

Minutes

December 11, 2023

Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Sarpy County Times, on November 29, 2023.

In the absence of the Chairman Alan Mueller, the Vice-Chairman, Ray Althouse, opened the public meeting at 7:02 pm & stated that the open meetings act is posted on the wall in the back of the room. Pledge of Allegiance was said. Roll call for the Planning Commission Members Althouse, Dennis, Tesar, Crofoot and Sullivan met as advertised. Felthousen, Mueller, Staben and Grotrian were absent.

Approval of minutes: Since the minutes from the October 16th meeting were not part of the packets sent to the Planning Commission, these will be approved at the next Planning Commission meeting.

At this point, Althouse asked Jensen to introduce the first item on the agenda, Language clarification on Section 4.11 and strikeout of AG Preservation easements. Since this item could take some discussion, Althouse suggested we take care of the second item on the agenda, the Administrative Subdivision of a 5-acre lot in NE ¼ NW ¼ of 17-11-10.

Administrator Remarks:

Cass County Board of Commissioner's decided that they want all of the Administrative Subdivisions to go before the Planning Commission – he does the initial review and then it will go before the Planning Commission.

Jensen stated that this was a 5-acre split on the south side of Waverly Road in an 80-acre parcel. Althouse asked if there was any discussion on this. Crofoot mentioned that it looks like it coming in that NE corner right around a creek. Tesar asked if there was a permit on this. Jensen stated that there was not yet. Since there were no more comments or questions, Tesar made a motion to approve the Administrative Subdivision of a 5-acre lot in the NE1/4 of the NW1/4 of 17-11-10 as presented. Seconded by Crofoot. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Dennis – aye; Sullivan – aye; Crofoot – aye. Motion passed with a 5 to 0 vote.

Jensen then introduced the next item on the agenda - Language clarification on Section 4.11 and strikeout of AG Preservation easements – stating that the Board of Commissioners unanimously ordered change to Section 4.11 to allow for accessory structures on parcels with more than 20 acres without the requirement of a primary residence. This would include Agricultural, Transitional Agricultural and Recreational Agricultural districts.

Jensen stated In Section 4.11 under A, it reads 'no accessory building shall constructed upon a lot for more than 18 months prior to beginning construction of the principle building' – meaning a house. "No accessory building shall be used for more than 18 months unless the main building on the lot is also being used or unless the main building is under construction. However, in no event shall such building be used as a dwelling unless a Certificate of Occupancy shall have been issued for such use." Under that will be "Exception, "A", does not apply to AG, TA or RA parcels more than 20 acres. Accessory Buildings in these districts are strictly for storage of agricultural equipment and livestock." Althouse asked if they need to be voted on individually or all at one time. Jensen stated that this one needed to be voted on individually. Althouse then asked if there was any discussion from the members on Section 4.11 on the Exception. Since there was no discussion, Althouse asked for a motion. A motion was made by Crofoot to approve this portion of Section 4.11, Exception A – to not apply to AG, TA or RA parcels more than 20 acres, accessory buildings in these district are strictly for storage of agricultural equipment and livestock. Seconded by Sullivan. A voice vote followed with all members voting aye. Motion carried 5 to 0.

The next item up for discussion is Section 5.07.1 – strikeout of the AG Preservation Easement language. Jensen stated he sent out an email from the Cass County Attorney, Chris Perrone on this subject. He asked if everyone read it. Discussion followed about how the issues that would arise from removing the AG Preservation easement and how to word it so this land is protected. Tesar stated that if they get rid of the AG Preservation easement in the cluster developments, you might as

well get rid of the whole thing as it won't work anymore. The remaining land put in an easement is basically saying that the landowner already used the allotted number of splits allowed. He suggests getting rid of the whole residential acreage cluster development section. If they want to do more on the land, they will have to come in for a Subdivision permit. Jensen stated that he understands what he is saying but to take it out would mean that we would have to start over from scratch with this Section. This is a recommendation from the County Attorney as he has reached out to other Counties about the AG Preservation easement and they have so many challenges with it that he recommends us adopting it. Tesar doesn't see how anyone can challenge what they agree to. Althouse asked if there was any more discussion at this point. Jensen stated that he would rather keep the Cluster Development intact until challenged and take it from there. Althouse asked about a Conservation overlay instead. Jensen suggested that they work on the wording of this and how to address it before the next Planning Commission meeting. Althouse asked if there was any more discussion. Since there was none, he asked for a motion. A motion was made by Tesar to recommend to strike out:

- In Section 5.07.1 – Residential Acreage Cluster Developments – the entire section.
- In Section 5.08.1 – Residential Acreage Development and Cluster Development – all of “A”.
- In Section 5.08.7 – Residential Acreage Development – strike out Deed Restriction line in “A”.
- In Section 5.12.5 – strike entire section.
- In Section 5.12.6 – amend “A” to eliminate Deed Restriction line.

Seconded by Dennis. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Dennis – aye; Sullivan – aye; Crofoot – nay; Motion to approve carried with a 4 to 1 vote.

The hearing will go before the Cass County Board of Commissioners on Tuesday, December 19th at 8 am.

A motion was made by Crofoot to close the meeting. Seconded by Tesar. A voice vote followed with all members voting aye. Meeting closed at 7:44 pm.

Linda Brouhard
Recording Secretary

*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.