

MINUTES OF THE SPECIAL MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 12<sup>th</sup> DAY OF SEPTEMBER 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Angie Forbes, David Fudge, Jeff Bain, Emily Wurl, Kathleen Matthews, Lee Davies, Don Weber, Tristen Winder

MEMBERS ABSENT: Nelson Jett

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator; Michelle Bain, Recording Secretary

Notice of the meeting was given in advance thereof, by posting in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission.

All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Fudge called the meeting to order at 5:30 p.m. and stated a current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers.

2. Forbes moved and Bain seconded the motion to approve the minutes of the special meeting held August 30, 2022. Voting Aye: Forbes, Fudge, Weber, Davies, Bain, Wurl, Winder, Matthews. Voting Nay: None. Absent: Jett. Motion carried.
3. Public Hearing File No. CU22-002 Discuss and consider action on an application by Gary and Ruth Stearns for a conditional use permit to allow a commercial strip mine operation on property located in an A-1 Agricultural District and described as the NW ¼ and the S ½, EXCEPT portion Deed to the State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M. Lincoln County, Nebraska.

Chair Fudge opened the public hearing.

Judy explained that the applicant states they are planning to provide the earthen material that will be required to construct the proposed Sustainable Beef Packing Plant located on Newberry Access in North Platte. This property will serve as one of two borrow pits required to provide the material needed to raise the elevation of the new site. The hours of operation for loading and transporting material will be from 7:00 AM to 6:30 PM, Monday-Friday unless it is deemed necessary to move material on Saturday due to lost days during the week to weather. This site will require 20-25 semi-trucks with side dump trailers from the borrow site to the construction site daily. Traffic control signs will be installed alerting motorists of the heavy truck traffic and efforts will be made to keep dust down as much as possible. The point of ingress and egress will also be signed appropriately. The borrow pit is being submitted exclusively for construction of the beef plant and is estimated to be completed within a year. No permanent or temporary structures will be constructed at the material site. However, a fuel transport unit will be on site and will comply to all specifications and regulations regarding fuel storage in addition to portable restrooms. This property is located in both the City of North Platte and Lincoln County's jurisdiction. The County Planning Commission will hear the application at their meeting scheduled for Tuesday, September 13, 2022. Planning Staff has no objections to the conditional use application as presented. The site is located in an agricultural district, which allows strip mining through approval of a conditional use application. Planning Commission may add reasonable conditions to the application as deemed appropriate. This application was provided with a year time frame, but the applicant may be requesting a longer time frame.

Gary Stearns, 2488 E. State Farm Rd., applicant, was present and requested this be changed from one year to 10 to 20 years.

Kurt Pieper, 9216 S. Sierra Dr., owner of the SW ¼ 24-13-30 and part owner of the rest of the section immediately to the south of the proposed pit, was present and stated he would like to know where they are going to take the dirt in that section. There is a water way and he is worried about erosion. He'd like to know the plan on control of the erosion.

Darren Hellbusch, representing Van Kirk Brothers with Sustainable Beef, was present to address concerns. He had a topo of the area and explained what 19 acre area would be impacted and how they would control everything. They have been in the business and know what to do to prevent erosion. They will not expose

everything at one time. They will put a well with a generator to keep the dust down. They will be responsible for the gravel road and wear and tear on it. He also explained how they will make cuts and water the area to prevent runoff. They will reseed when they are done.

Winder Moved and Bain seconded the motion to close public hearing. Voting Aye: Forbes, Fudge, Weber, Davies, Bain, Wurl, Winder, Matthews. Voting Nay: None. Absent: Jett. Motion carried.

There was discussion among the Planning Commission regarding an end date for the application.

Davies asked if the city oversees the erosion control.

Judy stated that the City Engineer is in the audience. They could put a requirement that any project that comes to take dirt from this site over an acre would be required to have a plan or approval. There is a requirement to have a SWPPP plan in place on anything over an acre.

Chair Fudge asked the City Engineer to speak.

Brent Burklund, City Engineer, was present and explained that a SWPPP is a Stormwater Pollution Prevention Plan. Anything over an acre has to have a plan about where it's coming from and where it's going to. Those would come into play and would be a natural cutoff point. There is state law.

Wurl asked questions about reclaiming the site.

City Engineer Burklund explained the SWPP Plan will monitor the situation.

There was more discussion about what conditions could be put on the Conditional Use Permit.

Forbes moved and Wurl seconded the motion to find the request for a conditional use permit to allow a commercial strip mine operation for 10 years, located on S Old Highway 83, meets the minimum standards stated in the North Platte Code of Ordinances Section 156.322 and approve and grant the conditional use permit requested with the condition that all elements of the application are complied with and with the following condition: That the SWPPP Plan is in place if disturbing over an acre for each project, based on the following factual findings:

1. The use shall conform to all applicable ordinances, laws and regulations of any governmental jurisdiction.
2. The use shall have adequate water, sewer, and drainage facilities.
3. Ingress and egress shall be so designated as to minimize traffic congestion in the public streets.
4. The use shall in all other respects conform to the applicable regulations of the district in which it is located
5. The use shall be in harmony with the character of the area and the most appropriate use of the land

Voting Aye: Forbes, Fudge, Weber, Davies, Bain, Wurl, Winder, Matthews. Voting Nay: None. Absent: Jett. Motion carried.

4. Old Business. There was no old business to be discussed.
5. New Business. Judy explained that there will be a special meeting Monday, September 26, 2022 at 5:30 p.m.

She also welcomed Kathleen Matthews to the Planning Commission.

6. Adjourn. Chair Fudge adjourned the meeting at 6:03 p.m.

Respectfully Submitted,

Michelle Bain  
Recording Secretary