

THE OFFICIAL PROCEEDINGS OF THE CITY OF GERING PLANNING COMMISSION REGULAR MEETING, DECMEBER 16, 2025

A regular meeting of the City of Gering Planning Commission was held in open session on December 16, 2025, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Alvizar, Hauck, C. Kaufman, T. Kaufman, Miles, Taylor, Crews and Waterman. Absent: Keener. Also present were City Engineer Annie Folck, Mayor Kent Ewing and Secretary Karen Heins. Notice of the meeting was given in advance by publication in the Star-Herald, the designated method of giving notice. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Call to Order and Roll Call:

Chairman Miles called the meeting to order at 6:00 p.m. and noted that a quorum of the Planning Commission was present and business could be conducted.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article14

Chairman Miles stated: As required by State Law, public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room. Agenda items may be moved up or down on the agenda at the discretion of the Chairperson. Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless they are considered under this section of the agenda and the Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the September 9, 2025, special Planning Commission meeting

A motion was made by Commissioner Taylor to approve the minutes of the September 9, 2025 special Planning Commission meeting with the correction to Section 7 to reflect Commissioner Crews as absent rather than abstaining. Seconded by Commissioner T. Kaufman. There was no discussion. The Secretary called the roll. "AYES": Waterman, Crews, Taylor, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstain: None. Absent: Keener. Motion carried.

4. Current Business:

A. Public Hearing to consider amending the City Zoning Ordinance and modify the land use table to provide for appropriate zones for recreational vehicle habitation.

Chairman Miles opened a public hearing at 6:04 p.m. to consider amending the City Zoning Ordinance and modify the land use table to provide for appropriate zones for recreational vehicle habitation.

**CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT**

To:	Planning Commission	Date:	December 16, 2025
From:	Planning & Community Development	Zoning:	
Subject:	Public Hearing to Consider Amending the City Zoning Ordinance and modify the land use table to provide for appropriate zones for recreational vehicle habitation	Property Size:	
Location:		#Lots/Parcels:	
Owner:		City Council Public Hearing:	January 12, 2025

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations and according to Nebraska State Statutes.

Agenda Item Summary

The City has received numerous complaints about people living in recreational vehicles in residential zones. While this is already prohibited by the City's zoning code, it is difficult to enforce, as zoning is typically enforced through the process of issuing building permits or certificates of occupancy, neither of which is required for someone to move into a recreational vehicle. In order to make enforcement easier, City Council has directed staff to draft an ordinance that would prohibit people from living in recreational vehicles outside of designated recreational vehicle parks or trailer courts. Staff is working on that ordinance, which will go to City Council for approval in January. However, in reviewing the City's zoning code, it has come to the attention of staff that recreational vehicle park is not a defined use in the zoning code, and it is not listed in the land use table.

Staff is proposing the attached ordinances, which would add definitions clarifying that a recreational vehicle park has the same definition as a campground, which is currently defined as "Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes. A campground includes any buildings, structures, vehicles or enclosure used or intended for use or intended wholly or in part for the accommodation of transient campers." The ordinances would add a recreational vehicle park area/campground into the land use table as a conditional use in the Ag, C-2, C-3, and ML zones.

The City's zoning code currently lists a "recreational vehicle parking area" in the land use table, but there is no definition for it. The proposed ordinances would not change how this use is listed in the land use table, where it is a permitted use in the C-3, ML, and MH zones, but they would add a definition for a recreational vehicle parking area. This definition would make it clear that a recreational vehicle parking area is solely for storage of recreational vehicles, and that no one is allowed to stay or live in recreational vehicles in this area. This is to ensure that if anyone is going to be occupying a recreational vehicle, it will have to be located in a designated recreational vehicle park where there is appropriate infrastructure for water, sewer, and electrical hookups.

Recommendation

Recommend Approval

Recommend approval of the attached Ordinances to City Council with the following conditions:

Recommend Denial

Recommend denying approval of the attached Ordinances to the City Council for the following reasons:

Table

Table making a recommendation regarding the attached Ordinances for the following reasons:

Chairman Miles asked City Engineer Folck to provide her report and recommendation. Engineer Folck reported that there has recently been some controversy regarding individuals living in recreational vehicles (RVs). She explained that, under the zoning code, an RV may not be placed on a residential lot for use as a dwelling. Doing so is considered the equivalent of adding an additional residence to the property, which is prohibited in most single-family zoning districts. Staff noted that this situation is currently occurring, with some individuals moving RVs onto residential lots and occupying them.

Ms. Folck further explained that zoning code functions primarily as a preventative measure and is typically enforced when building permits are issued or when a certificate of occupancy is required. Because a building permit is not required to move an RV onto a property and occupy it, enforcement is difficult. As a result, addressing these situations often requires going through the court system, which can take several months and is not an ideal solution.

She reported that, after significant debate, City Council elected to amend the City Code of Ordinances to explicitly prohibit people from living in RVs. With this change, if a violation is identified, law enforcement can issue a citation, providing a more direct and effective means of enforcement. Ms. Folck stated she believed this was the appropriate course of action, emphasizing that living in an RV in this manner was already illegal under the zoning code. She noted that unless the City intended to legalize such use through zoning—which she did not recommend—the ordinance approach was appropriate.

Ms. Folck explained that the ordinance currently being drafted by legal counsel, and anticipated to go to City Council in January, will specify that living in an RV is not legal outside of a recreational vehicle park or a mobile home park. As part of this effort, staff reviewed the zoning code to ensure consistency and clarity. During that review, it was identified that the zoning code does not clearly define a “recreational vehicle park,” nor is such a use currently included in the land use table. The code does, however, include “recreational vehicle parking area” as a use.

She stated that, in her interpretation, a recreational vehicle parking area is distinct from an RV park and is intended to be a location where RVs are parked or stored, not occupied. Examples could include situations where property owners lack adequate space to store an RV at their residence. Recreational vehicle parking areas are currently permitted by right in the C3, ML, and MH zoning districts. She noted, however, that the zoning code does not currently define “recreational vehicle parking area,” which could create future issues.

Ms. Folck explained that staff is proposing to clearly distinguish between a recreational vehicle parking area and a recreational vehicle park and to add recreational vehicle parks to the land use table. For definitions, she indicated that the City already has a well-developed definition for “campground” in the zoning code and recommended using that existing definition rather than creating a new one. This would

distinguish recreational vehicle parks, where overnight stays are intended, from recreational vehicle parking areas, where occupancy is prohibited.

She described the proposed definition of a recreational vehicle parking area as an area where recreational vehicles, boats, trailers, travel trailers, motorhomes, and any vehicle or trailer with living quarters for accommodation may be parked or stored. It was further clarified that living, sleeping, frequenting, occupancy, and habitation in a recreational vehicle parking area would be strictly prohibited. She noted that the primary distinction is that RV parks or campgrounds require infrastructure such as sewer and electrical hookups and adequate spacing between units to protect health and safety, whereas parking areas do not.

Regarding the land use table, Ms. Folck proposed continuing to allow recreational vehicle parking areas as a permitted use by right in the C3, ML, and MH districts, noting she had no concerns with RVs being parked in those zones. For recreational vehicle parks or campgrounds, she proposed that they be allowed by conditional use only due to the unique nature of the use and the potential risks associated with improper wastewater disposal, electrical hookups, and other health and safety concerns that have been observed.

She recommended allowing recreational vehicle parks by conditional use in the agricultural zone and in the C2, C3, and ML districts, which are areas where similar uses, such as hotels, are typically located. Ms. Folck stated she did not have strong opinions regarding inclusion in the MH district but noted concerns about compatibility with heavy industrial uses due to noise, odors, and traffic. She also stated that she did not believe recreational vehicle parks were appropriate in typical residential areas due to the volume of traffic and the size of vehicles associated with such uses.

Ms. Folck concluded by asking whether Planning Commission members had any questions or concerns regarding the proposed changes.

Commissioner Taylor asked how the proposed regulations would affect situations where individuals visit family members, noting that this occurs frequently and expressing concern that the regulations might restrict such visits. Ms. Folck responded that the proposal would not significantly change current conditions, as living in a recreational vehicle on a residential lot is already not permitted under the zoning code. She noted that City Council had discussed this issue at length and initially considered including exceptions for family visits or short-term use, such as children sleeping in a camper overnight. However, after discussions with law enforcement, it was determined that including such exceptions would make enforcement extremely difficult, as officers would have to prove that an RV had been occupied beyond a specified time period before taking action.

Ms. Folck explained that City Council ultimately decided to prohibit the practice outright, noting that this approach is consistent with many other communities in Nebraska, including Scottsbluff, where living in an RV is illegal. She added that, in practice, individuals allowing family members to stay in an RV would be assuming the risk of a potential citation. She also clarified that enforcement would generally be complaint-driven, and officers would have discretion to issue a warning or a citation, particularly in initial situations.

Commissioner Taylor sought clarification, noting that Ms. Folck had stated that living in an RV is already illegal under the zoning code, while also noting that the code does not clearly define certain terms. Ms. Folck clarified that living in an RV is currently not allowed through the zoning code because it constitutes adding an additional residence to a residential lot. Commissioner Taylor then asked whether the prohibition would still apply if someone stayed in an RV for only a few days while visiting family. Ms. Folck responded that this is where enforcement becomes more complicated. She reiterated

that the activity is not legal under the existing zoning framework and enforcement would generally be complaint-driven; officers would have discretion to issue a warning or a citation, particularly in initial situations.

Commissioner Hauck asked whether it would make a difference if the RV were parked in a driveway versus parked on the street, giving an example of having an RV in a driveway while a visiting relative stayed in it. Ms. Folck responded that, under what City Council is currently considering, that situation would technically not be allowed.

Commissioner Alvizar then asked whether the City of Gering or Scottsbluff has a public waste dump station. Ms. Folck responded that there is a dump station at the RV park. Commissioner Taylor added that use of the dump station now requires a fee and that staff must be present, noting that it had previously been open and unrestricted.

Commissioner Waterman asked whether an individual would still be allowed to park a fifth-wheel camper or RV on their property next to their home, provided it was only being stored there. Engineer Folck responded that parking or storing an RV on private property would still be allowed. Commissioner Waterman then asked whether the owner could plug in an extension cord during the winter to keep the unit warm to prevent freezing. Ms. Folck responded that this would be acceptable, reiterating that the restriction applies only to people living in the RV. Commissioner Waterman observed that the only way the City would know whether someone was living in an RV would be through a complaint. Ms. Folck confirmed that enforcement would be complaint-driven.

Commissioner Hauck asked what types of complaints the City had received regarding people living in RVs. Ms. Folck responded that there were currently four such situations around town. She described concerns including an unsafe fuel or diesel tank located under one RV that posed a potential fire hazard, reports from neighbors of wastewater being dumped, and complaints related to noise, trash, and general unsightliness.

Commissioner Waterman then asked for clarification using the example of the motel east of town along Highway 92, noting that the motel has campers located behind the building with people staying in them for short periods while traveling. He asked whether that situation was addressed in the proposed ordinances. Ms. Folck responded that such a use would be considered a campground or recreational vehicle park. She explained that existing facilities would be allowed to continue, but if a similar use were proposed in the same zoning district, which is C3, it would require a conditional use permit. As part of that process, the City would verify that sewer and electrical hookups met code and that other applicable requirements were satisfied.

Commissioner Hauck asked about the common practice of travelers parking RVs overnight in large retail parking lots, such as Walmart, and whether that would be acceptable locally. Ms. Folck responded that this was one of the issues the proposed changes are intended to address. She explained that under the current code, such activity could be argued to fall under a permitted recreational vehicle parking area, making enforcement difficult. The proposed revisions would clarify the distinction and provide the City with enforcement authority.

Ms. Folck noted that enforcement remains challenging and that people sometimes sleep in vehicles without the City's knowledge. She stated that if someone parked overnight and left the next day, it was unlikely the City would be aware or take action. However, if an RV were parked in a commercial parking lot for an extended period, such as a week or more, and people began to notice someone living there, the proposed ordinance would allow the City to address the situation. She added that if a complaint

were made in the middle of the night, law enforcement might make contact, though she did not believe that scenario would be common.

Commissioner Waterman then asked about the conditional use permit for the proposed horse track and casino and whether individuals with horse trailers equipped for sleeping would be covered under existing zoning. Ms. Folck explained that if the intent were to allow people to stay overnight in those units, an additional conditional use permit for a campground or RV park would be required. Commissioner Waterman noted that in some cases trailers are simply parked for events, with occupants staying for a night or two and then leaving. Ms. Folck acknowledged that distinction and reiterated that enforcement would be difficult in those situations. Ms. Folck stated that if overnight stays became an issue at the casino site, the City would likely need law enforcement involvement and would need to work with the property owners to provide proper hookups and infrastructure. She added that if the activity did not generate complaints, the City would likely be unaware of it.

Commissioner Waterman asked whether the property owners should be notified in advance about these requirements. Ms. Folck responded that the developers have discussed the possibility of including an RV park as part of the facility and indicated that it is something they have considered given the anticipated traffic. Commissioner Waterman stated that providing advance notice could help prevent issues after adoption of the ordinance.

Engineer Folck stated that City Council has wrestled extensively with this issue and has gone back and forth, noting that it has not been an easy decision. She described the situation as a sign of the times and referenced that the City of Kimball recently adopted a similar prohibition after not addressing the issue early. She explained that the City Attorney, who also serves Kimball, reported that Kimball had upwards of 50 RVs being lived in within residential zones. Ms. Folck stated that allowing neighbors to move trailers into backyards for habitation is generally unpopular and that the City's goal is to get a handle on the issue before it becomes unmanageable.

Commissioner Alvizar commented that law enforcement likely would not be overly strict during the summer months, when events such as baseball tournaments bring an influx of visitors who may stay in campers overnight in places like Menards or Walmart parking lots, typically for a weekend. He asked whether that assumption was correct.

Ms. Folck responded that enforcement would be complaint-based and that law enforcement would use discretion. She stated that for a first-time complaint, or in situations that did not appear to be long-term, officers would likely exercise judgment similar to that used in traffic stops, choosing between issuing a warning or a citation. She emphasized that law enforcement is not seeking to penalize people unnecessarily, but that the City needs an enforcement mechanism to address situations where individuals are actually living in RVs.

The Chair then asked if there was any further discussion.

Commissioner Hauck noted that the proposed language referenced boats and questioned whether that would prohibit someone from keeping a boat in their backyard. Ms. Folck clarified that the ordinance would not prohibit individuals from parking their own boats on their own private property. She explained that the reference to boats applied only to recreational vehicle parking areas, such as a fenced lot rented out for storage of RVs, boats, trailers, ATVs, or similar items, and is not intended to restrict the parking of boats on private property.

Commissioner Hauck then asked whether a boat on a licensed trailer could be parked on the street. Ms. Folck responded that it would be allowed currently under regulations.

Commissioner Taylor commented that the issue presents a slippery slope when treated as a gray area, stating that in his view the matter should be a clear yes or no. He stated that if the proposal is approved, it should be understood that no one would be allowed to stay in RVs, and that while enforcement would be handled by the police department, the activity would clearly be illegal.

Engineer Folck clarified that the Planning Commission was not considering adoption of an ordinance amending the Municipal Code of Ordinances, as that authority rests solely with City Council. She stated that the Planning Commission's action that evening was limited to considering zoning-related changes, specifically making a distinction between a recreational vehicle parking area and a recreational vehicle park, adding those definitions to the zoning code, and adding recreational vehicle parks to the land use table.

The Chair then asked for any further comments. Hearing none, the Chair closed the public hearing at 6:24 p.m.

A motion was made by Commissioner T. Kaufman to approve amending the city zoning ordinance and modifying the land use table to provide for appropriate zones for recreational vehicle habitation. The motion was seconded by Commissioner Alvizar. There was no further discussion. The Secretary called the roll. "AYES": Waterman, Crews, Miles, C. Kaufman, T. Kaufman, Alvizar. "NAYS": Taylor and Hauck. Abstain: None. Absent: Keener. Motion carried.

5. City Engineer Report

Engineer Folck presented the City Engineer's Report. She stated that the next Planning Commission meeting is scheduled for January 20, and that additional information would be provided to the Commission prior to that meeting. She reported that the City has received another rezoning application for the corner of Five Rocks Road and Country Club Road, which will be brought back for consideration.

Ms. Folck also stated that staff expects to receive, before the end of the week, both a preliminary and final plat for the housing development near McClellan Park, known as the Oikos development, which proposes 44 townhome units. She indicated that this item is anticipated to be on the January agenda as well.

She concluded by noting that several items are forthcoming, and then wished the Commission a Merry Christmas, thanking the members for their service.

6. Open Comments:

Chairman Miles noted that the Planning Commission would not be engaging in discussion or taking action on any unscheduled business during this portion of the meeting. He explained that this time was designated for citizen comment only. He invited members of the public to speak, requesting that they state their name and address before addressing the Commission, and reminded speakers of the five-minute time limit.

7. Adjourn

A motion was made by Commissioner Alvizar to adjourn. Seconded by Commissioner Taylor. There was no discussion. The Secretary called the roll. "AYES": Waterman, Taylor, Crews, Miles, C. Kaufman, T. Kaufman, Hauck, Alvizar. "NAYS": None. Abstain: None. Absent: Keener. Motion carried.

The meeting adjourned at 6:27 p.m.



Jody Miles, Chairman

ATTEST:



Karen Heins, Administrative Secretary