

**OTOE COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 16, 2020
496 5TH STREET
SYRACUSE CITY LIBRARY, SYRACUSE, NEBRASKA
7:00 P.M.**

Meeting called to order by Chairman Daniel Hodges. All hearings were published in the Nebraska City News Press. Meeting commenced at 7:02 P.M. and answering to roll call were Richard Warner, Charles Cole, Stephanie Shrader, William Umland and Daniel Hodges. Absent were Cheri Wirthele and Howard Bebout. Other attendees of the meeting were Zoning Administrator Schmitz, Curt Walter on behalf of AT & T, Tony Kosiba, Onalee Schwartzman, Ronnie Schwartzman, Kay McLaughlin Graff, Brent Vogt, Chuck Hassebrook with Sandhills Energy and Andy Howe.

Chairman Hodges asked if there were any changes to the minutes of the December 16, 2019 meeting and if none, for a motion to approve. Motion made by Umland, seconded by Cole, with Warner, Cole, Umland, Shrader and Hodges voting aye. Minutes approved.

Communications:

Schmitz gave a report on the Julian Cell Tower and said a building permit is being processed at this time and the \$1000.00 zoning permit fee is included for construction.

Public Hearing to approve / deny a conditional use permit for a new cell phone tower on a site located in the South $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of Section 27, T.7N, R.14E, as requested by Curt Walter agent for AT & T, on land owned by Gerald and Mary Stukenholtz. Site is located at 1841 South 66th Road, Peru, Nebraska.

Schmitz handed out copies of the conditional use application and stated the application fee of \$ 600.00 was paid as well as the zoning permit fee of \$ 1000.00 for construction. Curt Walter was present to request a conditional use permit for the new cell tower as described above. Its intention is to help with wireless coverage and capacity in the area, and will be used in the First NET Responders system. This project will provide consistent wireless phone and internet coverage for AT & T customers in the area. Warner asked if Verizon will co-locate on the tower and Walter said no as they are not compatible. The tower will be 400' tall with guyed wires. There will be fencing around the tower and the guyed wires. Walter explained that the land will be leased.

After some discussion, Chairman Hodges asked for a motion to approve, motion made by Warner, seconded by Shrader to approve the conditional use permit with the following conditions: 1. AT & T will allow co-location on the tower for public safety at no cost. 2. The tower will need FAA approval before the zoning permit can be approved. Voting aye were Warner, Shrader, Umland, Cole and Hodges. Conditional use permit approved.

The conditional use permit will now go to the County Commissioners for approval /denial at the January 28, 2020, meeting commencing at 8:30 A.M at the Otoe County Courthouse County Courtroom.

A Public Hearing to approve the subdivision plat of Teten Subdivision, a 4.95+- acre tract located in the North $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of Section 25, T.8N, R.13E as requested by Loyd V. Teten and Julie Teten, Michael M. Teten and Jody Teten, Asleigh Teten Gillespie, and Heather Teten. Site is located at 5850 K Road.

Rural water is there and an existing septic lateral system. Schmitz explained it is an existing farmstead and that the renters wish to purchase the acreage; it fits all setbacks and Schmitz recommends approval. After some discussion, Chairman Hodges asked for a motion to approve, motion made by Cole, seconded by Umland, with Warner, Cole, Umland, Shrader and Hodges voting aye. Subdivision plat approved.

The subdivision plat will now go to the County Commissioners for approval on the January 28, 2020, meeting commencing at 8:30 A.M at the Otoe County Courthouse County Courtroom.

Public Hearing to approve the subdivision plat of Brehm-Neels Subdivision, a 5.77 +/- acre tract located in Part of a 20.01+- acre tract in the S.E. ¼ of the S.W. ¼ of Section 13, T.8N, R.10E as requested by Milan O. Brehm and Christie L. Brehm, Trustees of the Milan and Christie Brehm Revocable Trust. Site is located on J & 23 Road. The plat was tabled due to the fact the size of the acreage was changed at the owner's request and will be brought to the February 20, 2020 meeting.

DISCUSSION:

First item was to discuss solar farms to be built in the county by Sandhills Energy under the name of Rolling Prairie Solar. The Otoe County portion falls south of the Cass County line and within one mile east and west of Highway # 50. Chuck Hassebrook was present to present some literature and an aerial map of the projected area where the units will be built, including about 600 acres. OPPD is looking to make a large purchase of electricity from solar farms in its service area. It will enable landowners to earn substantially above market returns and will include financial security to cover the cost of removing facilities and restoring land at the end of the project. It could generate \$250,000+- of tax revenue each year. Schmitz asked if a public utility would take over the project, and Hassebrook said the average is around seven years. Transmission lines would be installed as well as using existing power lines in the area. The normal life of the units is 25+- years. 6-8 acres of panels are needed to produce one megawatt of power. There is a height maximum of 12 feet for the solar panels according to our regulations. Trees will be cut and the area will be mowed. The Board thought that this project should be a good fit in the areas involved. A conditional use permit, per unit, will be needed unless the land is contiguous.

2nd item was a landowner wondered why he could not build on two twenty-acre tracts north of a commercial hog operation. Schmitz explained that there is a facility offset of ½ half mile from the lagoon which setback actually goes in to his property. The other requirement protecting the hog operation is a ½ mile manure application offset from this south property line. This does not allow for any building permits to be issued for any residences. These regulations were approved in January 2017 after input from the Commercial operations. Schmitz also explained that he could get an impact easement from the commercial operation so a relative could possibly build on one of the sites.

3rd item was a complaint by Kay McLaughlin Graff doing business as Weyers Farms Inc on a salvage yard contiguous to her property at 623 North 10th Road. She handed out a three-page letter detailing the assumed illegal salvage yard and car crusher, as well as photos of the property. Schmitz stated he does not know of any conditional use permit for this land which started before the new regulations went into effect in January of 2017. It is not allowed in the new regulations as the property now is in the RR-1 residential zoning district. Hodges stated that the Planning Commission cannot issue any zoning change or a conditional use permit for the property. It could have been approved with a conditional use with the prior regulations. Hodges said they should make a complaint to the NDEE in Lincoln, as they will make an inspection of the property detailing the oil and various acids leaking into the ground as well as the assortment of cars on the property. Mrs. Graff considers this usage to be a source of pollution, and is creating environmental damage to that property as well as hers. Graff stated that the landowner on the acreage has changed the course of natural drainage, and Hodges said they should contact the NRCS on this. Schmitz said he would like to be kept informed and would like to receive a copy of the report from NDEE as soon it is received. He will then consult with the County Attorney to see if the County can help in any way.

ADJOURN:

There being no further business, Chairman Hodges requested a motion to adjourn, with Cole making the motion, seconded by Shrader, with Warner, Cole, Umland, Shrader and Hodges voting aye to adjourn.

Motion carried. Meeting adjourned at 8:45 P.M.

The next regularly scheduled meeting will be February 20, 2020 @ 7:00 P.M.

