting adjourned. Meeting adjourned at 8:36 PM.

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Zoning Administrator

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Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## BOARD OF ADJUSTMENT PROCEEDINGS June 3, 2019

Pursuant to adjournment, the Board of Adjustment met with Kavan, Girmus, Ohnoutka, and Trutna. Member Johnson was absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Board and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Kavan called the meeting to order at 7:00 P.M.

A public hearing was held for Application #8868, by Joe & Susan Wurtz, to encroach on front setback for construction of a detached garage, Woodcliff Lakes, S-1065, 1-16-8, Pohocco Township.

Mr. Wurtz stated that he wanted to build an unattached garage, which would only be 3 feet from his existing house (zoning regulations require 5') and would only be 9' from the front property line (front setback is 20').

Member Girmus stated that she was not comfortable with approving something like this, as it would set a precedent going forward, and could result in applications like this on a regular basis.

The Board of Adjustment encouraged the applicant to propose a plan with a side loading garage, and a setback that would line up with the house, which is currently 12.8' off the front property line.

Motion to **Table**, by Girmus, seconded by Ohnoutka. Voting Yes: Girmus, Kavan, Ohnoutka, and Trutna. Voting No: None. Motion carried.

Motion by Trutna, seconded by Girmus, to **approve**, the minutes of the May 6<sup>th</sup> meeting. Voting yes: Voting Yes: Girmus, Kavan, Ohnoutka, and Trutna. Voting no: None. Motion carried.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Board of Adjustment were included in the agenda, published, and posted prior to said meeting.

Motion by Ohnoutka, seconded by Trutna, to declare meeting adjourned. Meeting adjourned at 7:45 PM.

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Zoning Administrator

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Date

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Board of Adjustment Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**July 1, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, N. Nelson, Rezac, E. Nelson, McEvoy, and Starns.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application #8887, by John Henderson, camper and boat storage, 24-13-8, Green Township.

Motion to **Approve**, by Starns, seconded by McEvoy. Voting Yes: Starns, McEvoy, N. Nelson, Trutna, Proskovec, E. Nelson, Rezac. Voting No: None. Motion carried.

A public hearing was held for Application #SD 116, by Vernon & Gretchen Golladay, combine lot 31 and part of lot 32, Valley View Estates, 34-17-8, Pohocco Township.

Motion to **Approve**, by N. Nelson, seconded by McEvoy. Voting Yes: Starns, McEvoy, N. Nelson, Trutna, Proskovec, E. Nelson, Rezac. Voting No: None. Motion carried.

Motion by McEvoy, seconded by E. Nelson, to **approve**, the following annual reviews:

- MP#7610 – Elizabeth Neal – Greenhouse Nursery & Garden Center

Voting yes: Rezac, E. Nelson, N. Nelson, Starns, Proskovec, McEvoy. Trutna. Voting no: None. Motion carried.

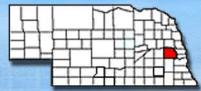
Motion by Trutna, seconded by McEvoy, to **approve** the minutes of the June 1<sup>st</sup> meeting.

Voting yes: Proskovec, McEvoy, Starns, N. Nelson, Trutna. Voting no: None. Abstained: Rezac, E. Nelson. Motion carried.

The Planning Commission reviewed future meeting dates: (8/5/19, 9/9/19, 10/7/19)

During open discussion, Tom Mountford and Eric Gottschalk, from the Lower Platte North Natural Resource District spoke regarding the Wahoo Creek Watershed Plan and the Camp Ashland fuse plug, which is on annual review.

Member McEvoy asked how the NRD is planning on compensating owners whose property falls in the breach inundation area and are not allowed to build a dwelling on the property. The NRD representatives did not have any plans in place for owner compensation.



# Saunders County Planning and Zoning Minutes



Mr. Gottschalk stated that the fuse plug was a failure and a new design plan is needed, as the fuse plug does not wash out on its own, as proven during March's flood. He proposes that a gate type structure should be installed, so that the NRD has the ability to open and close the gate when needed.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Starns, to declare meeting adjourned. Meeting adjourned at 8:37 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**August 5, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, Proskovec, N. Nelson, Rezac, E. Nelson, and Starns. Member McEvoy absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Proskovec called the meeting to order at 7:30 P.M.

A public hearing was held for Application SD #115, by Bruce Rogers, Broken Wheel Preliminary Plat, 4-12-9, Ashland Township.

Motion to **Approve**, by N. Nelson, seconded by Starns. Voting Yes: Starns, E. Nelson, N. Nelson, Trutna, Proskovec, Rezac. Voting No: None. Motion carried.

A public hearing was held for Application #8911, by Lower Platte North NRD, amend zoning regulations to add article 6, section 6.16, FRD Floodwater Retarding Dam Breach Overlay District.

Motion to **Approve**, by Starns, seconded by E. Nelson Voting Yes: Starns, N. Nelson, Trutna, Proskovec, E. Nelson, Rezac. Voting No: None. Motion carried.

A public hearing was held for Application #8909, by Bruce Williams, to construct a large poultry confined animal feeding operation (CAFO), 33-17-6, Morse Bluff Township.

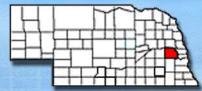
Mr. Williams presented the application along with his attorney, and employees of Lincoln Premium Poultry and Nutrient Advisors. A few members of the public spoke in favor of the application, however, it was met with overwhelming objection. Nearly 20 members of the public spoke against the application. The item was tabled until next month, for all parties to review the documentation submitted.

Motion to **Table**, by N. Nelson, seconded by Starns. Voting Yes: Starns, E. Nelson, N. Nelson, Trutna, Proskovec, Rezac. Voting No: None. Motion carried.

A public hearing was held for Application #8910, by Whispering Ridge Estates LLC, zone change from TA-1 to Residential Estates, 6-15-9, Leshara Township.

A few members of the public spoke in opposition of the application, citing traffic, a parcel zoning residential estates to the east that has not been developed, and wanting the property to remain farmland. Member N. Nelson requested documentation regarding access into the subdivision (from the State Highway Department) and documentation of the availability of water to the proposed subdivision.

Motion to **Table**, by Starns, seconded by N. Nelson Voting Yes: Starns, N. Nelson, Trutna, Proskovec, E. Nelson, and Rezac. Voting No: None. Motion carried.



# Saunders County Planning and Zoning Minutes



Motion by Trutna, seconded by Starns, to **approve**, the following annual reviews:

- **MP#8194 - Deb Dauel – Dog Kennel**

Voting yes: Rezac, E. Nelson, N. Nelson, Starns, Proskovec, Trutna. Voting no: None. Motion carried.

Motion by N. Nelson, seconded by Trutna, to **approve** the minutes of the July 1<sup>st</sup> meeting.

Voting yes: Proskovec, Rezac, Starns,, E. Nelson, N. Nelson, Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (9/9/19, 10/7/19, 11/4/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by Starns, seconded by E. Nelson, to declare meeting adjourned. Meeting adjourned at 12:22 AM, August 6, 2019.

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Zoning Administrator

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Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**September 9, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, McEvoy, N. Nelson, Rezac, E. Nelson, and Starns. Member Proskovec absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). In Chairman Proskovec's absence, N. Nelson called the meeting to order at 7:30 P.M.

A public hearing was held for tabled item from August 5<sup>th</sup> meeting: Application #8910, by Whispering Ridge Estates LLC, zone change from TA-1 to Residential Estates, 6-15-9, Leshara Township.

Last month, the Planning Commission requested documentation regarding availability of water. The applicant supplied documentation from a study done via a fly over. A few Planning Commission members were skeptical of this type of method. Members McEvoy and E. Nelson are familiar with the area and did not agree with the amount of water that the study said was available.

**Motion to Deny**, by McEvoy, seconded by E. Nelson Voting Yes: Starns, N. Nelson, Trutna, McEvoy, E. Nelson, and Rezac. Voting No: None. Motion carried.

A public hearing was held for Application #8942, by Dale & Kathleen Matter, replat of Apple Valley Subdivision, lots 1 & 2, 11-16-7, South Cedar Township.

**Motion to Approve**, by Starns, seconded by McEvoy. Voting Yes: Starns, E. Nelson, N. Nelson, Trutna, McEvoy, Rezac. Voting No: None. Motion carried.

Continuation of public hearing opened on August 5<sup>th</sup>, Application #8909, by Bruce Williams, to construct a large poultry confined animal feeding operation (CAFO), 33-17-6, Morse Bluff Township.

Approximately 8 members of the public spoke in favor and 15 members of the public spoke in opposition to the application.

A motion to deny the application was made, however, the motion did not pass, 4-2. Voting Yes: N. Nelson, McEvoy. Voting No: Rezac, E. Nelson, Trutna, Starns.

**Motion to Approve**, by Rezac, seconded by Starns. **with the following conditions:** Road maintenance be turned over from the township to Saunders County, a retention pond be constructed to control runoff to the neighboring property, the local fire department has access to water (in case of a fire), trees must surround the barns, and be at least 3' tall when planted, and the application be placed on annual review.

Voting Yes: Starns, E. Nelson, Trutna, Rezac. Voting No: McEvoy, N. Nelson. Motion carried.



# Saunders County Planning and Zoning Minutes



Motion by McEvoy, seconded by Starns, to **approve**, the following annual reviews:

- **MP#6330 Doug Washburn - Commercial Dog Kennel**
- **MP#8488 Kyle Kern – River Life Airboats**

Voting yes: Rezac, E. Nelson, N. Nelson, Starns, McEvoy, Trutna. Voting no: None. Motion carried.

Motion by Starns, seconded by E. Nelson, to **approve** the minutes of the August 5<sup>th</sup> meeting.

Voting yes: McEvoy, Rezac, Starns, E. Nelson, N. Nelson, Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (10/7/19, 11/4/19, 12/2/19)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Starns, to declare meeting adjourned. Meeting adjourned at 10:58 PM.

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Zoning Administrator

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Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## BOARD OF ADJUSTMENT PROCEEDINGS September 9, 2019

Pursuant to adjournment, the Board of Adjustment met with Kavan, Austin, Girmus, Ohnoutka, and Trutna. Member Johnson was absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Board and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Chairman Kavan called the meeting to order at 7:00 P.M.

A public hearing was held for Application #8948, by Chad Rezac, relaxation of front setback on lot 25, Wolf Lakes Estates, 21-17-6, Morse Bluff Township.

The applicant proposed to encroach on the front setback of 50', to nearly 10'. He stated that the front of the house would be the logical place for a garage addition. There was discussion of putting the garage to the west of the house, instead of in front. The applicant stated that the garage addition could fit there, but would require significant fill to be placed on the property, which would be expensive. Due to state statute, price/money cannot be considered a hardship. Due to the applicant being unable to prove a hardship, the application was denied.

Motion to **Deny**, by Austin, seconded by Girmus. Voting Yes: Girmus, Kavan, Austin, Ohnoutka, and Trutna. Voting No: None. Motion carried.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Board of Adjustment were included in the agenda, published, and posted prior to said meeting.

Motion by Trutna, seconded by Ohnoutka, to declare meeting adjourned. Meeting adjourned at 7:25 PM.

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Zoning Administrator

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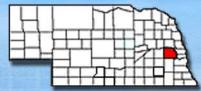
Date

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Board of Adjustment Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**October 7, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, McEvoy, N. Nelson, Rezac. Members Proskovec, E. Nelson, and Starns were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). In Chairman Proskovec's absence, N. Nelson called the meeting to order at 7:30 P.M.

A public hearing was held for Application SD #117, by Bruce Rogers, Broken Wheel Final Plat, 4-12-9, Ashland Township.

Motion to **Approve**, by Trutna, seconded by Rezac Voting Yes: N. Nelson, Trutna, McEvoy, Rezac. Voting No: None. Motion carried.

By the Saunders County Zoning Administrator – Statement of Finding of Facts, regarding Application #8909, by Bruce Williams, to construct a large poultry confined animal feeding operation (CAFO), 33-17-6, Morse Bluff Township.

Motion to **Approve, on the condition** that the applicant provides updated plans that reflect the location of the decomposition barns to the north side of the poultry barns, by Trutna, seconded by Rezac. Voting Yes: N. Nelson, Trutna, Rezac. Voting No: McEvoy. Motion carried.

Motion by McEvoy, seconded by Trutna, to **approve** the minutes of the September 9<sup>th</sup> meeting.

Voting yes: McEvoy, Rezac, Starns, E. Nelson, N. Nelson, Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (11/4/19, 12/2/19, 1/6/20)

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by Rezac, to declare meeting adjourned. Meeting adjourned at 8:08 PM.

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Zoning Administrator

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Date

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Planning Commission Chair

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Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**November 4, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, McEvoy, N. Nelson, E. Nelson. Members Rezac and Starns were absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Due Chairman Proskovec's resignation, N. Nelson called the meeting to order at 7:30 P.M.

A public hearing was held for application SD 118, by Kelly & Dan Houghton, Lots 100, 101, 102, 103 Replat, Big Sandy Development, Second Addition, 6-13-10, Clear Creek Township.

Motion to **Approve**, by McEvoy, seconded by Trutna. Voting Yes: N. Nelson, E. Nelson, Trutna, McEvoy. Voting No: None. Motion carried.

A public hearing was held for application SD 119, by Sandra Svendsen, Replat of lots T-26 and T-27, Woodcliff Lakes, 1-16-8, Leshara Township.

The applicant stated that the replat that was provided to the Planning Commission was not the most recent replat, as it was dated 2013. The applicant was instructed to provide the replat at next month's meeting.

Motion to **Table**, by McEvoy, seconded by Trutna, due to the applicant not providing the most recent replat. Voting Yes: N. Nelson, E. Nelson, Trutna, McEvoy. Voting No: None. Motion carried.

Due to Member Proskovec's resignation from the Planning Commission, a motion was made to appoint Norm Nelson to Chairman of the Planning Commission. Voting Yes: E. Nelson, Trutna, McEvoy. Voting No: None. Abstained: N. Nelson. Motion carried.

Motion by McEvoy, seconded by E. Nelson, to **table**, the following annual review, due to issues with the fuse plug during the March flooding. The Planning Commission requested to have the LPS NRD attend the next meeting:

- MP#7130 – LPS NRD – Camp Ashland Fuse Plug Embankment

Motion by McEvoy, seconded by Trutna, to **Approve** the minutes of the October 7<sup>th</sup> meeting.

Voting yes: McEvoy, E. Nelson, N. Nelson, Trutna. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (12/2/19, 1/6/20, 2/3/20)

During the open discussion portion of the meeting, representatives from the Law Offices of Bromm, Lindahl, Freeman-Caddy & Lausterer, spoke on behalf of Windstream, regarding two 100' towers that have been erected in the highway right of way, without permission from the Saunders County Highway Superintendent. They



# Saunders County Planning and Zoning Minutes



stated that the purpose of the towers were to provide broadband internet to citizens of rural Saunders County, and were looking for a solution to erecting multiple towers without requiring approval from Saunders County's structural advisor and possibly keep the towers in the highway right of way.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by E. Nelson, to declare meeting adjourned. Meeting adjourned at 8:34 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date



# Saunders County Planning and Zoning Minutes



## PLANNING COMMISSION PROCEEDINGS

**December 2, 2019**

Pursuant to adjournment, the Planning Commission met with Trutna, McEvoy, E. Nelson, Rezac, and Starns. Member N. Nelson was absent.

Notice of the meeting was given in advance by published notice in a legal newspaper as shown by proof of publication on file in the Zoning Office. Notice of the meeting was mailed to all members of the Commission and their acknowledgement of receipt of notice and agenda is on file. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public, except when in closed/executive session where noted.

The Chairman informed the public of the location of the posting of the Open Meetings Act (84-1407 to 84-1414 as amended by LB 898 2006). Due to Chairman N. Nelson's absence, Starns called the meeting to order at 7:30 P.M.

A public hearing was held for a tabled item from the November 4<sup>th</sup> meeting: Application SD 119, by Sandra Svendsen, Replat of lots T-26 and T-27, Woodcliff Lakes, 1-16-8, Leshara Township.

Motion to **Approve**, by McEvoy, seconded by Trutna. Voting Yes: Starns, E. Nelson, Trutna, Rezac, and McEvoy. Voting No: None. Motion carried.

Motion by McEvoy, seconded by E. Nelson, to **approve the annual review of MP#7130 – LPS NRD – Camp Ashland Fuse Plug Embankment, on the condition** that the current operating manual of the fuse plug be followed.

Voting yes: McEvoy, E. Nelson, Rezac, Starns, and Trutna. Voting no: None. Motion carried.

Motion by Trutna, seconded by McEvoy, to **Approve** the minutes of the November 4<sup>th</sup> meeting.

Voting yes: McEvoy, E. Nelson, Trutna. Abstained: Starns and Rezac. Voting no: None. Motion carried.

The Planning Commission reviewed future meeting dates: (1/6/20, 2/3/20, 3/2/20)

During open discussion, representatives from Western Sand & Gravel Company stated that they have experienced extensive property damage, due to Lake Allure backing up water on their property. They requested assistance in negotiations with Mr. Thomas (developer of Lake Allure) from Saunders County. The Planning Commission requested that they contact the County Board. If an application is required, the Planning Commission will hear the application.

Proceedings of the foregoing meeting were recorded and are on file in the Zoning office. All items considered by the Planning Commission were included in the agenda, published, and posted prior to said meeting.

Motion by McEvoy, seconded by E. Nelson, to declare meeting adjourned. Meeting adjourned at 9:14 PM.

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Zoning Administrator

Date

Planning Commission Chair

Date