

SUMMARY FROM DECEMBER 10TH PLANNING COMMISSION MEETING

PUBLIC
HEARING

1. Dave Loos
Zoning Change (Rural Residential to Agricultural)
Section 31, Township 23 N, Range 55 W
discuss and consider approval

REQUEST

Applicants wishes to rezone Lot "B" and Ditch Lot "C" of the H&M SUBDIVISION from Rural Residential to Agricultural for the purpose of consolidating the property back into his farm located on the west side of the tracts.

LOCATION

The proposed request is located in H&M SUBDIVISION, situated in the SW1/4 of Section 31, Township 23 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, parcels 010252525 & 010252517.

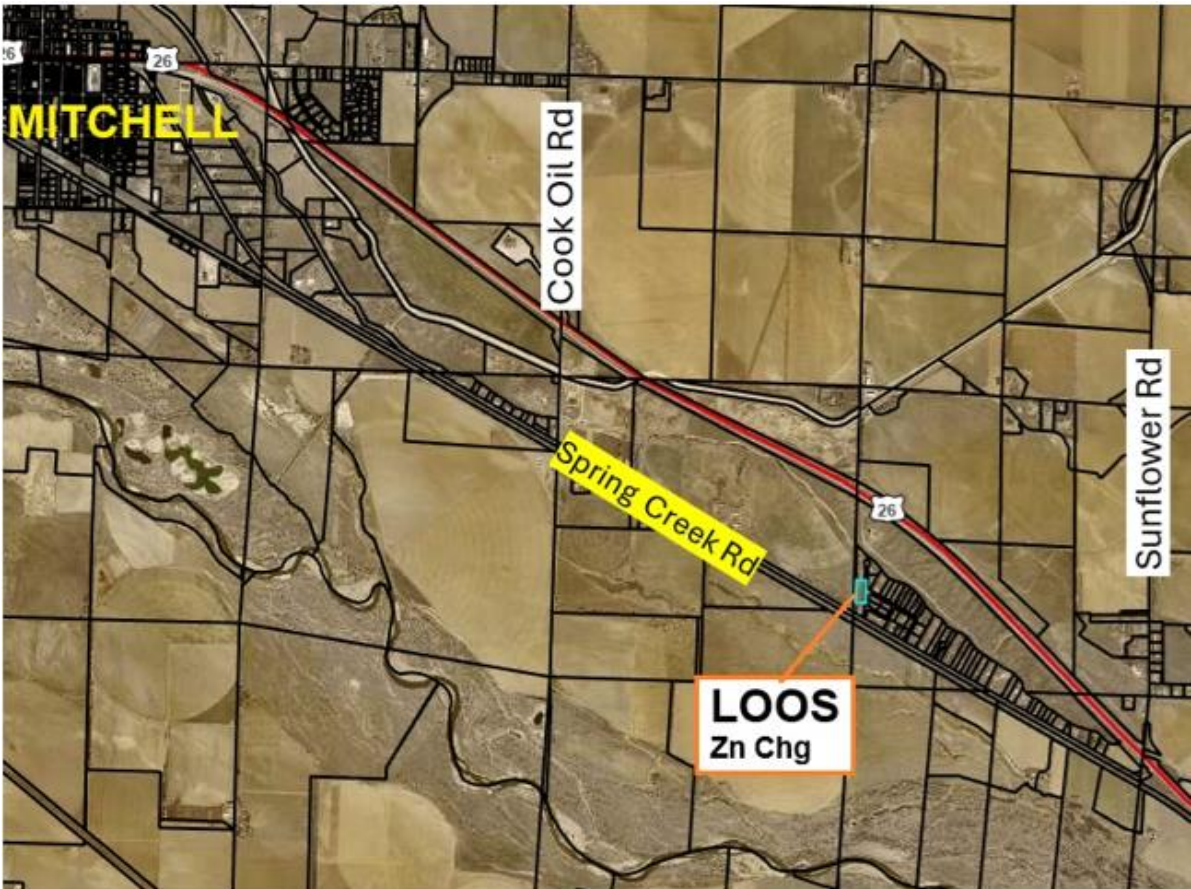
COMPLIANCE

Although there is nothing in the zoning regulations or Nebraska Statutes which would specifically prohibit the request, there is a probable issue with Land Use Conflict as described in the Comprehensive Zoning Plan.... *"Land use conflicts occur when mixed land use classifications are allowed to develop without adequate consideration given to the potential impacts that may take place. Potential impacts can include health and safety hazards, noise, traffic increases and/or potential decreases in market valuation."*

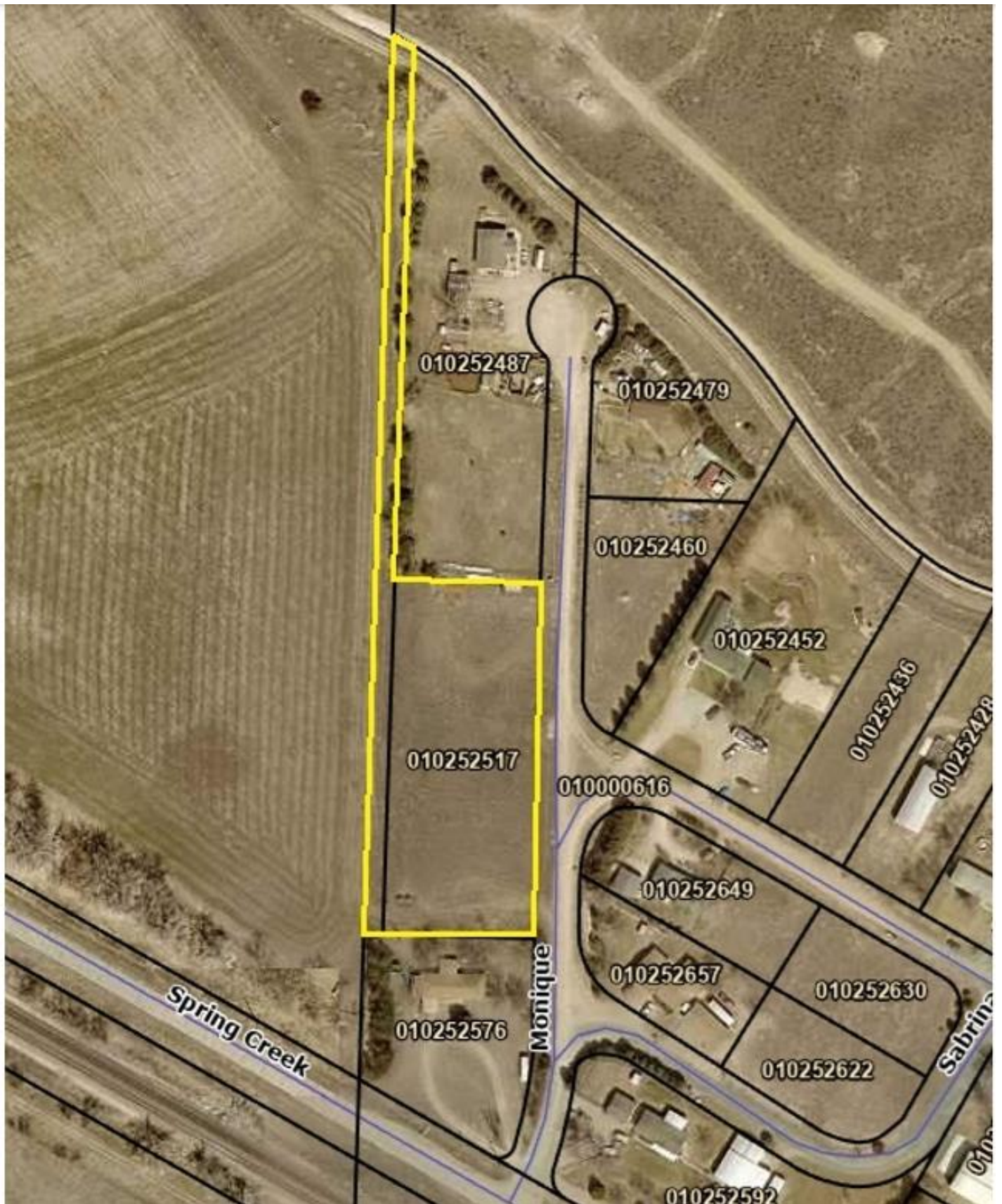
ACTION

The Scotts Bluff County Planning Commission heard testimony from Dave Loos, as well as several neighboring property owners, who expressed concern over allowing the request (see December 10 minutes), and made recommendation to the County Board to not approve the request by a 5-2 vote.

LOCATION



Plat

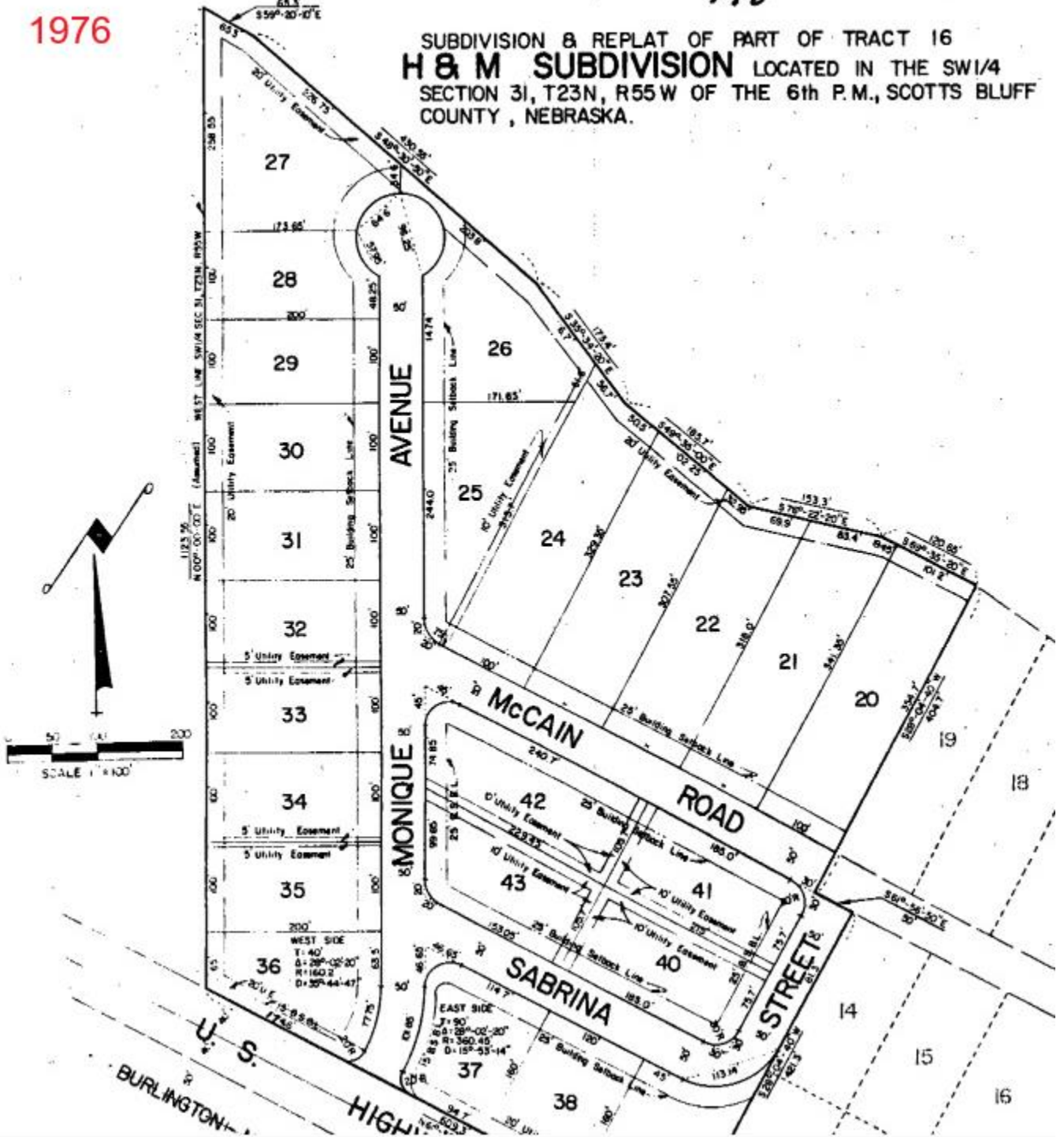


1976 Plat

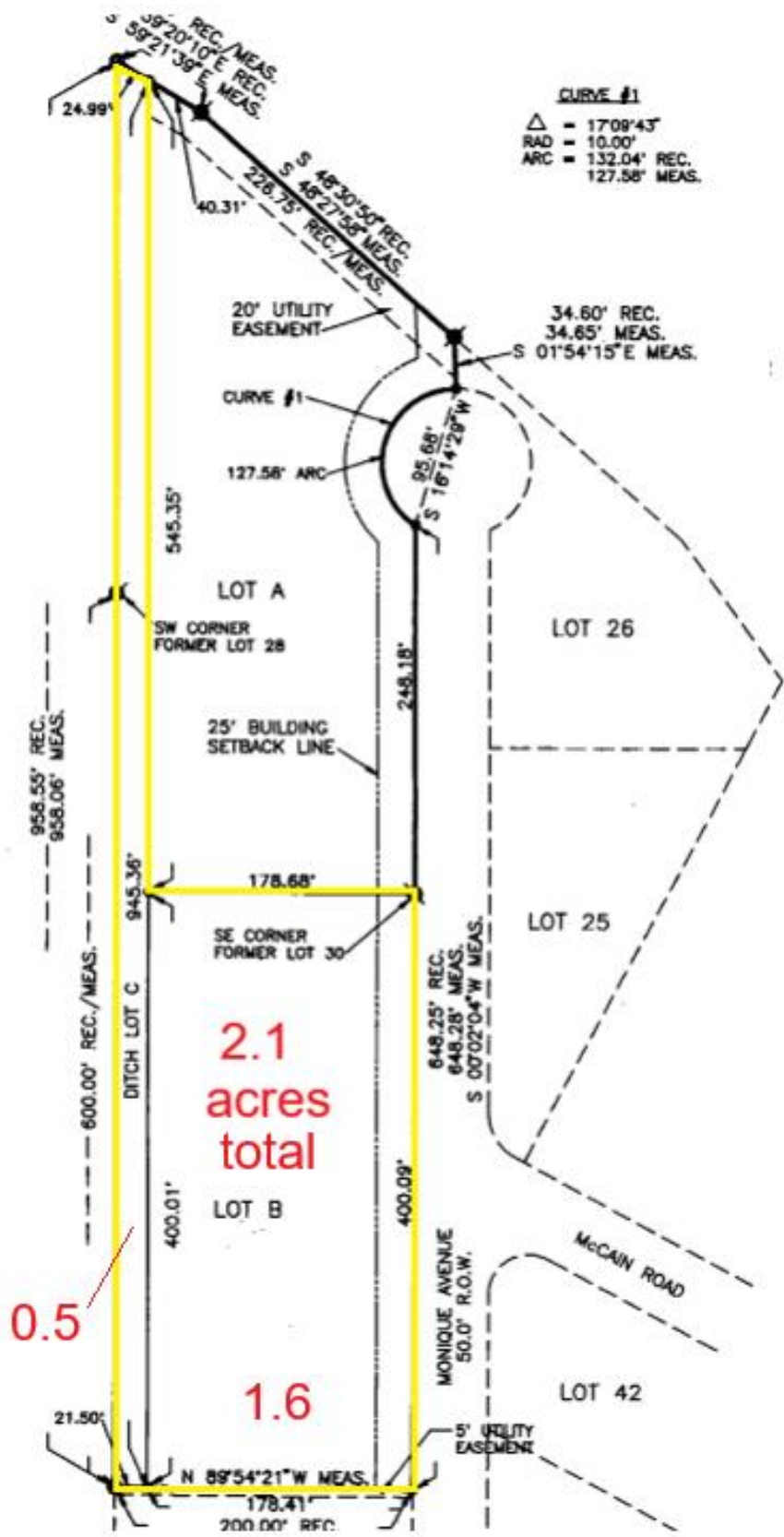
1976

148

SUBDIVISION & REPLAT OF PART OF TRACT 16
H & M SUBDIVISION LOCATED IN THE SW1/4
SECTION 31, T23N, R55W OF THE 6th P.M., SCOTTS BLUFF
COUNTY, NEBRASKA.



1995 Replat



STAFF REPORT

This section of the H&M Subdivision was initially platted in 1976, and subsequently replatted in 1995 to merge lots 27-34 to create Lot A, Lot B, and Ditch Lot C. Ditch Lot C was an easement being used by Enterprise Ditch Company prior to the 1995 replat, which was then sold to Don Loos (Dave’s Father) as part of the replat and the easement removed.

The removal of Lot B would create a conflict of use for the other lots in the Subdivision, as stated in the Comprehensive Zoning Plan. By the comments at the meeting, it’s obvious that Mr. Loos and the neighboring property owners have been at odds with each other for a lengthy duration of time.

I agree with the Planning Commissions’ recommendation to not approve the zoning change as requested.



PUBLIC HEARING	2. Amendments to the Scotts Bluff County Zoning Regulations; Implementation of Wind Energy Generation Regulations for wind energy conversion systems discuss and consider approval
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See attached letter from Phil Kelly and minutes from the December 10 Planning Commission meeting.

ACTION

The Scotts Bluff County Planning Commission made recommendation to the County Board to approve the zoning amendments as introduced by Phil Kelly and Bill Mabin by a 7-0 vote.

5.102 Conditional Uses: The following conditional uses may be permitted in the "A" District upon approval of a permit in accordance with the requirements and procedures set forth in Section 10.

1. Airport or landing strip.
2. Asphalt and/or concrete batch plant.
3. Public buildings and facilities erected and established by any governmental agency.
4. Extraction and processing of sand, gravel, petroleum and other minerals.
5. Radio and television towers and transmitters; cellular towers.
6. Commercial and private recreational and tourist areas, including private country clubs, lodges, campgrounds and accessory motel, resort and incidental facilities.
7. Seasonal dwellings.
8. Large animal feeding operation.
9. Sanitary Land Fill.
10. Agricultural Service establishments primarily engaged in performing agricultural husbandry, or horticulture services on a fee or contract basis including:
 - A. Grain and/or feed elevators
 - B. Crop dusting or spraying operations facilities (including hangers, landing strips, fertilizer storage facilities, and offices accessory to the crop dusting or spraying operation)
 - C. Farm equipment sales, repair, and installation facilities.
 - D. Veterinary clinics and hospitals and related facilities.
 - E. Grain and Feed Sales.
 - F. Commercial Grain Storage and drying.
 - G. Fertilizer storage, mixing, blending, and sales.
 - H. Seed processing, storage, mixing, blending, and sales.
 - I. Sorting, grading and packing fruits and vegetables for the grower.
 - J. Livestock sales barns and processing facilities
 - K. Forage dehydration facilities.
 - L. Winery
11. Billboards (in accordance with Section 12).
12. Commercial trailer washout.
13. Kennels.
14. Home Occupation where business is carried on completely inside a building on the premises.
15. Solar energy generation facilities.
16. Salvage Operation, Auto - possessing a Department of Motor Vehicles operating license.
17. Salvage Operation, Other - that can demonstrate processing and the sale of processed material is, or will, occur within the time limitation imposed as a condition of use.
18. Sewage and wastewater treatment operations.
19. Solid waste disposal sites and facilities.
20. Racetracks
21. Non-farm dwelling located on a non-conforming lot of record. (see non-conforming lot section)
22. Retail sales and services.
23. Tractor, trailer and/or truck storage, including maintenance facilities.
24. Commercial shooting range
25. Commercial uses as provided in Section 6.201 of these regulations.
26. Commercial self-storage facilities.
27. **Wind energy generation facilities. -- ADD**

LAND USE

Environmental:

Land use conflicts also occur when environmental corridors suffer degradation as a result of man-made development.

The North Platte River corridor offers an outstanding recreation and aesthetically pleasing quality of life attribute to Scotts Bluff County. Efforts to preserve and enhance this corridor should be continued. In addition, commercial and industrial development on land adjacent to the river, which is in the 100 year floodplain, should be discouraged.

Waste discharge from feedlots, especially of those near the North Platte River, should be addressed by the county. Some feedlots in the county do not appear to have any treatment facilities for their waste discharge. Much of this untreated discharge is dispersed into the river system causing environmental damage.

Older housing subdivisions also pose a threat to the environment. Many of these subdivisions were developed without adequate amounts of land to operate septic tank/leachate systems.

Historical:

Scotts Bluff County has numerous historical sites that are irreplaceable. Preservation of these areas is essential not only because they played a significant role in the development of our country, but because they represent an enormous economic resource to the county.

The most significant historical site in the county, Scotts Bluff National Monument, may also be the most valuable economic resource to the county as it helps attract thousands of tourist dollars. However, this site is also one of the most encroached upon historical sites in the county. It is essential that the county take action to prevent encroachment upon the Monument in order to preserve the Bluff in as natural a state as possible. It is also important for the county to establish ordinances to preserve the view of the Monument from parks, roads, and highways.

The county needs to preserve many other historical sites. Among those areas that need to be preserved are Signal Butte, Robideaux Pass, and the Horse Creek Treaty site.

DEVELOPMENT PLAN

Development Objectives

Environmental:

- * To develop design standards and/or monitor construction practices on soils that exhibit the need for special foundation design.
- * To preserve and develop the North Platte River Corridor as an environmental/recreation resource.
- * To discourage development from locating on productive agricultural soils and in other agricultural areas where conflicts may arise with farming and efficient farm practices.
- * To review and revise development standards and regulations to ensure that high quality scenic and historically significant sites are aesthetically protected.
- * To carefully monitor the design of commercial, industrial and agricultural waste systems to ensure a clean, high quality physical and natural environment.

DEVELOPMENT PLAN

The Future Land Use/Development Plan map (map 8 on page 71a) identifies both developed and undeveloped areas of the County that should receive special consideration when future development activities are considered. These areas include:

Flood Prone/Environmental Preservation Areas

Land located within the 100 year floodplain boundaries of the county should be protected from intense forms of development. The areas identified should be preserved in a natural state. Development that is allowed in this area should be low impact development such as outdoor recreation/park uses or extraction operations such as sand and gravel pits.

Historical Resource Areas

Sites identified as historical resource areas should be protected from the encroachment of intense development. Preservation zones with specific development guidelines should be established around these sites to protect their value as a historic and economic resource.

In Nebraska, the decibel level and setback distance for wind turbines vary by county:

Knox County

Commercial and utility-grade wind turbines cannot exceed 40 decibels (dBA) at the nearest occupied structure. They can exceed this limit during severe weather. Commercial-scale wind turbines must also be separated by at least 2,640 feet. [↗](#)

Adams County

Small wind energy systems cannot exceed 50 dBA at the nearest inhabited dwelling unit. Noise levels may be higher during short-term events like severe wind storms or utility outages. [↗](#)

Wind turbines typically produce 35–45 dBA of sound when measured from 300 meters away, which is the distance they are usually placed from homes and buildings. Modern wind turbines are designed to keep noise levels below 45 dBA at 1,000 feet, and they should drop to 35–40 dBA at a little over half a mile. [↗](#)



Wind turbines can emit infrasound, which is sound at very low frequencies. Infrasound is audible to humans if it's strong enough, and it can be annoying. [↗](#)