

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

February 11, 2020

Call to order: The February 11, 2020 meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:30 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: Rob Ganz, Doug DeShazer, Jim Kotrous, Robert Larsen, Neil Clausen, Keith Nielsen, and Dean Wilken. (Fred Steffen position is vacant.) Absent: Greg Kuhlman. Also present were Zoning Administrator Liz Doerr, Supervisor Dan Schlote, Keith Marvin with Marvin Planning Consultants, and several members of the public.

Approve Agenda & Public Notice in the Wausa Gazette and Niobrara Tribune. Notice of the meeting was given in advance thereof by publication in the Wausa Gazette and Niobrara Tribune. Kotrous moved, Ganz seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: Kuhlman.

Approve the Minutes from the December 10, 2019 Meeting. It was noted that a correction was needed in that DeShazer was absent. Ganz moved, DeShazer seconded the motion, to approve the corrected minutes from December 10, 2019. Roll call vote showed all present in favor. Absent: Kuhlman.

Ex Parte Communications: Nielson had a few people contact him to discuss the new business.

Old Business: Public Hearing for Comprehensive Plan Update. Kotrous moved to open the public hearing at 7:34 p.m., seconded by DeShazer. Roll call vote showed all present in favor. Absent: Kuhlman. Keith Marvin reviewed the corrected draft. Doerr pointed out some minor corrections that were made. Kotrous pointed out a typo on Page 66 that referred to Iowa. Keith Marvin will make the correction. The date of the Hazard Mitigation Plan will need to be corrected. Wilken asked for comments from the public but there were none. Ganz moved to close the public hearing at 7:40 p.m., seconded by Clausen. Roll call vote showed all present in favor. Absent: Kuhlman. Ganz moved to recommend approval of the Comprehensive Plan to the Board of Supervisors with the noted changes, seconded by Kotrous. Wilken clarified that the only changes were the ones discussed. Roll call vote showed all present in favor. Absent: Kuhlman. Marvin explained that the Lake Area and Commercial Corridor regulations will be worked on to match the sub-area plan and that we should create an overlay district to add special criteria. We'll have a couple of meetings to work on it. March 12 is the tentative date for the public hearing with the County Board to approve the Comprehensive Plan.

New Business: John Thomas to discuss the Impact Easements and Livestock Setbacks: John Thomas, Knox County Attorney, explained a recent lawsuit case about an old Impact Easement that had been signed in 2003 and in 2015 it was relied upon to grant an expansion to a livestock feeding operation. The Impact Easement had been prepared by Attorney Patrick Birmingham. It was contested later in that the widow did not have 100% interest and the Impact Easement should not be valid because the children were not signers of the Impact Easement. The District Court ruled that the Impact Easement was invalid and the expansion is unapproved. The Planning Commission and Zoning Administrator have not relied on title commitments to research the validity of Impact Easements. The feeding operation could be made to supply a title search for validity of Impact Easements. In this case, the party that applied for the expansion relied on the Impact Easements that were drafted by his attorney, but it was done in error. There is an appeal but in trying to resolve this other than litigation, it was discovered that the value is hundreds of thousands of dollars. They were designed to help a neighbor to allow another neighbor to expand. Our Zoning Regulations have created an asset to extract value in order to get an Impact Easement signed. Thomas felt that it is something to think about. This could change the parameters of development. It may make it difficult for a livestock operation to be able to afford to expand and pay for an Impact Easement. He strongly asks the board to consider shortening the setbacks and removing the Impact Easements to put everybody on the same playing field. Keith Marvin said that it could not be done with a variance because there would be no hardship according to the state statutes. Thomas said that with no easements, you would have more uniform development and it would be easier to enforce and administer. Reverse easements may also be taken away after giving it some thought. Thomas felt that the more that will eliminate the

ability of the neighbor to control the neighbor, the better. Marvin said that Impact Easements are a common tool to keep the County out of it. If the two owners negotiate cash, it is not our business. The Administrator only needs to make sure that there is an agreement. Impact Easements have only been tried once in Otoe County but the District Court upheld the concept of Impact Easements. Marvin suggested putting a moratorium on granting Impact Easements while we consider this. If we do away with Impact Easements, he does suggest that we shorten up the setbacks. The consensus was to wait to see the result of the court case. Thomas said the timeline is about two years to hear the case result and he wanted to clarify that he is asking the Planning Commission to think about it. Thomas will talk to the County Board also.

Zoning Administrator's Report: The December and January Permit Reports were reviewed. Doerr asked the Planning Commission if they would like to have the new Deputy County Attorney attend the meetings. The consensus was that it would be useful especially during certain meetings. Schlote felt that it would be good to utilize the Deputy County Attorney. Marvin said that it would be a useful thing. Tentative agenda items are the Lake Area regulations and Lazy River Acres plat.

Next Meeting: The next meeting is tentatively scheduled for Tuesday March 10, 2020 at 7:30 p.m.

Adjournment: The meeting was adjourned at 8:44 p.m. by Chairman Wilken.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 7-14-20

Placed on File with Board of Supervisors: 7-30-20

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

June 9, 2020

This meeting was cancelled.

Liz Doerr, Zoning Administrator

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MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

July 14, 2020

Call to order: The July 14, 2020 meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:35 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: Doug DeShazer, Jim Kotrous, Greg Kuhlman, Robert Larsen, Neil Clausen, Keith Nielsen, and Dean Wilken. (Fred Steffen position is vacant.) Absent: Rob Ganz. Also present were Zoning Administrator Liz Doerr, Supervisor Jim Borgmann, Keith Marvin with Marvin Planning Consultants, and several members of the public.

Approve Agenda & Public Notice in the Wausa Gazette and Niobrara Tribune. Notice of the meeting was given in advance thereof by publication in the Wausa Gazette and Niobrara Tribune. Kotrous moved, DeShazer seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: Ganz.

Approve the Minutes from the February 11, 2020 Meeting. Kotrous moved, Clausen seconded, to approve the minutes from February 11, 2020. Roll call vote showed all present in favor. Absent: Ganz.

Ex Parte Communications: None

Old Business: None

New Business: Public Hearing for Final Plat Lazy River Acres 1st Addition Replat: Nielsen moved to open public hearing for the Final Plat of Lazy River Acres 1st Addition Replat of Block H Lot 10, seconded by Kotrous. Roll call vote showed all present in favor. Ganz absent. Greg Neuhaus, the applicant, explained the plat. He and Gurdon Crocker wanted to buy extra land and move the road back away from their homes. The east end of the road will be corrected to reflect what exists. They kept the plat under 5 acres because of the Floodplain Regulations. Neuhaus said they will not be able to block the road because the lot owned by Troy Adams is no longer part of the plat. Doerr stated that she had received a call from Frank Hanzlik of the Township Board stating that the Township Board does not want to maintain the road. The informal group of homeowners will be maintaining the road. Doerr read public comments from Tom & Jeffie Martin in favor of the proposal. Doerr read some answers to questions that were asked of Ron Nohr, the engineer, regarding the road construction and that it will not increase the flooding in the area by more than 1 foot. There were no comments from the public. Kuhlman moved to close public hearing at 7:50 p.m. Kotrous seconded the motion. Roll call vote showed all present in favor. Ganz absent.

Kuhlman moved to approve the Final Plat of Lazy River Acres 1st Addition Block H Lot 10 based upon the applicant supplying the following:

1. A Subdivision Agreement for construction of the road shall be approved by the Knox County Board of Supervisors.
2. The Treasurer's Certificate and Owner's Dedication shall be signed and notarized.
3. Applicant shall supply documentation of the agreement showing who will privately maintain the road.

Motion was seconded by Clausen Roll call vote showed all present in favor. Ganz absent.

Discuss Lake Area Regulations: Keith Marvin led the discussion for possible changes to the Lake Area Regulations. Tiny houses will be treated like an RV and be located in a park, but a definition will need to be added. The draft regulations will help to deal with the soil plasticity and slopes which are the biggest issue in the area. Maps for the soil plasticity and slopes can be added to Gworks.com. In 4.15.5-1, Keith will add that the designs need to be signed by an engineer. The map will need to be amended. Doerr said that the County Board asked that she send a letter out and she had received a few responses from the landowners in the AGT district along Highway 121 that would like to be changed to AGP. Keith will do a zoom meeting with Doerr to discuss map changes. The consensus was to hold a public hearing at the August

meeting. Keith also mentioned the fall NPZA conference to be held digitally for the first time due to the COVID 19 concerns.

Zoning Administrator's Report: The February through June Permit Reports were reviewed. Tentative agenda items are the Lake Area regulations public hearing and possibly a public hearing for a campground. Members were asked for suggestions of someone to replace Fred Steffen.

Next Meeting: The next meeting is tentatively scheduled for Tuesday August 11, 2020 at 7:30 p.m.

Adjournment: The meeting was adjourned at 8:49 p.m. by Chairman Wilken.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 8-11-20

Placed on File with Board of Supervisors: 8-27-20

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

August 11, 2020

Call to order: The August 11, 2020 meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:35 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: Jim Kotrous, Greg Kuhlman, Robert Larsen, Neil Clausen, and Dean Wilken. (Fred Steffen position is vacant.) Absent: Rob Ganz, Doug DeShazer, and Keith Nielsen. Also present were Zoning Administrator Liz Doerr, Supervisor Marty O'Connor, Keith Marvin with Marvin Planning Consultant and Dave Arens.

Approve Agenda & Public Notice in the Wausa Gazette and Niobrara Tribune. Notice of the meeting was given in advance thereof by publication in the Wausa Gazette and Niobrara Tribune. Kuhlman moved, Clausen seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: Rob Ganz, Doug DeShazer, and Keith Nielsen.

Approve the Minutes from the July 14, 2020 Meeting. Clausen moved, Kuhlman seconded, to approve the minutes from July 14, 2020. Roll call vote showed all present in favor. Absent: Rob Ganz, Doug DeShazer, and Keith Nielsen.

Ex Parte Communications: None

Old Business: None

New Business: Public Hearing for Proposed amendment to the Zoning Regulations for the Lake Area Overlay District and adoption of new Zoning map: Kuhlman moved to open public hearing at 7:38 for the amendment to the Zoning Regulations for the Lake Area Overlay District and adoption of new Zoning Map, seconded by Clausen. Roll call vote showed all present in favor. Absent: Rob Ganz, Doug DeShazer, and Keith Nielsen. Keith Marvin and Doerr presented the draft amendment and map. Doerr explained that the County Board directed her to check with other property owners along the AGT corridor going north of Crofton to see if they were interested in having their land also changed to AGP after the map amendment was made at the request of Ryan Arens. Doerr had Dave Arens and Dick Wortman call in favor of the map change and Randy Steffen against it. Various options were discussed. She also had Pat Birmingham contact her with questions about the draft. Discussion occurred and it was decided to make some changes 4.15.5. #2 Will refer to south of Highway 54C. #3 Can allow for commercial uses in some areas on a case by case basis such as the yacht club area in Devils Nest. #4 Will leave campgrounds at a 300' buffer. #6 Will allow that they can have septic systems if the soil maps allow it. #6 & 7 Will be combined into one number regarding water supply and septic systems. #9 Clarify that the fire safety applies to new subdivisions. #10 Have 2 points of ingress and egress unless it is not feasible. There were no comments from the public. Clausen moved to close public hearing at 8:11 p.m. Larsen seconded the motion. Roll call vote showed all present in favor. Absent Rob Ganz, Doug DeShazer, and Keith Nielsen.

Discussion on the map continued. Randy Steffen would like to be left as AGT so several options were reviewed. Kuhlman moved to approve the amendment to the Zoning Regulations with the noted changes for the Lake Area Overlay District and adoption of new Zoning Map contingent on changes to the future land use map being updated except for the NW ¼ of 25-33N-2W being left as AGT. Larsen seconded the motion. All present voted in favor. Absent: Rob Ganz, Doug DeShazer, and Keith Nielsen

Zoning Administrator's Report: The July Permit Report was reviewed. There are currently not any tentative agenda items for the next meeting. Dave Arens has agreed to be considered for appointment to the Planning Commission to replace Fred Steffen.

Next Meeting: The next meeting is tentatively scheduled for Tuesday September 8 or October 13, 2020 at 7:30 p.m. Wolf Run Campground Phase #2 has postponed being on the agenda until October because the Engineer has not had time to complete his work.

Adjournment: The meeting was adjourned at 8:58 p.m. by Chairman Wilken.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 10-13-20

Placed on File with Board of Supervisors: 10-29-20

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

October 13, 2020

Call to order: The October 13, 2020 meeting of the Knox County Planning Commission was called to order by Chairman Pro Tem Jim Kotrous at 7:35 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: Jim Kotrous, Doug DeShazer, David Arens, Greg Kuhlman, and Keith Nielsen. Absent: Rob Ganz, Dean Wilken, Robert Larsen, and Neil Clausen. Also present were Zoning Administrator Liz Doerr, and Keith Marvin with Marvin Planning Consultant via Zoom.

Approve Agenda & Public Notice in the Wausa Gazette and Niobrara Tribune. Notice of the meeting was given in advance thereof by publication in the Wausa Gazette and Niobrara Tribune. Kuhlman moved, DeShazer seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Approve the Minutes from the August 11, 2020 Meeting. Kuhlman moved, DeShazer seconded, to approve the minutes from August 11, 2020. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Ex Parte Communications: None

Old Business: None

New Business: Public Hearing to Amend Comprehensive Plan Future Land Use Map: Kuhlman moved to open the public hearing at 7:39 p.m., seconded by DeShazer. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Public Hearing for Proposed amendment to the Zoning Regulations for the Lake Area Overlay District and adoption of new Zoning map: Kuhlman moved to open public hearing at 7:41 for the amendment to the Zoning Regulations for the Lake Area Overlay District and adoption of new Zoning Map, seconded by DeShazer. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen. Keith Marvin explained that we need to update the Future Land Use Map in the Comprehensive Plan and then the updated draft amendment and map as per state statutes. Marvin reviewed the changes. There were no comments from the public. Kuhlman moved to close both public hearings at 7:51 p.m. DeShazer seconded the motion. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Kuhlman moved to approve the amendment to the Future Land Use Map in the Comprehensive Plan, seconded by DeShazer. Roll call vote showed all present in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Kuhlman moved to approve the recommended changes to the Zoning regulations for the Lake Area Overlay District and adoption of new Zoning map. DeShazer seconded the motion. All present voted in favor. Absent: Ganz, Wilken, Larsen, and Clausen.

Discuss possible changes to the Zoning Regulations: Permanent decks, awnings, sheds, etc. in campgrounds were discussed. Discussion occurred regarding the number of existing campgrounds that already have these including Phase 1 of Wolf Run. Zoning permits for the structures was discussed but there is a lack of lot lines and setbacks to the next camper. Marvin asked how we are going to be able to enforce campers being licensed, new decks, etc., as it will take a lot of time. Because some campgrounds are grandfathered in, it will be difficult to enforce if campgrounds are not all treated the same. The consensus was that we should allow the change but note that the items have to be reported to the Assessor's Office and will be added to the value of the land. Also discussed was updating definitions, solar, and land use chart. Changing the land use chart will require also changing the sections on the districts. Doerr received several

requests to allow garages as a principal structure on a lot without a house in the lake area but the consensus was to continue to not allow this.

Zoning Administrator's Report: The August and September Permit Reports were reviewed. DeShazer agreed to being reappointed for another term.

Next Meeting: The next meeting is tentatively scheduled for Tuesday November 10, 2020 at 7:30 p.m.

Adjournment: The meeting was adjourned at 8:41 p.m. by Chairman Pro Tem Kotrous.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 12-8-20

Placed on File with Board of Supervisors: 12-31-20

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

December 8, 2020

Call to order: The December 8, 2020 meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:32 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: Rob Ganz, Dean Wilken, Neil Clausen, Jim Kotrous, Doug DeShazer, and Keith Nielsen. Absent: David Arens, Robert Larsen, and Greg Kuhlman. Also present were Zoning Administrator Liz Doerr, and several members of the public.

Approve Agenda & Public Notice in the Niobrara Tribune. Notice of the meeting was given in advance thereof by publication in the Niobrara Tribune. Kotrous moved, Nielsen seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: Arens, Larsen, and Kuhlman.

Approve the Minutes from the October 13, 2020 Meeting. Kotrous moved, DeShazer seconded, to approve the minutes from October 13, 2020. Roll call vote showed all present in favor. Absent: Arens, Larsen, and Kuhlman.

Ex Parte Communications: None

Old Business: None

New Business: Public Hearing CU0041 David Hoffman for Hideaway Estates Condominium amendment: Ganz moved to open the public hearing at 7: 35 p.m., seconded by Kotrous. Roll call vote showed all present in favor. Absent: Arens, Larsen, and Kuhlman. Doerr explained the application and stated that no public comments were received in advance of the meeting. David Hoffman is requesting to change the condominium rules to allow one single family dwelling instead of a second two-unit structure. Arens arrived at 7:37 p.m. Kotrous moved to close the public hearing at 7:39 p.m. seconded by Ganz. Roll call vote showed all present in favor. Absent: Larsen and Kuhlman. Clausen moved to approve the David Hoffman Conditional Use Permit #CU0041 contingent that the amended Condominium Declarations shall be recorded to reflect that it will now be a single-family dwelling and one 2-unit condominium. Motion seconded by DeShazer. Roll call vote showed all present in favor. Absent: Larsen and Kuhlman.

Public Hearing CU0040 for John D & Jodi K Aschoff to construct Phase 2 to Wolf Run RV Resort in Pt. 18-33N-2W: Ganz moved to open the public hearing at 7: 42 p.m., seconded by Arens. Roll call vote showed all present in favor. Absent: Larsen and Kuhlman.

John & Jodi Aschoff explained the application for 34 new campsites. Doerr explained that it was discovered that decks, awnings, and storage sheds have been added to campsites in Phase 1 even though it is no longer allowed in the regulations. There is a committee set up to work on possible changes to the regulations. Doerr had correspondence from Cedar Knox Public Power and Cedar Knox Rural Water that both said there is adequate capacity for utilities. Tyler Wulf with Nebraska Game and Parks asked about their plans for another phase which the Aschoffs said they would like to have Phase 3. Wulf stated about the economic benefit but that it will put more pressure on their boat ramps. Wulf also asked about how they are handling waste as the park has more pressure and is planning for the future. Aschoff explained that he has two 20,000 gallon underground holding tanks and he has Alex Guenther pump it. He will add one more 20,000 gallon holding tank for Phase 2. Wilken asked about traffic. Jeff Jones, Conservation Officer, had concerns about UTV traffic

on 54C. UTVs are only allowed if agricultural, use between sunrise and sunset, 35 mph speed limit, need a 6' flag, etc. and can be cited. UTVs coming from a campground is not agricultural. It was noted that the UTVs are not coming from just Wolf Run. Wulf asked what the occupancy would be. Aschoff felt that most weekends they have 50-75% occupancy. Doerr stated that no comments were received from the public in advance of the meeting. Ganz moved to close both public hearings at 8:10 p.m. DeShazer seconded the motion. Roll call vote showed all present in favor. Absent: Larsen and Kuhlman. Kotrous moved to approve Wolf Run RV Resort (John D & Jodi K. Aschoff) Conditional Use Permit #CU0040 with the following conditions:

1. Each campsite shall be plainly marked with a map of such numbers provided to the Zoning Administrator.
2. Each campsite shall have two parking stalls.
3. All access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
4. The campground shall be compliant with all Nebraska Department of Environment and Energy and Nebraska Health & Human Services standards.
5. All campers shall be licensed and road ready. Any campers stored on site after 4 months shall be in a stored state with slideouts slid in.
6. No porches, decks, additions, or storage sheds, etc. will be allowed until such time that the Zoning Regulations are amended to allow it.

Motion was seconded by Clausen. Roll call vote showed all present in favor. Absent: Larsen, and Kuhlman.

Pre-Application meeting for Merchant Valley Acres. Russ Wilcox, Julie Faltys, Ron Nohr, and Iggy Machuca explained their plans for the area. They would like to do a Planned Unit Development. It may be called Riverpoint Bay, Merchant Acres, or Walker Valley acres. They are hoping to have 68 lots in the more affordable \$150,000 - \$200,000 range. Cedar Knox Rural Water and Cedar Knox Public Power are both ok with adding capacity. Nohr explained that because this is near the lake area, they should have good water pressure. They will have to upsize some water mains. Machuca said that they plan to build smaller slab on grade cabins due to the soils. Faltys said they will have a few styles with similar colors to provide a cohesive look but will be open to some customizing. The cabins will be 900 square feet and up and are designed as a weekend getaway and not full-time homes. Nohr said that they want to have a geo-technical engineer study the soils. They are hoping to have 30-40 storage units with lot owners having first option to rent a unit. Nohr said that roads will be to state specs. Condominium or Homeowners Association will maintain roads but may turn them over to the township later. They will have covenants and want to sell the cabins—not rent them. The consensus was for the group to move ahead with their plans.

Zoning Administrator's Report: The October and November Permit Reports were reviewed.

Next Meeting: The next meeting is tentatively scheduled for Tuesday January 12, 2021 at 7:30 p.m.

Adjournment: The meeting was adjourned at 9:19 p.m. by Chairman Wilken.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 2-9-21

Placed on File with Board of Supervisors: 2-25-21