

**CITY OF GERING PLANNING COMMISSION MEETING
November 19, 2024**

A regular meeting of the City of Gering Planning Commission was held in open session on November 19, 2024, at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE. Present were Commissioners Taylor, Crews, Miles, Kaufman, Palm, Hauck and Alvizar. Absent Keener and Shimic. Also present were City Engineer Annie Folck, Carol Martin, Administrative Secretary and Secretary Valerie VanWinkle Engineering Secretary. 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, Article 14

Commissioner 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. Appointment of Planning Commission Secretary, Valerie Van Winkle

Motion by Commissioner Taylor to approve the appointment of Planning Commission Secretary, Valerie VanWinkle. Second by Commissioner Alvizar. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Absent: Keener, Shimic. Motion Carried.

4. Approval of Minutes of the October 15, 2024, regular Planning Commission meeting

Motion by Commissioner Palm to approve the minutes of the October 15, 2024 regular Planning Commission meeting. Second by Commissioner Crews with one correction of the spelling of his name. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Absent: Keener, Shimic. Motion carried.

5. Current Business:

- A. Consider an Ag Estate Dwelling Site located at 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County**

**THE FOLLOWING STAFF REPORT WAS PROVIDED TO PLANNING COMMISSION PRIOR
TO THIS MEETING
CITY OF GERING**

PLANNING COMMISSION RECOMMENDATION AND REPORT

To:	Planning Commission	Date:	11/19/2024
From:	Planning & Community Development	Zoning:	
Subject:	Recommendation & Report – AEDS	Property Size:	5.26 Acres
Location:	150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6 th P.M. Scotts Bluff County	#Lots/Parcels:	1
Owner:	Victor Jerger Farms Inc./ Jeremy Jerger	City Council Public Hearing:	11/25/2024

Agenda Item Summary

The City has received an application for an Ag Estate Dwelling Site (AEDS) Subdivision in the AG zone (Agricultural District). The proposed Ag Estate Dwelling is an existing farmstead located at 150785 CR 22. The applicants would like to divide 5.26+- acres off from the remainder of the farm. The property is situated in unplatted lands, tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West 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 AG.

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 5.26+- acres is divided off, there will be only 68.14 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.

Motion and Vote

Approve

Make a POSITIVE RECOMMENDATION for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County Nebraska, with the following conditions:

Deny

Make a NEGATIVE RECOMMENDATION to City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M., Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 150785 CR 22, Section 13, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County, for the following reasons:

END OF STAFF REPORT

City Engineer Annie Folck shared the vicinity map on the overhead screen to explain that an application was received for an Ag Estate Dwelling for the property shown south of town. This is an existing farmstead; they are splitting off a little more than 5 acres so that meets all of the requirements. It's big enough for a well and septic, everything that's needed for a farm stead like that. Once this is done there is roughly 65 acres left, which is less than the 80 acres that is required in reserve, but the code is flexible enough to allow that. Folck noted the ordinance change clarifying that this is appropriate in the case of existing farmsteads will go to City Council Monday, so it's not in place yet. However, the way the code is currently written does allow Planning Commission to approve this because it has language about circumstances that still meet the intent of the code. With this being an existing farmstead, there is no population being added to the area and staff recommendation is still approval.

Commissioner Palm asked how far Planning Commission's jurisdiction is outside the City. Folck responded they are authorized up to 2 miles out and it's mapped by ordinance. It hasn't been looked at in a while and that's something to look at in the future. She can send out a map showing exactly where the boundary is because it follows parcel lines to avoid having parcels half way in and half way out. As the City grows that should be looked at periodically.

Motion by Commissioner Crews to approve the Ag Estate Dwelling located at 150785 CR 22, Tract in the South ½ of the Southwest ¼ of Section 13, Township 21 North, Range 55 West of the 6th P.M. Scotts Bluff County. Seconded by Commissioner Palm. No discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Keener, Shimic. Motion carried.

6. City Engineer Report

City Engineer Annie Folck stated that the City has a couple more applications including a preliminary and final plat. There is also proposed code changes for some potential things happening in Gering. There will be a meeting in December and after sending an email to Planning Commission December 3rd worked best. Commissioners Crews, Keener, Shimic and Alvizar have

done their three-year terms. Commissioners Crews, Keener, and Alvizar are all going to fulfill another term. Shimic had concerns about being able to stay consistent and will move to the alternate position. Palm is also leaving because she's moving out of Gering. One of these positions will be filled by Tony Kaufman. There is still one more open seat to fill.

7. Open Comments: Discussion or action by the Planning Commission regarding unscheduled business will not take place. This section is for citizen comment only. None.

8. Adjourn

Commissioner Alvizar moved to adjourn. Commissioner Taylor seconded the motion. There was no discussion. The Secretary called the roll. "AYES": Taylor, Crews, Miles, Kaufman, Palm, Hauck and Alvizar. "NAYS": None. Abstaining: None. Absent: Keener, Shimic. Motion carried.

The meeting adjourned at 6:13 p.m.



Jody Miles, Chairman

ATTEST:



Valerie VanWinkle, Secretary