

**Lincoln County Planning Commission
Meeting Minutes
November 20, 2023**

CALL TO ORDER AND ROLL CALL

The regular meeting of the Lincoln County Planning Commission was called to order by Acting Chairperson Jongeling on November 20, 2023 at 6:30 p.m. in the Commissioner's Meeting Room of the Lincoln County Courthouse. County Planning Commission members present were Marlene Sweeter, Todd Boots, Michael Poppens, Scott Green, and Jerry Jongeling. County staff present were Toby Brown, Noah Watson, and Joe Meader.

APPROVAL OF THE MEETING MINUTES

- 1) Commissioner Jongeling asked if there were any changes to the meeting minutes from October 16, 2023. No one proposed any changes. A motion was made by Commissioner Green and seconded by Commissioner Boots to approve the meeting minutes from October 16, 2023. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

Commissioner Jongeling asked if there were any changes to the meeting agenda. A motion was made by Commissioner Sweeter and seconded by Commissioner Poppens to approve the meeting agenda. A voice vote was taken. Yeas: All. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Commissioner Jongeling opened the floor for public input on non-agenda items. Hearing none, he closed the floor to public input on non-agenda items.

PUBLIC HEARINGS

- 1) **Application:** USE-0067-2023: Conditional use permit for contractor's shop and storage yard on the property legally described as Tract 33, Southwest Industrial Park, NE1/4 SE1/4, Section 24-T100N-R51W Delapre Township.
Applicant: Chad Javers
Property Owner: Shops & Storage Solutions, LLC.
Location: Parcel ID: 100.50.64.D330

Commissioner Boots recused himself at the beginning of this item. Toby Brown introduced the application and presented a brief summary of the staff report. Chad Javers was present to speak and answer questions. Chad Javers provided information on communication with the City of Tea, and the recent approval of the site plan. Commissioner Jongeling opened the floor to public comment. Hearing no comments, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Poppens and seconded by Commissioner Green to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
2. The proposed building shall only be utilized as a contractor's shop and storage yard.

3. Before occupancy/operation, all development and construction is to substantially comply with the approved plans.
4. There shall be no unsecured or unscreened outdoor storage.
5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.
6. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

A roll call vote was taken. Yeas: Sweeter, Green, Poppens, and Jongeling. Nays: None. Motion carried.

- 2) **Application:** RZNE-0069-2023: To change the zone of the property legally described as Lots 1, 2, and 3, Ninemile View Addition, NE1/4, Section 4-T99N-R49W Dayton Township from A-1, Agricultural, and RC, Recreation/Conservation, to RR, Rural Residential.

Applicant: Rob Kurtenbach

Property Owner: Ninemile View, LLC.

Location: Parcel ID:099.49.04.J001, 099.49.04.J002, and 099.49.04.J003

Toby Brown introduced the application and presented a brief summary of the staff report. Rob Kurtenbach was present to speak and answer questions. Rob Kurtenbach discussed potential covenants and Harrisburg's platting approval. Commissioner Jongeling opened the floor to public comment. First, those in favor of the application were asked to come forward. Hearing none, Commissioner Jongeling asked those in opposition to the application to come forward. Rebecca Johnson, 47890 Prairie Circle; John Cook, 47898 Prairie Circle; Leonard Iwinski, 27327 479th Ave; Corey Johnson, 47890 Prairie Circle; Sandy Braun, 27395 470th Ave; Richard Cook, 47894 Prairie Circle spoke in opposition to the application sharing concerns with the future of the rezone, potential further development, traffic, impact on wildlife, conflict with the comprehensive plan, and loss of productive agricultural land. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. A motion was made by Commissioner Green and seconded by Commissioner Poppens to recommend approval of the application to the Board of County Commissioners. Discussion was had amongst the board regarding the potential effects of the rezone.

A roll call vote was taken. Yeas: None. Nays: Sweeter, Boots, Green, Poppens, and Jongeling. Motion failed.

- 3) **Application:** USE-0072-2023: Conditional use permit for agriculturally related operations involving the handling, storage, transporting, and shipping of farm products (digester) on the property legally described as S1/2 NW1/4, Section 19-T96N-R48W Eden Township.

Applicant: Five Shot RNG, LLC.

Owner: Mikota Holdings, LLC.

Location: 29440 482nd Avenue

Toby Brown introduced the application and presented a brief summary of the staff report. Jared Williams and Mark Hill were present to speak and answer questions. The representatives provided a presentation detailing the proposed operation (digester). The presentation included information regarding staffing, the process, and safety. The

commissioners asked a variety of questions about the scope of the operation, required permits, safety response times, and response training for local fire departments. Commissioner Jongeling then opened the floor to public comment. First, those in favor of the application were asked to come forward. Hearing none, Commissioner Jongeling asked those in opposition to come forward. Bob Evanson, 29565 482nd Ave, provided some questions and concerns about the potential gas emissions, placement of pipelines to the site, the proximity of homes, and the scope of the operation. Hearing no additional comments, Commissioner Jongeling closed the floor to public comment. The commission invited the representatives of the application back up to answer more questions. Questions were asked about historical safety ratings and emergency scenarios. The representatives provided answers and emphasized that the project was highly regulated. The representatives also stated that eminent domain would not be utilized. A motion was made by Commissioner Poppens and seconded by Commissioner Green to approve the application with the following conditions:

1. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
2. Before occupancy/operation, all development and construction is to substantially comply with the approved plans.
3. There shall be security fencing completely surrounding the project.
4. There shall be no indication of offensive noise, odor, smoke, dust, glare at or beyond the property line.
5. The permit holder is responsible for compliance with all Federal, State, and Local rules, regulations, and permitting requirements.

A roll call vote was taken. Yeas: Sweeter, Boots, Green, Poppens, and Jongeling.
Nays: None. Motion carried.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

- 1) Work Session: Comprehensive Plan Update.

Toby Brown provided an update on the comprehensive plan revisions. Mr. Brown first showcased the previously approved land use plans in the county and pointed out various discrepancies between the land use plans and what actually occurred. Mr. Brown then drew attention to the new draft of the land use plan and provided more insight into the proposed placement of possible land uses. Mr. Brown also emphasized that the intent of the plan is to preserve the A-1 Agricultural District.

Mr. Brown informed the commission that the Lincoln County Planning and Zoning office invited all municipalities within the county to designate joint jurisdictional areas. These areas would allow for more cooperative planning between the county and municipalities that may affect their future growth areas.

Mr. Brown stated that a joint meeting between the Planning Commission and Board of Commissioners would be held at some point in January to further discuss the

comprehensive plan update.

Commissioner Poppens inquired about a potential future development in the county that may shift the shape of the land use plan and asked what that shift may look like. Mr. Brown stated that ultimately the decision would come down to the Board of Commissioners and how they would decide to plan around that development. Mr. Brown also suggested a subarea plan for the area so that neighbors could be involved in the discussion. Commissioner Green asked about the potential timeline for the comprehensive plan. Mr. Brown answered that initially the plan was to adopt the plan this year, but the approval has been put on hold to allow for additional discussion.

- 2) Request to set a public hearing date for a review of conditional use permit #14-CUP-022 for a Class 1 Major Home Occupation.

Toby Brown requested that the Planning Commission set a review hearing date for conditional use permit #14-CUP-022 since the permit appears to be out of compliance with the approved conditions. Mr. Brown suggested setting the hearing for the December 18, 2023 meeting. A motion was made by Commissioner Green and seconded by Commissioner Boots to set a public hearing for the review of conditional use permit #14-CUP-022 for December 18, 2023.

A roll call vote was taken. Yeas: Sweeter, Boots, Green, Poppens, and Jongeling.
Nays: None. Motion carried.

ADJOURNMENT

A motion was made by Commissioner Poppens and seconded by Commissioner Green to adjourn the meeting at 8:13 p.m. A voice vote was taken. Yeas: All. Nays: None. Motion carried.