

HITCHCOCK COUNTY PLANNING COMMISSION

March 15, 2021
Trenton, Nebraska

The Hitchcock County Planning Commission met on Monday, March 15, 2021 at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska as duly published in the *Hitchcock County News* on March 4th, 2021.

Opening Statement was read by Chair Ladenburger. *It is the policy of this board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:00 p.m.

Chair Ladenburger requested roll call. Those answering roll call were Tom Monnahan, Dustin Webb, Aaron Kolbet, Wayne Merrill, Robert Brown, and Dustin Ladenburger. Chair declared a quorum present and proceeded with the meeting. Also present, Zoning Administrator Darin Morgan, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the January 21st, 2021 meeting were reviewed. Member Monnahan moved to waive reading of the minutes and approve the same as submitted. Member Webb seconded the motion. Roll call vote: Brown, Aye; Webb, Aye; Kolbet, Aye; Monnahan, Aye; Merrill, Aye; Ladenburger, Aye. Motion carried.

Chair Ladenburger opened the public hearing at 7:15 p.m. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower being 199' high with lightning rod within 100' by 100' lease area to be located beginning at the Northeast corner of the Southwest Quarter (SW¹/₄) of Section Twelve (12), Township Two (2) North, Range Thirty-five (35) West of the 6th P.M., Hitchcock County, Nebraska on approximately 15 acres owned by the Village of Stratton. Deb Brown for SMJ International joined via phone conference.

The following were received by the commission and marked as exhibits accordingly:

1. Zoning Administrator Darin Morgan's *Memorandum* dated February 24th, 2021 - Exhibit "A";
2. Hitchcock County Clerk's *Certificate of Service* dated March 4, 2021 relating to Notice of Public Hearing mailed to land owners and interested persons – Exhibit "B".
3. Hitchcock County Clerk's *Certificate of Service* dated March 1st, 2021 relating to public meeting and public hearing notices delivered to the *Hitchcock County News* – Exhibit "C".
4. Hitchcock County Clerk's *Certificate of Service* dated March 4, 2021 relating to Notice of Public Hearing mailed to applicant SMJ International, LLC. – Exhibit "D".

Representing applicant SMJ International, LLC, Deb Brown presented the Application for Conditional Use via phone conference.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none. Chair asked if there were any comments from opponents of the application. There were none. Chair asked if there were any comments from those representing a neutral position. Attorney Garner inquired as to any extra jurisdictional or conflict of interest issues and discussion was held on the same.

Attendees Charlene and Tuesday Forch offered an ASCS map of two locations they felt may be more accessible than that of the proposed site. Chair Ladenburger advised as to the Planning Commission's responsibility in the conditional use process. Ms. Brown advised as to the process by which US Cellular chose the proposed location and the reason for the same.

Chair Ladenburger closed the public hearing at 7:27 p.m. and re-entered regular Planning Commission proceedings.

Chair inquired if any board members have any conflict of interest regarding the application being considered. There were none.

Member Webb moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower being 199' high with lightening rod within 100' by 100' lease area to be located beginning at the Northeast corner of the Southwest Quarter (SW¼) of Section Twelve (12), Township Two (2) North, Range Thirty-five (35) West of the 6th P.M., Hitchcock County, Nebraska on approximately 15 acres owned by the Village of Stratton as set forth in the site plans presented with said Application with the following condition(s)

1. Said tower shall comply with any applicable airport hazard height limitations and shall be setback from the right-of-way of any public roadway, from the nearest property line of any undeveloped lot of record of less than 20 acres in area or any public use area and from the nearest wall of any neighboring church, school, or residential dwelling unit by a distance equal to or exceeding the height of said tower;
2. The applicant shall exercise and take all reasonable necessary steps to insure that there is no interference for adjoining residential landowners and to correct any interference if it occurs; and
3. Refer to Memorandum dated February 24, 2021 submitted by Darin Morgan, Hitchcock County Zoning Administrator.
4. Written documentation from the Village of Stratton requesting Hitchcock County Board of Commissioners consider this conditional use application notwithstanding that the land is located within the one mile extra territorial jurisdiction of the Village of Stratton, due to conflict of interest as the land is owned by the Village of Stratton and that the Village of Stratton either (a.) waives jurisdiction to consider said application or (b.) that the Village of Stratton does not exercise authority over said one mile extra territorial limits.

The motion was seconded by Kolbet.

Discussion was held. The Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with the Hitchcock County Comprehensive Plan and is permitted as a conditional use in the AG-General pursuant to Section 501.6 (3) on those conditions as recommended in the *Memorandum* submitted by Zoning Administrator Darin Morgan and set out as above.

Chair asked for roll call on Member Webb motion to recommend APPROVAL of the Application for Conditional Use submitted by SMJ International, LLC. Roll call vote as follows: Monnahan, Aye; Brown, Aye; Kolbet, Aye; Webb, Aye; Merrill, Aye; Ladenburger, Aye. Motion carried.

Member Merrill moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission. The motion was seconded by Monnahan and after consideration, the roll call was taken on the motion as follows: Ladenburger, Aye; Webb, Aye; Kolbet, Aye; Monnahan, Aye; Brown, Aye; Merrill, Aye. Motion carried.

The Commission is in receipt of a proposed conservation easement acquisition referral from the Hitchcock County Board of Commissioners wherein Clint and Kayla Schafer have offered to sell to the Middle Republican

Natural Resources District, 71 certified irrigated acres (water only) from a well on the W ½ of the SW ¼ of Section 29, Township 4 North, Range 32 West of the 6th P.M. in Hitchcock County, Nebraska.

Attorney Garner advised as to the process relating to conservation easements. Discussion held regarding the purpose of conservation easements.

Member Webb moved to find that the proposed conservation easement relating to the sale of 71 certified irrigated acres (water only) by and between Clint and Kayla Schafer (Grantor) and the Middle Republican Natural Resources District (Grantee) from a well on the W ½ of the SW ¼ of Section 29, Township 4 North, Range 32 West of the 6th P.M. in Hitchcock County, Nebraska conforms with Hitchcock County's Comprehensive Zoning Plan. Member Kolbet seconded the motion and the roll was called: Ladenburger, Aye; Brown, Aye; Monnahan, Nay; Merrill, Aye; Webb, Aye; Kolbet, Aye. Motion carried.

There was no old or new business.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 7:55 p.m. this date

Dustin Ladenburger, Chair

Wayne Merrill, Secretary