

Special Meeting Minutes
November 1, 2022
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on October 20, 2022. The Chairman, Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the wall. Planning Commission Members Althouse, Mueller, Staben, Tesar, Felthousen, Crofoot and Widick met as advertised. Sullivan, Oehlerking and Dennis were absent.

Mueller opened the hearing on the regulation updates at 7:01 pm.

Jensen stated that Tesar and himself had been working on the revisions that were being presented tonight.

Administrator remarks:

Please refer back to the September meeting minutes and the items listed in regarding these needed changes. We have printed off the associated pages referring to these changes. We will refer to the list item by item then read from the edited pages that will be submitted as Cass County Zoning Regulations 2022. Our next steps will be:

- Recommendation from the Planning Commissioners.
- Present to Cass County Legal for review.
- Review and adoption in public hearing by the Cass County Board of Commissioners.

- **Page 78 - Fine tune 1/40, 1/20 language.** Jensen stated the 1/40 rule would come before the Planning Commission. Jensen read the section with changes. Discussion followed about the County Commissioners being able to remove the deed restriction if necessary. Jensen stated they could if they could show cause. All members are ok with this.
- **Page 81 – Section 5.07 – Residential Acreage Development** – Added language for Residential Acreage Cluster Development – Section 5.07. References were also added. Table was removed for minimum site areas and changed to listed letters. Discussion followed about the ability to split if not in the “quarter/quarter” – which can’t be done unless they ask for an exception from the Board. All members ok with this.
- **Page 84 - Section 5.06 matrix-General Commercial-Rental Cabin – short term rentals.** Discussion followed about having a Conditional Use permit that allows rental cabins – this would be without a Conditional Use permit. All members are ok with this.
- **Page 84 - Section 5.06 matrix-General Commercial-Indoor Storage Unit-** Would have to be within ½ mile of a hard-surface road. Will be in the Subdivision Regulations only. All members ok with this.
- **Page 89 – Section H** – discussion about the number of storage containers allowed – 1 per 20 acres, limit of 5 per 100 acres in AG. Change to one single use per residence – require a special permit for more.
- **Page 95 – Section CC** – Outdoor storage and Storage Containers in Commercial – only under a Conditional Use. All members are ok with this.
- **Page 209 – Landfills** – under Conditional Use only – in the Matrix, put dashes in all districts and ask the County attorney about this.
- **Page 225 – Section 8.21.05 – Commercial Solar Conversion Systems (CSCS) Commercial Solar in TA clarify setback is measured from residence.** 300 ft. from approximate center of structure. 120 ft. from centerline of road. Discussion followed. Side and rear setbacks 50 ft. If two participating connected parcels, setbacks may be less. All members are ok with this.
- **Page 226 – Section 8.21.05 - #9, 11 – CSCS** – Question on fencing “up to” 8 feet. Could be misconstrued. Change wording on this - remove “up to” in highlighted area. All members are ok with this.

Since this covered all the changes, Tesar asked that they all check the Matrix for any discrepancies.

Mueller then opened the meeting to public comment. Three members of the gallery came up to speak.

Their concerns/questions were:

- Handouts were passed around with information on “Solar Panels Diminish Property Values” and the cost of supplies from China that are 107% more expensive.
- CSCS shouldn’t be allowed in T/A at all.
- Confusion on the splits on the 40 acre parcels. How can the land be split if part of it is in AG and part is in TA. Jensen stated that whichever district most of the land falls in will take jurisdiction.
- How are setbacks established on a parcel that doesn’t have a home built on it yet? Members of the board suggested that – if you own property and you intend to build on it – it would be in your best interest to do any splits for family or children ahead of time or petition the County Board for larger setbacks. He would encourage people to keep track of the applications as they come in to see if they will affect your parcel in any way.

- Lock boxes for emergency and fire personnel for any type of fire or emergency should be installed.
- Clarification on setbacks from Baird Holm LLP, representative for developers. He believes what the Planning Commission is referring to for prohibition on someone building a house after the fact is a reciprocal setback which we don't have in our regulations. As long as there is no reciprocal setbacks there, then the setback that applies to the solar panel doesn't apply to the adjacent property. If the landowner want to build a residence or building after the fact, it's just like any other land use – they know it's next door, they can build there if they want to – those setbacks are not reciprocal in our regulations. Developers don't recommend that they be that way because they don't want to come in and have people say that they are taking X amount of my adjacent property by building here. This would be more of a Conditional Use issue that can be addressed on a case-by-case basis.

At this point, Mueller asked if there were any comments or questions from the public. Since there were none, he asked if the Commissioners had any questions or comments. Staben asked – with the T/A Solar – could this be disapproved again? Mueller stated that they could change any or all of it. Tesar stated that they need to peruse through sections 6 and section 8 again – if they see anything or have any questions in the Matrix, please reach out to him or Jensen. They would like to get this to legal as soon as possible. Jensen stated that since they were all in agreement on the items discussed that need to be changed, then is it ok to submit to legal or do they want to review them again in another meeting? Mueller stated that he would like to see a hard document with the changes but he also knows that this will drag it out – however, he would rather see this done right this time than to do it all again. Jensen stated that they can itemize the changes and cover them at the next meeting. They just want to make sure to have a clean draft for legal. They decided to review all the changes made one final time at the December 12th meeting which will put it before the Board of Commissioners on December 20th. Since they had nothing more to add, Mueller asked for a motion to adjourn. Widick made a motion to adjourn. Seconded by Tesar. A voice vote followed with all voting aye. Meeting closed at 8:59 pm.

Linda Brouhard
Recording Secretary

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