

DAKOTA COUNTY PLANNING COMMISSION: February 21, 2023 MINUTES

The regular meeting of the Dakota County Planning and Zoning Commission was called to order at 7:04 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Tim Decker, Ron Gill, Gordon Hegge, Steven Lieber, Dick McCabe, Harold Moes and Martin Rohde. Absent: None. Also, present: Planning and Zoning Administrator Joe O'Neill and Dakota County Commissioner Brian Van Berkum Public present: see attached list

Notice was made regarding the Open Meeting Act posted on the wall.

First item on the agenda is the re-organization of the board. Nomination made by Ron Collins, second by Tim Decker to keep all offices the same. Consent Unanimous. Motion carried. Marty Rohde will remain Chairman, Harold Moes vice-Chair, and Dick McCabe secretary.

Moved by Harold Moes, second by Gordon Hegge to approve the minutes of the November 15, 2022 meeting minutes. Consent unanimous. Motion carried.

Kevin Hohenstein approached the commission regarding the RV park owned by Lynch Properties. They put their property up for sale as subdivision lots 1-8 and there are 5 lots that family members are going to buy. At the direction of the county assessor, they are doing subdivision lots for ease of sale. The lots are 1 acre minimum and hooked up to rural water allowing for homes or cabins to be built out there. The next step will be a meeting next month to review the preliminary plat maps.

Public Hearing was called to order by Chairman Rohde at 7:11pm for the purpose of hearing support, oppositions, criticism, suggestions or observations relating to a request for a Conditional Use Permit from NE RNG Interconnect LLC at the property located at Section 1, Township 27, North, Range 8 East, 6th P.M., Dakota County on 225th Street, Homer, NE., for the construction of interconnect for upgraded biogas facility. Dairy to RNG facility injection. Patrick Troy and Bill Melick are project managers for the REV LNG attended the meeting to give updates and answer any questions. The flood plain is in order. Road agreements will be set up with the road department. All processing will be done at the farm and the end product will be transported to interconnect facility. Discussion was held on contacting the Village of Homer to make sure they would not have a problem with them going through town when road conditions were not feasible to take gravel roads. The trucks will be close to 80,000 pounds. There will be 1-3 trucks per day. It takes about 8-12 hours to unload the trucks so ideally the truck driver would start unloading and take an empty truck back to the farm site. The trucks are designed with safety in mind and if in a rollover the contents would be released immediately and dispersed in the air. The gas has a fast dispersal rate. There will not be a smell added to this gas. You would have to be right in it to be affected. It is 90% methane it is flammable. Public hearing closed at 7:23pm.

Motion made by Ron Collins, second by Scott Bousquet to approve the Conditional Use request from NE RNG Interconnect LLC at the property located at Section 1, Township 27, North, Range 8 East, 6th P.M., Dakota County on 225th Street, Homer, NE., for the construction of interconnect for upgraded biogas facility. Dairy to RNG facility injection. and send their recommendation of approval to the Board of Commissioners. Roll Call Vote. Unanimous. Motion Carried. The commission added conditions to the request. Motion made by Tim Decker, second by Gordon Hegge to have agreements with the Dakota County Road Department as well as the Village of Homer for hauling on their roads. Roll Call Vote. Unanimous. Motion Carried.

Planning Commission discussed who will be attending the NPZA annual conference on March 8<sup>th</sup>-10<sup>th</sup> in Kearney. Gordon Hegge and Joe O'Neill will attend.

Miscellaneous and old business. No new building permit or information permits issued.

Marty opened up the floor for public comment. Ron Hartnett discussed his concerns regarding the carbon pipelines. Joe told him that the county now has regulations in place and that the pipeline companies have not come forward with any permit requests yet.

Moved by Scott Bousquet, second by Ron Collins to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 7:24 P.M.  
Respectfully submitted,  
Jolene Gubbels

DAKOTA COUNTY PLANNING COMMISSION: March 21, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Tim Decker, Ron Gill, Gordon Hegge, Steven Lieber, Dick McCabe, Harold Moes and Martin Rohde. Absent: None. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: James Swanson Sr.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Scott Bousquet to approve the minutes of the February 21, 2023 meeting minutes. Consent unanimous. Motion carried.

James Swanson Sr. addressed the commission regarding a consanguinity permit for his grandson at 2248 Ireton Ave. James said that he owns the land and his grandson will be living in a mobile home on his property. His existing water and septic have been tied into the trailer. Joe explained that with a consanguinity permit that once his grandson moves that the trailer will have to be removed unless another family member is in need and that he will have to fill out paperwork once a year stating his relative is still living in it. Motion made by Ron Gill, second by Harold Moes to approve Mr. Swanson's consanguinity permit. Roll Call Vote. Unanimous. Motion Carried.

Joe and Gordon discussed their trip to the NPZA earlier this month in Kearney and what they learned about various topics.

Kevin Hohenstein went over what he needed to do before the next meeting in April regarding the preliminary plat for the Lynch Properties north of Jackson.

Miscellaneous and old business. One new building permit from Chrystal Roeber for a house addition and no new informational permits issued.

Marty opened up the floor for public comment. No public

Moved by Tim Decker, second by Harold Moes to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 7:22 P.M.

Respectfully submitted,  
Jolene Gubbels

DAKOTA COUNTY PLANNING COMMISSION: April 18, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Ron Gill, Gordon Hegge, Steven Lieber, Dick McCabe, Harold Moes and Martin Rohde. Absent: Tim Decker. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: Tim Lamprecht and Kevin Hohenstein

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Gordon Hegge, second by Harold Moes to approve the minutes of the March 21, 2023 meeting minutes. Consent unanimous. Motion carried.

Kevin Hohenstein and Tim Lamprecht presented preliminary plat for the Lynch Properties north of Jackson. The board reviewed plat maps and discussed what was needed for the final plat. Motion made by Harold Moes, second by Scott Bousquet to approve the preliminary plat. Roll Call Vote. Unanimous. Motion carried.

The Planning Commission reviewed the final plat for Lux Commercial Addition in South Sioux City's extraterritorial jurisdiction located in the 500 block of Old Sawmill Rd. This subdivision consists of 5 commercial/industrial lots ranging in size from 1.5 acres to 9.5 acres. Tim Lamprecht was the surveyor for this addition and said that all of South Sioux City's regulations were followed. Motion made by Ron Collins, second by Ron Gill. Roll Call Vote. Unanimous. Motion carried.

Commission was presented with the yearly renewals of Conditional Use Permits for Curtis Arndt for towing service, Robb Nelson for a truck/trailer/equipment sales business and for Lynch Properties for a RV Park. Joe says that he has not received any complaints on any of the properties. Motion made by Ron Collins, second by Steven Lieber. Consent unanimous. Motion carried.

Miscellaneous and old business. James Swanson Sr. was issued a building permit under consanguinity for a mobile home and no new informational permits issued.

Marty opened up the floor for public comment. No public

Moved by Scott Bousquet, second by Harold Moes to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 7:29 P.M.

Respectfully submitted,  
Jolene Gubbels

DAKOTA COUNTY PLANNING COMMISSION: March 21, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Tim Decker, Ron Gill, Gordon Hegge, Steven Lieber, Dick McCabe, Harold Moes and Martin Rohde. Absent: None. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: James Swanson Sr.

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Harold Moes, second by Scott Bousquet to approve the minutes of the February 21, 2023 meeting minutes. Consent unanimous. Motion carried.

James Swanson Sr. addressed the commission regarding a consanguinity permit for his grandson at 2248 Ireton Ave. James said that he owns the land and his grandson will be living in a mobile home on his property. His existing water and septic have been tied into the trailer. Joe explained that with a consanguinity permit that once his grandson moves that the trailer will have to be removed unless another family member is in need and that he will have to fill out paperwork once a year stating his relative is still living in it. Motion made by Ron Gill, second by Harold Moes to approve Mr. Swanson's consanguinity permit. Roll Call Vote. Unanimous. Motion Carried.

Joe and Gordon discussed their trip to the NPZA earlier this month in Kearney and what they learned about various topics.

Kevin Hohenstein went over what he needed to do before the next meeting in April regarding the preliminary plat for the Lynch Properties north of Jackson.

Miscellaneous and old business. One new building permit from Chrystal Roeber for a house addition and no new informational permits issued.

Marty opened up the floor for public comment. No public

Moved by Tim Decker, second by Harold Moes to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 7:22 P.M.

Respectfully submitted,  
Jolene Gubbels

## DAKOTA COUNTY PLANNING COMMISSION: August 15, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Vice Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were: Tim Decker, Ron Collins, Ron Gill, Gordon Hegge, Steven Lieber (7:02), Dick McCabe, Harold Moes. Absent: Scott Bousquet and Martin Rohde. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: See attached list

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Tim Decker, second by Ron Gill, to approve the minutes of the May 16, 2023 meeting minutes. Consent unanimous. Motion carried.

Public Hearing was called order at 7:02pm for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comments regarding the following request for 66 Conditional Use Permits from Summit Carbon Solutions for their proposed carbon pipeline to run through Dakota County. Joe O'Neill asked Ben Fuller, representative for Summit Carbon, if the pipeline would cross any wetlands and if so, did they have environmental studies done. Mr. Fuller stated that environmental studies have been done. They are crossing the Missouri River so a lot of studies has been done with that as well. Joe asked about the Danish Alps area and Mr. Fuller said he did not have wetlands map with him but environmental studies have been done. Joe asked about road haul agreements and he said that he is currently working with the road department and NIRMA to get an agreement in place. Troy Launsby, Dakota County Commissioner asked if Summit will invoke eminent domain or go around properties that don't want this pipeline on their land. Mr. Fuller stated that they are at a point where the route is pretty much locked in and they would use eminent domain but only as a last resort. Kenny Baker spoke in opposition of the pipeline coming through as did Ron Hartnett and Sheila Curiel. Shelli Meyer with bold alliance who is also a landowner in Dixon County spoke in opposition as well. Aaron Eldridge, South Dakota project manager for Summit stated that Dakota County has an acquisition rate of 72% for volunteer easements. He also stated that no pipeline would be laid until a clear path was established up to North Dakota. Public Hearing was closed at 7:39pm

Motion made by Tim Decker, second by Gordon Hegge to table the conditional use permit for Summit Carbon Solutions for their proposed carbon pipeline to run through Dakota County until they have 100% of the property easement acquisition. Roll Call Vote. Unanimous. Motion Carried.

The final plat was submitted to the commission for MARI ADDITION in South Sioux City's extraterritorial jurisdiction located in part of the northeast ¼ of the southwest ¼ and part of Government Lot 3, all in Section 36, Township 29 North, Range 8 East, 6th P.M. Dakota County Nebraska. This subdivision consists of Lots 1 through 16, Lots R1, R2 & R3. Subdivision area is 25.617 acres. This plat has been approved by South Sioux City. Motion made by Tim Decker, second by Ron Collins to approve final plat and send recommendation of their approval to the Board of Commissioners. Roll Call Vote. Unanimous. Motion Carried.

Lanice Neilson wanted to discuss the possibility of developing her land into a housing subdivision. Ms. Neilson was not in attendance. Discussion will wait until she can attend a meeting.

The commission reviewed Section 510 & 511 of the zoning regulations which contradict each other.

**Section 510. Administration.** *No building or other structure shall be erected, moved, added to, or structurally altered in an excess of one thousand (\$1,000) dollars without a permit therefore issued by the Building Inspector. No building or zoning compliance permit shall be issued by the Building Inspector except in conformity with the provisions of these regulations.*

**Section 511. Application for Zoning Permit.** *The construction and alteration of farm buildings will not require a zoning compliance permit and will not be subject to building codes adopted by the County Commissioners. The following are classified as farm buildings: buildings utilized for agricultural purposes on a farmstead of twenty (20) acres or more which produces one thousand (\$1,000) dollars or more of farm products each year; dwelling units or other structures intended for human occupation shall be considered non-farm buildings for the purpose of these regulations.*

*All applications for **zoning** permits shall be accompanied by plans to scale, showing the actual dimensions and shape of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any; and the location, dimensions, and use of the proposed building or alteration.*

*The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed uses of the building and land; the number of families or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.*

*One copy of the plans shall be returned to the applicant by the Building Inspector. This copy shall indicate that it was approved or disapproved and signed by the Building Inspector. If a **zoning** permit is disapproved, the Building Inspector shall state the reasons for such refusal in writing. The original and one copy of the plans, similarly marked, shall be retained by the Building Inspector. The issuance of a **zoning** permit shall in no case be construed as waiving any provisions of these regulations.*

The Planning Commission will have a public hearing next month to amend the first sentence of section 511 to read as follows. **The construction and alteration of farm buildings will require a zoning compliance permit and will be subject to building codes adopted by the County Commissioners.**

The planning commission discussed light pollution and how someone's lights might shine on to a neighbors' house or property and cause problems. Joe will look into this more and if other counties address this.

The planning commission discussed solar farms. A company is looking at coming in and putting up a utility based solar panel consisting of 166 acres and 1000 megawatts. We have commercial regulations but not utility. Joe will look into what other counties have on this as well.

Miscellaneous and old business. New zoning permit was issued to Bob Vanlent – cabin-Hubbard. Informational statement permits were issued to Kelly Lamp- Hubbard - for a storage shed, Sare Sue & Eric Larson – chicken coop- Homer.

Harold opened up the floor for public comment. No comment.

Moved by Ron Collins, second by Tim Decker to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 8:07 P.M.

Respectfully submitted,  
Jolene Gubbels

## DAKOTA COUNTY PLANNING COMMISSION: September 19, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Tim Decker, Ron Gill (7:02), Gordon Hegge, Steven Lieber, Dick McCabe, and Martin Rohde. Absent: Ron Collins, and Harold Moes. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: See attached list

Notice was made regarding the Open Meeting Act posted on the wall.

Motion made by Tim Decker, second by Gordon Hegge to excuse the absence of Ron Collins and Harold Moes. Consent unanimous. Motion carried

Moved by Steven Lieber, second by Scott Bousquet, to approve the minutes of the August 15, 2023 meeting minutes. Consent unanimous. Motion carried.

Public Hearing was called order at 7:04pm for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comments regarding revising zoning regulation Section 511 to include farm buildings that are constructed or altered to require a zoning compliance permit and be subject to buildings codes adopted by the County Commissioners. The first paragraph of Section 511 will read as follows:

**Section 511. Application for Zoning Permit.** *The construction and alteration of farm buildings will ~~not~~ require a zoning compliance permit and will ~~not~~ be subject to building codes adopted by the County Commissioners. The following are classified as farm buildings: buildings utilized for agricultural purposes on a farmstead of twenty (20) acres or more which produces one thousand (\$1,000) dollars or more of farm products each year; dwelling units or other structures intended for human occupation shall be considered non-farm buildings for the purpose of these regulations.*

Joe stated there still will not be a fee for farm buildings we just need to make sure structures are not being built in a flood zone and have the appropriate setbacks. Public Hearing was closed at 7:09pm

Motion made by Gordon Hegge, second by Tim Decker, to approve changes to Section 511 and send their recommendation of approval to the Board of Commissioners. Roll Call Vote. Unanimous. Motion Carried.

Terry Kampfe was present to discuss his Hwy Business located at 1680 Hwy 110. He runs a graphic design business called Trouble Chasers. 90% of his business is sent out and he does installs for county, cities, schools and fire departments in the local area. Next month the Commission will have a public hearing to rezone his property to Highway Service Business District.

Summit Carbon Solutions representative Brent Niece addressed the Commission. He gave updates on their permit status from surrounding states as well as 2 other counties in Nebraska. Concerns regarding eminent domain were brought up. It was decided that they would be reaching out to our county attorney for further discussion and determine how to move forward with the conditional use permits.

Joe gave the board copies of commercial solar regulations from Gage County and Kearney County and asked them to take them home to look at them to see if we need to update our regulations.

Joe looked into light pollution. There is not a county in Nebraska that addresses it. He said there are only 19 states in the USA that address it and the State of Nebraska is not one of them.

Miscellaneous and old business. Tabled items: Conditional Use Permit for Summit Carbon Solutions will remain tabled.

Marty opened up the floor for public comment. No comment.

Moved by Tim Decker, second by Scott Bousquet to adjourn. Consent unanimous. Motion carried

Meeting was duly adjourned at 8:01 P.M.

Respectfully submitted,

Jolene Gubbels

## DAKOTA COUNTY PLANNING COMMISSION: October 17, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by vice-Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins Tim Decker, Ron Gill, Gordon Hegge, Dick McCabe, and Harold Moes. Absent: Steven Lieber, and Martin Rohde. Also, present: Planning and Zoning Administrator Joe O'Neill and County Commissioner Brian Van Berkum. Public present: See attached list

Motion made by Tim Decker, second by Scott Bousquet to excuse the absence of Steven Lieber and Martin Rohde. Consent unanimous. Motion carried

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Gordon Hegge, second by Ron Gill, to approve the minutes of the September 19, 2023 meeting minutes. Consent unanimous. Motion carried.

Public Hearing was called order at 7:02pm for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comments regarding the following: To hear a request from Terry Kampfe to rezone his property AG to Highway Service Business at Section 1, Township 28N, Range 8E formally known as 1680 Hwy 110, Dakota City, NE for his graphic design business. The property is just shy of 2 acres. He has had the business for about 15 years with 10 being in his house and then he moved it out to the shed the last 5 years. To be up to date with the regulations he needs to rezone to Highway Business. Chuck Beermann was present and owns ground on the 3 sides of this property. He does not have a problem with the current use of the property but if Mr. Kampfe would sell, the new zoning would stay with the property and there is a bunch of permitted uses that it could become that he would not be in favor for. He also is not in favor of "spot zoning". Joe told him that with the size of the property that it would really limit what other type of business could go in there. Tim Decker asked if the zoning could stay the same and the business fall under a conditional use permit. Joe said that this business did not fall under the conditional uses allowed in the AG zoning. With no further comment the public hearing was closed at 7:14pm.

Motion was made by Ron Collins, second by Scott Bousquet to send a recommendation for approval of the rezoning from AG to Highway Service Business at Section 1, Township 28N, Range 8E formally known as 1680 Hwy 110, Dakota City, NE for his graphic design business to the Board of Commissioners. Roll Call Vote. Unanimous. Motion carried.

The board discussed commercial solar regulations. Ethan Frazier is with Mission Clean Energy. He spoke with the board regarding our regulations and some improvements the county could make to their regulations to streamline the permitting process. Mission is looking at a 1600 plus acre property north of Jackson with 250 megawatts. Ron Collins asked about the number of acres being taken out of crop production. Mr. Frazier said they are working on new ideas all the time like lifting the panels higher so allow for some type of crop production or animal grazing. Tim Decker asked about noise level. The panels don't make noise but the transformer does. Each row would have their own transformer, but would not really be heard once you get 50 feet away. Scott Bousquet asked why the Midwest was the place for all these solar projects and not closer to where the need is. Mr. Frazier said that the Midwest doesn't have as strict of regulations as the costal states making it easier to do these projects and flatter land in the Midwest is ideal. Also only having to deal with a couple of landowners since the Midwest landowners can own a couple thousand acres as opposed to the coast where they may only own 100 acres. Gordon Hegge asked if there was available capacity in the transmission lines for this. Mr. Frazier said they look at the projected capacity requirements in an area and then try to fit in where they are needed. The ground is leased for 30 years. Life expectancy of panels is estimated to be 30 years. Ron Gill asked if they had setback regulations from residents. Mission does not, but tries to stay as rural as possible to cut down on public concerns.

They do fence all their panels for security reasons and the height of the fence is usually determined by local regulations. FAA has a website that allows them to put in their project and then the FAA lets them know if they need to conduct any glare studies and so forth. Tim Decker asked Mr. Frazier to send in suggestions on our regulations and to look at Gage County regulations as well. Tim also asked for information on the tax base of the land with the solar panels compared to ag land. Another question was brought up regarding the FAA. Mr. Frazier said they have projects pretty close to airports just depends on the angle of the approach in relation to the solar field.

Miscellaneous and old business. Tabled items: Conditional Use Permit for Summit Carbon Solutions will remain tabled. Joe let the board know that Summit is waiting on our county attorney to get feedback on our regulations. Ron Gill looked up the state statutes on eminent domain and presented them to the board.

Joe went over new zoning permits. Juan Torres- mobile home-Homer, Zach Kramper – new home- Jackson, Kevin Hohenstein – new home- Jackson. Informational statements were given to Brian Binnebose – detached garage- Jackson, and Duane Rohde – storage building - Hubbard

Harold opened up the floor for public comment. No comment.

Moved by Tim Decker, second by Ron Gill to adjourn. Consent unanimous. Motion carried  
Meeting was duly adjourned at 8:00 P.M.

Respectfully submitted,  
Jolene Gubbels