

THE OFFICIAL PROCEEDINGS OF THE GERING CITY PLANNING COMMISSION
MEETING DECEMBER 17, 2019

The Gering City Planning Commission of Gering, Nebraska was held in open session at 5:30 p.m. in the Gering City Council Chambers. Present were Commissioners Allen, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. Absent: Bowman, Marietta and Miles. Also, present were members of the public, City Engineer Annie Folck, and Secretary Bruntz - Secretary to the Planning Commission.

Notice of the meeting was given in advance by publication in the Star Herald, the designated method of giving notice. Availability of the agenda was communicated in advance to the Media and Commissioners. All proceedings hereafter were taken while the meeting was open to the attendance of the public.

Chairman Rechsteiner called the meeting to order at 5:31 p.m., roll call was taken and the Pledge of Allegiance was recited; also reviewed were the Nebraska Revised Statutes Chapter 84, Article 14, which requires at least one copy of the Open Meetings Act be posted in the meeting room and the time limit for public comment.

Chairman Rechsteiner asked for a motion to approve or disapprove the minutes from the November 19, 2019 meeting. Commissioner Hauck made the motion to approve the minutes with the following change – on page 4, the paragraph beginning with Commission Hauck, second sentence changed garage to garbage and Commissioner Kaufman seconded. On roll call vote, the following voted “AYE”: Allen, Hauck, Kaufman, Rajewich and Rechsteiner. “NAY”: None. Absent: Bowman, Marietta and Miles.

Current business:

a. AEDS application:

The City of Gering Planning Commission will conduct a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska.

CITY OF GERING
PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	12/17/19
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	3.97 Acres
Location:	County Road S, east of Gering Valley Drain, PT SE ¼ of the SE ¼, S13-T21N-R54 W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Terry’s Legacy, LLC	City Council Public	12/23/19

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 3.97 Acres, located along County Road S, just east of the Gering Valley Drain. The property is situated in unplatted lands, PT SE ¼ of the SE ¼, S13-T21N-R54 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City's extraterritorial zoning jurisdiction. All of the surrounding property is zoned AGG as well.

The proposed Ag Estate Dwelling Site Survey meets all the requirements of the City's zoning code. When the 3.97 acres is divided off, the remaining 86.03 acres of the farm will be held in reserve for agricultural uses only until or unless the property is rezoned. Staff recommends approval of the AEDS.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation on the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County for the following reasons:

Discussion:

Annie began by explaining what an AEDS is per the zoning code. AEDS is farm property where a parcel can be split off of the farm. The parcel can be an existing farmstead or land that can be used for AG. It is required by code that 80 acres be reserved for AG use. This property is in the extra territorial zoning jurisdiction. The purpose of this application is to split off a little under 4 acres from the rest of the farm. Staff recommends approval as AG land as it meets all the requirements. There is room for a well and septic to serve the property. A home may be built later on this parcel. It will be noted that the rest of property will be held in reserve and can't split off any other parcel for an AG estate dwelling. If there are any questions the applicant is here. The remaining property is more that 80 acres. (Open public hearing at 5:38 pm)

Commissioner Hauck said since there are no comments by the public he makes a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on County Road S, east of the Gering Drain, situated in the Southeast ¼ of the Southeast ¼ of Section 13, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions: None

The motion was seconded by Commissioner Shimic. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. "NAY": None. Absent: Bowman, Marietta and Miles. (Public hearing closed at 5:41 pm).

b. AEDS application:

The City of Gering Planning Commission will conduct a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th P.M., in the City of Gering, Scotts Bluff County, Nebraska.

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

To:	Planning Commission	Date:	12/17/19
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	2.79 Acres
Location:	230303 County Road P	#Lots/Parcels:	1
Owner:	Jim McAllister	City Council Public Hearing:	12/23/19

Public Notice: This Public Hearing was noticed meeting City Zoning and Subdivision Regulations.

Public Hearing

This is a recommendation and report to consider an application for an Ag Estate Dwelling Site in the AGG zone (General Agricultural District). The property is 2.79 Acres, and is an existing farmstead located at 230303 County Road P. The property is situated in unplatted lands, PT N ½ of the NE ¼ of S7-T21N-R54 W of the 6th P.M., Scotts Bluff County. The property is outside of Gering City limits, but within the City’s extraterritorial zoning jurisdiction. The surrounding property is zoned AGG as well.

According to the City’s zoning code, for each AEDS, the owner shall reserve the balance of 80 acres of vacant or agricultural district land. When the 2.79 acres is divided off, there will be only 65.21 acres remaining of the farm which will be held in reserve for agricultural uses only, until or unless the property is rezoned. While this doesn’t strictly meet the 80 acre requirement, section 5.203 of the zoning code also states, “The City Planning Commission and the City Council of the City of Gering,

Nebraska, may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of this subsection is maintained.” The stated intent of the AEDS subsection of code is “not to encourage the creation of a large number of agricultural estate dwelling sites (AEDS), but such intent is to allow ‘subdivision’ or sale, of a portion of a larger tract of land, whereby the smaller parcel created is to be used primarily for dwelling site purposes.” Because this is an existing farmstead that is being split off from the remainder of the farm, and this parcel is to be used for dwelling purposes, staff recommends that this AEDS does meet the intent of this subsection of code, and thus recommends approval of the AEDS.

Recommendation

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council for the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation on the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Discussion:

(Public hearing opened at 5:41 pm)

Annie began by stating this application is located on County Road P where there are several smaller acreages. The plan is to split off this parcel from the existing farm. There is an existing house & out building already on the property. The property they are splitting this off of is not quite 80 acres and the zoning code does provide for cases like this as long as it meets the intent of code. The Planning Commission and City Council can make these approvals. It is just short of 70 acres. Staff recommends to approve since it does meet the intent of the code. The owners will continue to use the property as AG. There is an existing house that will be split off from the existing farm. Commissioner Rajewich asked about the intent. Is it for future sales? Annie said it can be for many reasons such as future sales, to refinance, or if they want to do something with the remainder of property and not the home. Annie said per code this meets the intent. (Public hearing closed at 5:47 pm)

Commissioner Rajewich made a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located at 230303, situated in the North ½ of the Northeast ¼ of Section 7, Township 21 North, Range 54 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions: None

Motion was seconded by Commissioner Kaufman. On roll call vote, the following voted “AYE”: Allen, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. “NAY”: None. Absent: Bowman, Marietta and Miles.

City Engineer report:

Annie said the annual western Nebraska NPZA workshop will be held on January 23, 2020 at the Civic Center and is encouraging the PC to attend. There will also be a workshop on the zoning code. It will be either at the regular PC meeting on January 21, 2020 or on the same day as the NPZA workshop in the evening. The zoning code is getting close by simplifying and making other changes. After the PC work session, it will be made available for public review/comment again and then PC & CC for final adoption.

Motion to adjourn was made by Commissioner Rajewich and seconded by Commissioner Hauck. On roll call vote, the following voted "AYE": Allen, Erdman, Hauck, Kaufman, Rajewich, Rechsteiner and Shimic. "NAY": None. Absent: Bowman, Marietta and Miles.

Note: If a member needs to abstain from voting, the member should communicate this prior to a motion being made.

Note: There was dialogue that was not audible for the minutes due to microphones being off, sitting back from the microphones, static in the microphones, individuals not standing at the podium to speak or shuffling of papers.

Adjourn 5:53 p.m.



Jeremy Rechsteiner, Chairman



Brenda Bruntz, Secretary

AFFIDAVIT OF PUBLICATION

Star Herald
PO Box 1709
Scottsbluff, NE 69363

State of Nebraska
County of Scotts Bluff } ss.

I, Cheryl Helser-Garcia do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one)

consecutive week (s) in the issues published, respectively December 11, 2019

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

Cheryl Helser-Garcia

SUBSCRIBED in my presence and sworn to before me on Dec 17, 2019

Consuello T Ernest
Notary Public



The publication fees amount to \$ \$23.29

CTYGER - 54049473

**CITY OF GERING
PLANNING COMMISSION
AND CITY COUNCIL
PUBLIC HEARING
NOTICE - DATE CHANGE
FOR CITY COUNCIL
MEETING**
The City of Gering Planning Commission will conduct a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the Southwest Quarter of the Southeast Quarter of Section 13, Township 21 North, Range 55 West of the 6th Principle P.M., in the City of Gering, Scotts Bluff County, Nebraska.
The City of Gering Planning Commission will conduct a public hearing to consider an AEDS (Ag Estate Dwelling Survey) application on a tract of land in the North 1/2 of the Northeast 1/4 of Section 7, Township 21 North, Range 54 West of the 6th P.M., in the City of Gering, Scotts Bluff County, Nebraska.
The Planning Commission public hearings will be held December 17, 2019 at 5:30 p.m. in the Gering City Council Chambers, 1025 P Street, Gering, Nebraska.
The City Council will conduct public hearings on December 23, 2019 at Noon for the above AEDS applications in the Gering City Council Chambers, 1025 P Street, Gering, Nebraska (instead of December 19, 2019 at noon as previously advertised).
Any person with a disability desiring reasonable accommodation to attend a public meeting must contact the City Clerk's office at City Hall, 1025 P Street, Gering, NE by 12:00 p.m. five (5) days prior to the date of each meeting.
/s/Kathy Wolff, City Clerk
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