

**THE UNOFFICIAL PROCEEDINGS OF THE CITY OF GERING
 PLANNING COMMISSION MEETING
 October 4, 2022**

A regular meeting of the City of Gering Planning Commission was held in open session at 6:00 p.m. in the Gering City Hall Council Chambers at 1025 P Street, Gering, NE, on October 4, 2022. Present were Chairperson Bowman and Commissioners Miles, Kautz, Kaufman, Keener, Hauck, Alvizar. Absent were Commissioners Shimic and Holliday. Also present were Engineering Technician Sergio Rodriguez and Planning Commission Secretary Carol Martin.

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

Chairperson Bowman called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance

2. Open Meetings Act - Neb. Rev. Stat. Chapter 84, Article 14

Chairperson Bowman 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 Planning Commission determines that the matter requires emergency action.

3. Approval of Minutes of the September 6, 2022 regular Planning Commission meeting.

Motion by Commissioner Miles to approve the minutes of the September 6, 2022 regular Planning Commission meeting with the correction of Shimic being absent from the previous meeting. Second by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Holliday. Motion carried.

Chairperson Bowman stated that Current Business agenda item D, to consider an Ordinance to amend the AG Estate Dwelling reserve requirement, will be moved up on the agenda and discussed first.

5. Current Business:

D. Consider an Ordinance to amend the AG Estate Dwelling reserve requirement

Engineering Technician Rodriguez mentioned at the last Planning Commission meeting it was discussed to change the reserve requirements in the AG Estate Dwelling. Since then, an ordinance has been drafted, which is included in your packet. The ordinance described amending our zoning code to change the reserve requirements from 80 acres to 70 acres. For today's meeting, Planning Commission will need to take action with a recommendation to council in order for the ordinance to move forward. Planning commission may choose to recommend the ordinance as presented or may also decide to make changes to the draft along with its recommendation.

Chairperson Bowman said as we discussed we would change the reserve requirements to 70 acres for AG Estate Dwelling and make a recommendation to the City Council for approval of the ordinance.

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

To:	Planning Commission	Date:	10/4/22
From:	Planning & Community Development	Zoning:	AG
Subject:	Ordinance Establishing the Reserve Requirement for Agricultural Estate Dwellings (AEDS)	Property Size:	
Location:		#Lots/Parcels:	
Owner:		City Council Public Hearing:	

At the September 6, 2022 meeting, the Planning Commission held a discussion regarding the reserve requirement for Agricultural Estates Dwellings.

The City's current code allows for existing farmsteads or parcels of marginal use land to be split off from the rest of the property through the use of an Ag Estate Dwelling. In order to do so, there is to be 80 acres of farm ground that is held in reserve for agricultural purposes. However, Section 3.7.2.C of the zoning code 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

Due to the fact that many farms are originally 80 acres, which equates to one half of one quarter section of land, the Planning Commission recommended that the reserve requirement be changed to 70 acres, to allow for one farmstead to be split off from an 80-acre parcel while still meeting the reserve requirement. The proposed ordinance would amend the existing zoning code to make that change. This should allow for most of the AEDS requests the City receives to meet the requirement, without drastically changing the character and population density of the Agricultural zone.

Recommendation

Approve

Make a positive recommendation on Ordinance regarding Ag Estate Dwelling Reserve Requirements to City Council

Deny

Make a Negative Recommendation on Ordinance regarding Ag Estate Dwelling Reserve Requirements to City Council for the following reasons:

Table

Table Ordinance regarding Ag Estate Dwelling Reserve Requirements for the following reasons:

Chairperson Bowman asked if there were any questions. Chairperson Bowman asked for a motion to make a recommendation to the City Council regarding an ordinance to amend AG Estate Dwelling reserve requirements.

Motion by Commissioner Miles to recommend approval of the Ordinance on AG Estate Dwelling reserve requirements to City Council. Seconded by Commissioner Kaufman. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Holliday. Motion carried.

A. Consider an AG Estate Dwelling located in the S½ of the NE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Engineering Technician Rodriguez stated we have several applications for AG Estates on tonight's agenda, as you may recall from our zoning code an ag estate is a way for farm property to split off a parcel that is either an existing farmstead or marginal usage land that could be used for a farmstead.

The first AG Estate we'll be looking at is located south of town on the very edge of our zoning jurisdiction on County Road 22. So, the applicant is proposing to split off an area of 2.02 acres at the farmstead location, this area includes a home, out buildings and a barn, the site is serviced by a well and a septic tank.

When the 2.02 acres are divided off, the remaining property will have 77.88 acres held in reserve for AG only, this is slightly less than the 80 acres required by our zoning code, however because this is an existing farmstead being split off and the proposed lot meets all the other requirements including lot size and street frontage, staff recommends the approval of the AG estate.

Chairperson Bowman and Commissioner Kaufman wanted clarification from the map and the address. Chairperson Bowman stated the address is 150942 County Road 22.

Commissioner Miles asked if that was located on the map? Engineering Technician Rodriguez said this on the north side of County Road S.

Commissioner Hauck asked what is their reason for doing this. Engineering Technician Rodriguez said for refinancing a portion of the property, instead of a bank loan for the entire farm it would be just for this section. Commissioner Hauck asked if they want to sell some of the property or buy. Engineering Technician Rodriguez stated they are just splitting off the rest of the farm.

Commission Kaufman said that this property is to be used for dwelling purposes. Engineering Technician Rodriguez said that there is a house, a shed and a barn, it is just a small square that is being split off.

Commissioner Miles stated that they may finance it separately or sell it separately or any transaction and wouldn't have to involve the whole property. Commissioner Kaufman said they may want to sell the farm but not the place. Commissioner Miles said that with financing it makes a difference when you are considering the farm or just a portion.

Chairperson Bowman stated that the Planning Commission previously approved some of these for approximately 80-acre parcels and they came down to between 70 to 80 acres in reserve. So, we have approved these in the past. Commissioner Kaufman stated that we have moved that to 70 acres, is that correct? Chairperson Bowman said that City Council has to approve the ordinance on that.

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

To:	Planning Commission	Date:	10/4/2022
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	3.13 acres
Location:	150302 County Road 22, S ½ of the NE ¼, S14-T21N-55W of the 6 th P.M.	#Lots/Parcels:	1
Owner:	Terry Lofing	City Council Public Hearing:	10/25/2022

Agenda Item Summary

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 3.13 Acres, and is an existing farmstead located at 150302 County Road 22. The property is situated in unplatted lands, S ½ of the NE ¼ of S14-T21N-R55 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.

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 3.13 acres is divided off, there will be only 75.76 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 on 150302 County Road 22, situated in the South ½ of the Northeast ¼ of Section 14, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council to approve the Ag Estate Dwelling Site located on 150302 County Road 22, situated in the South ½ of the Northeast ¼ of Section 14, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 150302 County Road 22, situated in the South ½ of the Northeast ¼ of Section 15, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Chairperson Bowman asked if there were any questions. Chairperson Bowman asked for a motion to AG Estate Dwelling located in the S½ of the NE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Motion by Commissioner Miles to approve the AG Estate Dwelling located on 150942 County Road 22, in the S½ of the NE¼ of Section 14, Township 21, Range 55 W of the 6th P.M. with the following condition that ordinance that we recommend for approval is approved by the City. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Holliday. Motion carried.

B. Consider an AG Estate Dwelling located in the S½ of the SE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Engineering Technician Rodriguez stated our next Ag Estate application we are looking at is also located south of town well within our zoning jurisdiction and also on County Road 22. For this one, the applicant is proposing to split off an area of 3.13 acres at the farmstead location, this area includes a home and some out buildings, the site is also serviced by a well and a septic tank.

When the 3.13 acres are divided off, the remaining property will have 75.76 acres held in reserve for AG only, again this is slightly less than the 80 acres required by our zoning code and because this is also an existing farmstead being split off and the proposed lot meets all the other requirements including lot size and street frontage, staff recommends the approval of the AG Estate.

Chairperson Bowman asked if there were any questions. Commissioner Hauck asked if the city will be obligated to put in services out there like sewer, water and lights. Engineering Technician Rodriguez stated it already has a well and septic.

To:	Planning Commission	Date:	10/4/2022
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	2.02 acres
Location:	150942 County Road 22, S ½ of the SE ¼, S14-T21N-55W of the 6th P.M.	#Lots/Parcels:	1
Owner:	Terry Lofing	City Council Public Hearing:	10/25/2022

Agenda Item Summary

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 2.02 Acres, and is an existing farmstead located at 150942 County Road 22. The property is situated in unplatted lands, S ½ of the SE ¼ of S14-T21N-R55 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.

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 2.02 acres is divided off, there will be only 77.88 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 on 150942 County Road 22, situated in the South ½ of the Southeast ¼ of Section 14, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council to approve the Ag Estate Dwelling Site located on 150942 County Road 22, situated in the South ½ of the Southeast ¼ of Section 14, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 150942 County Road 22, situated in the South ½ of the Southeast ¼ of Section 14, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Chairperson Bowman asked if there were any questions. Chairperson Bowman asked for a motion to AG Estate Dwelling located in the S½ of the SE¼ of Section 14, Township 21, Range 55 W of the 6th P.M.

Motion by Commissioner Kautz to approve the AG Estate Dwelling located in the S½ of the SE¼ of Section 14, Township 21, Range 55 W of the 6th P.M with the condition that the ordinance that the Planning Commission recommended for approval is approved by the City Council. Seconded by Commissioner Alvizar. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Holliday. Motion carried.

C. Consider an AG Estate Dwelling located in the E½ of the SW¼ of Section 12, Township 21, Range 55 W of the 6th P.M.

Engineering Technician Rodriguez stated our last AG Estate application is located County Road R just south of the bypass. The applicant is proposing to split off an area of 2.20 acres at the farmstead location, this area also includes a home and some out buildings, and is serviced by a well and a septic tank.

When the 2.20 acres are divided off, the remaining property will have 71.54 acres held in reserve for AG only, this is also slightly less than the 80 acres required by our zoning code, and again because this is an existing farmstead being split off and the proposed lot meets all the other requirements including lot size and street frontage, staff recommends the approval of the AG Estate.

Chairperson Bowman asked if there were any questions.

To:	Planning Commission	Date:	10/4/2022
From:	Planning & Community Development	Zoning:	AGG
Subject:	Recommendation & Report – AEDS	Property Size:	2.20 acres
Location:	220462 County Road R, E ½ of the SW ¼, S12-T21N-55W of the 6th P.M.	#Lots/Parcels:	1
Owner:	Terry Lofing	City Council Public Hearing:	10/25/2022

Agenda Item Summary

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 2.20 Acres, and is an existing farmstead located at 220462 County Road R. The property is situated in unplatted lands, E ½ of the SW ¼ of S12-T21N-R55 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.

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 2.20 acres is divided off, there will be only 71.54 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 on 220492 County Road R, situated in the East ½ of the Southwest ¼ of Section 12, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, with the following conditions:

Deny

FAIL TO RECOMMEND to City Council to approve the Ag Estate Dwelling Site located on 220462 County Road R, situated in the East ½ of the Southwest ¼ of Section 12, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Table

Table making a recommendation for City Council to approve the Ag Estate Dwelling Site located on 220462 County Road R, situated in the East ½ of the Southwest ¼ of Section 12, Township 21 North, Range 55 West of the 6th Prime Meridian, Scotts Bluff County, for the following reasons:

Chairperson Bowman asked if there were any questions. Chairperson Bowman asked for a motion to located in the E½ of the SW¼ of Section 12, Township 21, Range 55 W of the 6th P.M.

Motion by Commissioner Kaufman to approve the AG Estate Dwelling located in the E½ of the SW¼ of Section 12, Township 21, Range 55 W of the 6th P.M with the condition that ordinance that the Planning Commission recommended for approval is approved by the City. Seconded by Commissioner Keener. There was no discussion. The Clerk called the roll. "AYES": Miles, Kautz, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Shimic and Holliday. Motion carried.

6. City Engineer report

Mr. Rodriguez stated that we are planning on having our next meeting the first week of November, and currently have two items on the agenda. There is an application for an adjustment to consider and an ordinance for allowable uses on the downtown's right of way.

Commissioner Miles moved to adjourn the meeting. Commissioner Keener seconded the motion. There was no discussion. The Clerk called the roll. "AYES": Miles, Bowman, Kaufman, Keener, Hauck, Alvizar. "NAYS": None. Abstaining: None. Absent: Kautz, Shimic and Holliday. Motion carried.

The meeting adjourned at 6:22 p.m.



Mary Bowman, Chairwoman

ATTEST:



Carol Martin, Secretary