

MINUTES

Pierce County Joint Planning Commission

Pierce, Nebraska

The July 17, 2023 meeting of the Pierce County Joint Planning Commission was called to order by Vice-Chairman Nathan at 7:00 p.m. in the Pierce County Planning Multi-Purpose Room, 111 W Court St, Pierce, Nebraska.

Call To Order/Roll Call- Consideration and/or action on:

Present: Dwaine Hoffman, Guy Ellsworth, Bonita Lederer, Gerry Krueger, Larry Schaefer, Tom Nathan, and Joe Aschoff.

Absent: Ryan Brodersen and Ryan Zimmerman.

Also present: Rick Adams, Carmen Patent, Rod Patent, Jack Korth, Emily Milewski, John Palmtag, Don Dendinger, Administrator Heather McWhorter, and Office Assistant Jennie Martinez.

Proof of Publication: Vice-Chairman Nathan stated there were notices in The Plainview News, The Osmond Republican, and The Pierce Leader.

Open Meeting Act: Vice-Chairman Nathan pointed out the Open Meetings Act is posted on the wall and will be followed.

Minutes- May 15, 2023: The minutes of the May 15, 2023, Pierce County Joint Planning Commission were presented. Motion made by Hoffman to approve the minutes and seconded by Aschoff. Members Hoffman, Nathan, Aschoff, Krueger and Schaefer vote "AYE" none vote "NAY". Motion Carried.

Nathan reads the Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Alltel Corporation dba Verizon Wireless for a Tower Development Permit on property described as the NW ¼ of Section 10, Township 28 North, Range 1 West of the 6th P.M., Pierce County, Nebraska. This property is located at 86878 HWY 81 Randolph, Nebraska.

Heather states that the applicant is requesting approval for a new 330' telecommunications tower. Currently a tower located approximately 900' to the west of the proposed location, which is at maximum load capacity to expand and upgrade equipment, which will provide the community with improved coverage. Setback distance required between towers is 1500 feet, however Pierce County Zoning Regulations allows Planning and the County Board to allow a shorter distance as indicated in Section 601(F)...*The planning Commission and City Council may reduce*

the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.

The required setback to the road is 330 feet from the county right-of-way and 330 feet from occupied structures, closest is over 1,000 feet.

Heather reads the Finding of Facts and the Recommended Conditions.

Findings of Facts:

1. Property is in an A-1, Agricultural Intensive District.
2. Tower currently exists on the property approximately 900 feet from the proposed location of the new tower.
3. The nearest occupied structure is over 1,000 feet away.
4. A Removal Bond of \$50,000 has been provided to the Zoning Administrator.
5. A Determination of No Hazard to Air Navigation has been provided to Zoning Administrator from the Federal Aviation Administration.
- 6.

Recommended Conditions:

1. This Conditional Use Permit shall be for a period of fifty-years and will become effective with the adoption of this resolution. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska.
2. The applicant must provide a lease, purchase agreement or easement to secure rights to the required setbacks of one foot for every foot of height of the tower.
3. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access.
4. If the tower shall cease to be used for a period of one (1) year, the Pierce County Zoning Administrator shall determine if the tower has been abandoned. Once the Zoning Administrator has determined the tower to be abandoned, the tower shall be removed in 75 days after receiving notice from the Zoning Administrator.
5. This tower may co-locate up to four individual antennas.
6. Tower must be set back from the road a minimum of 330 feet from the county right-of-way.
6. This conditional use permit shall become invalid if construction of the tower is not begun within one year of the date of approval of this application.
7. This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than Viaero Wireless Communications within the fifty-year time limit of this permit.

7:03 P.M. Nathan opens the Public Hearing.

Nathan asks if there is anyone in favor.

Rick Adams; Representative states that he is in favor. He states that the current tower can not hold the weight of the equipment that is needed for 5g. He states that the new tower will be stronger and will be built to hold additional carriers.

Adams states that when the 2g towers were built in the 90's the equipment was built with 3 whip antennas that weighed 16 pounds a piece and radios were placed in an equipment building at the base of the tower. He states that today a modern tower may have 12 antennas per carrier and radios are being placed on the top of the towers.

He states that with placement of the new equipment the speeds will be way faster and enable more wireless technology such as tv's, cars and doorbells.

Adams states that the tower will be engineered to the correct standards. He states that the current tower is a guyed tower and the new will be a self-support tower which is more stable.

Kruger asks if the property owner is the same for the new tower as the old tower.

Adams states that it is.

Kruger asks if the old tower will be taken down.

Adams states that the old tower is owned by a different company, and he does not know.

Krueger asks if there will be any interference with the old tower there.

Adams states that there will not.

Jack Korth asks how much distance there will be between the old and the new.

Adams states that there will be 900'.

Korth asks which direction.

Adams states that the new one is being built to the east and a little to the south.

Nathan asks if anyone else is in Favor.

John Palmtag; Verizon's engineering department states that they do not want to finance new towers if they can avoid it; however a new tower is needed for upgrades.

Nathan asks if there is anyone else in favor.

Rod Patent; owner of the property speaks in favor. He states that the old tower has been there since 1991. He states that his property is the best location in the area.

Nathan asks if there is anyone else in favor.

No one speaks.

Nathan asks if there is anyone opposed.

No one speaks.

7:13 P.M. Nathan closes the Public Hearing.

Aschoff makes a motion to recommend approval based on the above recommended conditions. Krueger seconds the motion.

Members Krueger, Nathan, Hoffman, Ellsworth. Schaefer, Lederer and Aschoff vote "AYE"

None vote "NAY."

Motion Carried.

Nathan reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning an amendment to Article 2 of Pierce County Zoning Regulations to define a Shouse and the characteristics required.

28. *Dwelling Unit, Special Types: Any dwelling type consisting of single-family attached, multifamily, mobile home that does not meet the typical construction style of traditional stick framed structures.*

1. *Cargo Container Dwelling: A dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above. Must meet the aesthetic of the neighborhood.*
2. *Grain Bin Dwelling Unit: A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.*
3. *Quonset home: A home constructed beneath and in a structure referred to as a Quonset.*
4. *Shouse: A combination of a dwelling unit and machine shed under a common or connected roofing system. For purposes of a Shouse, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of Dwelling Unit above.*

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. *Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.*
2. *Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building.*
3. *Shouse homes shall have at least six hundred square feet of habitable space and at least one habitable room with not less than 100 sf of gross floor area.*
4. *Other habitable rooms shall have not less than 50 sf floor area, except for kitchens.*
5. *Habitable rooms shall not be less than seven feet in any horizontal dimension.*
6. *Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.*
7. *Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.*
8. *Shouses shall have a kitchen area and sink.*
9. *The unit shall provide heating and cooling systems as required by local, state and/or federal codes.*
10. *All electrical shall follow all local, state and/or federal electrical codes.*
11. *The unit shall meet all egress requirements found in local, state, and/or federal codes.*
12. *Must meet the aesthetic of the neighborhood as determined by the Zoning Administrator*
13. *Must have finished walls separating the residential portion from the shed portion.*
14. *Must be submitted with a sketch showing the layout and minimum residential square footage required of six hundred square feet.*

Heather explains and gives examples of why this Amendment is needed.

Planning Commission discusses the above information.

7:28 P.M. Nathan opens the Public Hearing.

Nathan asks if there is anyone in favor.

No one speaks.

Nathan asks if there is anyone opposed.

No one speaks.

7:29 P.M. Nathan closes the Public Hearing.

Aschoff makes a motion to recommend approval to the Amendment of Article 2 of Pierce County Zoning Regulations to define a Shouse and the characteristics required with the above definitions and charatersitics..

Hoffman seconds the motion.

Members Krueger, Nathan, Hoffman, Lederer, Ellsworth, Schaefer and Aschoff vote "AYE"

None vote "NAY."

Motion Carried

Other Business:

Discussion regarding the CO2 pipeline.

Discussion on Wind and Solar Conference.

Discussion on wind turbines.

Bonita Lederer is introduced as the newest Pierce County Planning Commission member.

Zoning permits are discussed.

7:37 p.m. Hoffman motions to Adjourn.

Ellsworth seconds the motion.

All vote "AYE" none vote "NAY".

Meeting adjourned.