

**DOUGLAS COUNTY
PLANNING COMMISSION MEETING
3015 M
MENKE CIRCLE
OMAHA, NEBRASKA 68134
June 13, 2007**

The meeting was called to order by Chair Hayes at 6:04 p.m. with roll call vote.

Members Present: Bob Boozer, Bob Bruhn, Barbara Hayes, Ann Houlihan, Joe Roberts and Milo Vacanti.

Member Absent: Michael Gerdes, Luke Janke, and Dave Lanoha.

Other County Officials and Staff Present: Barbara Frohlich, Kent Holm and Val Toombs (Douglas County Environmental Services), Bernie Monbouquette (County Attorney's Office), Dan Kutilek and Tom Doyle (Douglas County Engineers Office).

Before the meeting started, Chair Hayes made the following statement:

“This meeting is conducted in accordance with the Open Meetings Law of the State of Nebraska and the provisions of the law are posted in the back of the room.”

Motion by Commissioner Boozer, seconded by Commissioner Vacanti to approve May 9th, 2007 meeting minutes.

Voting Yes: Boozer, Hayes, Houlihan, Roberts and Vacanti.

Voting No: None

Abstain: Bruhn.

Election of Officers

Commissioner Vacanti nominated Barbara Hayes for Chair, seconded by Commissioner Boozer.

Voting Yes: Boozer, Bruhn, Hayes, Houlihan, Roberts, and Vacanti.

Voting No: None

Abstain: None

Commissioner Vacanti nominated Dave Lanoha for Vice Chair, seconded by Commissioner Boozer.

Voting Yes: Boozer, Bruhn, Hayes, Houlihan, Roberts, and Vacanti..

Voting No: None.

Abstain: None.

Chair Hayes stated that a copy of the By-Laws had been sent to the Commissioners and a motion was needed to approve or change the By-Laws.

Ms. Frohlich stated there are no proposed changes; it is a yearly review.

Motion by Commissioner Vacanti to approve the By-Laws, seconded by Commissioner Houlihan.

Voting Yes: Roberts, Vacanti, Boozer, Bruhn, Hayes, and Houlihan.

Voting No: None

Abstain: None.

APPLICATION

G-10-07

REQUEST: Adopt Douglas County Six Year Improvement Plan F.Y. 2008 to F.Y. 2013 and beyond.

APPLICANT: Tom Doyle, Douglas County Engineer

Dan Kutilek, Engineering Manager for the Douglas County Engineer's Office, made the following comments regarding the application.

1. He stated that Tom Doyle, County Engineer, asked him to make the presentation and that Mr. Doyle is also present to show his support and answer questions if needed.
2. The Six Year Highway Improvement Plan is a statutory requirement for all counties and cities in the State of Nebraska.
3. The plan is a mechanism to force agencies to think about their capital improvement plans and to coordinate those plans with the jurisdictions that might be affected by those improvements.
4. The public hearing tonight is the first step in the public hearing process that the statutes outline.
5. We are asking for a favorable recommendation and then we will take the Plan forward to the County Board next Tuesday for approval.
6. The total cost of projects for the next several years is over \$40 million. Federal, State, SID, and County tax money is included in the funding.

Major Projects:

1. 72nd Street widening – North of I-680. The project is in its second year and on schedule. It is to be completed by this fall.
2. "Q" Street improvement between 156th and 168th is under construction. The City of Omaha is the lead agent but Douglas County does have about 35% local share of this project. The project should be completed this year.
3. It is intended to continue the project to 180th Street starting next year. A meeting was held with the major stakeholders about the impact on their businesses, schools, and streets. The project will take approximately two years to complete. A public meeting will be held on June 21st, 2007 at Millard West High School to

- discuss the project. This will also be the first project using arterial street improvement program funding (ASIP) which is generated through development projects that are required by City Ordinance and County Regulations to contribute monies to the fund. The funds are collected as building permits are issued and then SID mill levies will generate monies to keep up the arterial improvements.
4. With ASIP projects, sponsoring neighborhoods are being encouraged to enhance the streetscape with landscaping in concert with Omaha By Design ideas.
 5. Another project is in Irvington between Ida Street and Fremont Street (downtown area). The area needs improvement in drainage and access so this project will bring that area of the county up to more modern standards. Irvington Corners, commercial property at Ida Street and Irvington Road, will also generate some improvements. The project will begin next year.
 6. The preliminary design stage and the environmental impact investigation of the 180th Street improvement over the Old Lincoln Highway and railroad tracks between Blondo Street and Dodge Street have begun. It will take years to get constructed but the preliminary phases are being worked on. It is a \$20 million project. Most of the funding will be federal funds but the County's share will be \$4 million which is a tremendous burden to the County. There are also some discussions with developers who are looking at that corridor for possible improvements to contribute funds to defray some of the local costs. A public hearing will be held within the next few months. Hopefully the environmental assessment will be completed and approved by the Federal Highway Administration so the next phase of the project can be started.
 7. 144th Street, between Dodge Street and Maple Run Drive, is overdue for widening. The project is being studied with the City because the City has a portion of that corridor. Blondo Street from 136th Street by Green Meadows has been included in the project and will be widened out to 156th Street.
 8. Overlays will continue but were cut back because of some problems.
 9. A number of bridges especially in the Valley area need to be replaced.

Discussion, Questions, Comments:

1. Commissioner Boozer asked if the County was responsible for 168th between Center and Pacific. Mr. Kutilek replied that is the State's responsibility.
2. Chair Hayes asked if the County considered any methods for controlling dust on the small stretches of gravel roads next to urban areas that get a lot of traffic and cited Fort Street where it turns into gravel on 180th Street as an example. Mr. Kutilek responded that they do look into dust control but have to be cautious because of the miles and miles of gravel roads and many people complain about dust. Their office does have a policy regarding traffic count minimums and if they are exceeded, then dust control would be considered. However, it would be more likely that the road would be hard surfaced.
3. Chair Hayes stated she was asking about that stretch of road because it is very dangerous. Mr. Kutilek stated that development usually generates improvement of the roads but there are exceptions where development is years away but there is a lot of traffic on a gravel road. Their department responds to that issue because it

does get to the point where it is dangerous for vehicles to pass on dusty gravel roads.

4. Chair Hayes asked if they could look at Fort Street from Highway 31 to 180th because there is a lot more traffic due to development on Fort Street. Mr. Kutilek stated they would look at that area.

Chair Hayes Opened the public hearing. No one from the public spoke for or against the proposed plan. The public hearing was closed.

Commissioner Vacanti complimented Douglas County Engineers for the great job they are doing in the County

Motion by Commissioner Vacanti to recommend approval of the proposed six year plan, seconded by Commissioner Boozer.

Voting Yes: Vacanti, Boozer, Bruhn, Hayes, Houlihan, and Roberts.

Voting No. None

Abstain: None.

APPLICATION

FLS-2-07

REQUEST: Preliminary and Final Plat for Farmstead Lot Split, Hoich Acres, Lot 1 -12.5 acres, original parcel size is 53 acres, zoning is Agricultural

LEGAL: Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 14 N, Range 10 E of the 6th P.M.

LOCATION: 24848 West "Q" Road

APPLICANT: John L. Hoich, 4418 South 180th Street, Omaha, NE 68135

Terry Rothanzl, Olson & Associates, 8720 S. 114th Street, made the following comments as Mr. Hoich's representative:

1. Mr. Hoich has a parcel of land with a house and garage on it.
2. Mr. Hoich proposes dividing the house and garage from the parcel.
3. Mr. Hoich plans to use the remainder of the parcel for recreational use.
4. Pointed out the area to be divided on the map.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Vacanti to recommend approval because the Health Department and MAPA have approved the application, seconded by Commissioner Boozer.

Voting Yes: Boozer, Hayes, Houlihan, Roberts, Bruhn, and Vacanti.

Voting No: None
Abstain: None

APPLICATION

G-3-07

REQUEST: Proposed Changes to Current Supplemental Zoning Regulations

The following sections are now in the Zoning Regulations adopted March 13, 2007 and therefore will be deleted from the Supplemental Regulations: Junk Yards, Automobile Salvage and Used Parts Business, Fences, Wireless Telecommunications Facilities, and Landfill (Municipal Solid Waste).

The following sections will now be listed as supplements to the Zoning Regulations. These are proposed revisions to most of these supplements.

Water Supply Systems (Private), Septic Systems (Private), House Moving, Creek Setback, Condemnation of Unsafe Buildings, Dangerous Buildings, Weed Abatement, Litter and Littering, Private, Residential, or Family Swimming Pools; Swimming Pools (Public), Procedure for Storage and Land Application of Sludge and Related Materials.

Draft regulations changes can be accessed on the Environmental Service website (www.dcplanning.org)

Kent Holm stated that the Health Department made some comments that need to be added to the proposed regulations and those comments are not reflected in the draft that was mailed last week to the Commissioners. Mr. Holm highlighted the proposed changes by power point for the Commissioners. (See Exhibit "A".)

The only discussion from the Commissioners was on the "Water supply Systems" regulation. This regulation restricts the use of private water supply systems in a development served by municipal water sources. Also with regards to multiple private wells serving one property, each well constructed shall be reviewed and evaluated separately before approval and a permit has to be issued prior to construction of the well(s).

Questions, Comments, and Discussion among Commissioners:

1. Commissioner Vacanti asked if the restriction was for drinking water. Mr. Holm replied this was for any water system, potable or non-potable.
2. Commissioner Vacanti asked if there was way to distinguish the difference between someone using a well to supply water for a commercial nursery and someone using a well to supply water for residential use. Mr. Holm stated that making such a distinction could be considered.

3. Chair Hayes said that she thought County Health's concern about this is to eliminate too many wells being drilled.
4. Commissioner Vacanti said he understood the requirement for residential use or drinking water but was concerned about someone who has a business.
5. Mr. Holm stated there maybe a reason to exempt certain things. The real intent is that particularly in a residential area, and maybe in a commercial area, we don't want to see a proliferation of wells. At some point when a dependable municipal water source is available, that needs to be main supply of water. Using private wells in areas served by municipal water does not promote water conservation. The Comprehensive Plan states that particular areas of the county need to be using municipal water and if we continue to allow wells in those areas, we are not consistent with the Comprehensive Plan.
6. Mr. Holm said if there is a need to exempt certain uses such as water use for a commercial nursery that can be considered. He also stated this is another incentive for people to use rainwater, stormwater, and create stormwater collection systems which is consistent with the Comprehensive Plan and good stormwater management.
7. Commissioner Roberts asked Mr. Holm this proposed language would conflict with Papio-Missouri Natural Resources District regulation of irrigation wells.
8. Mr. Holm said there would not be a conflict but thinks that we are taking a proactive step in putting the metropolitan area in a better position. Down the road as population increases, water uses will increase. We don't want to be in a situation like western Nebraska is now having to shut off wells or having well water issues. We have areas that use well water in Douglas County right now that use well water which are having problems. Shiloh Ranches is one of them. Also, from a conservation standpoint if there is municipal water in the area people need to use that and yes they need to pay for it. That's part of the intent.
9. Mr. Holm asked if inserting some wording that allows commercial nurseries to use wells would be acceptable. Commissioner concurred with adding that type of language.

Chair Hayes opened up the public hearing.

Richard Mangold, 19747 Bennington Road, commented that maybe agricultural/commercial use could be made exempt so someone that used a well for agricultural purposes but their residence was connected to public water could continue that use.

Ms. Frohlich pointed out that the proposed language applies only to new wells, not existing wells. Mr. Holm clarified that it applies just new wells.

Chair Hayes said that the regulation would not require wells to be capped but it is becoming an issue as subdivisions are moving farther out to the county. The subdivisions are on municipal water but they want to have wells for their landscape features within the subdivision. It is those uses that are not consistent with the Comprehensive Plan. Once there is municipal water, it should be used rather than having wells.

Mr. Holm said they can meter their water use for landscape irrigation or water features, so that use would be exempt from sewer fees.

Chair Hayes said they can also utilize plants that don't require so much water or not have as many water features. She said there are some subdivisions that have water features that use municipal water but there are others that don't use municipal water because they have to pay for it. They want to put in a well instead. She started that if the water source is there they should be using municipal water and not putting in a bunch of wells.

Mr. Holm stated that he would clarify in the intent statement that this is designed for new wells and will include the exemption for commercial nursery use. For most agricultural uses there is likely going to be a well there anyway.

Mr. Holm stated that under the application process section, the Health Department asked that additional language be added. Also under the construction requirements section, delete "if a well is located in an area designated as less than 500 year flood plain the well casings shall extend 48" above ground."

Mr. Holm also explained the changes in the subdivision regulations.

Chair Hayes closed the public hearing.

Commissioner Vacanti made a motion to recommend approval of the proposed changes including the changes discussed regarding the water supply systems.

Mr. Holm reiterated the changes under the Intent Statement, Page 1 of the Water Supply Systems – Private:

- a. Language will be added that exempts commercial nursery use.
- b. Clarify that the intent is related to new wells only.

Commissioner Houlihan seconded the motion.

Voting Yes: Bruhn, Hayes, Houlihan, Roberts, Vacanti, and Boozer.

Voting No: None.

Abstain: None.

APPLICATION

G-4-07

REQUEST: Proposed Changes to Current Subdivision Regulations

APPLICANT: Douglas County Environmental Services

Mr. Holm commented on the proposed changes prior to the application.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Bruhn to recommend approval, seconded by Commissioner Vacanti.

Voting Yes: Hayes, Houlihan, Roberts, Vacanti, Boozer, and Bruhn.

Voting No: None.

Abstain: None.

APPLICATION G-5-07

REQUEST: Proposed Changes to Current Nuisance Regulation

APPLICANT: Douglas County Environmental Services

Mr. Holm explained these changes prior to this application.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Houlihan to recommend approval, seconded by Commissioner Bruhn.

Voting Yes: Houlihan, Roberts, Vacanti, Boozer, Bruhn, and Hayes.

Voting No: None.

Abstain: None.

Announcements:

There will not be a meeting in July 2007 and possibly not a meeting in August. Ms. Frohlich will notify members regarding the August meeting.

Mr. Monbouquette requested that the minutes reflect that Commissioner Boozer was elected into the Omaha Hall of Fame and offered congratulations to Commissioner Boozer. Everyone agreed with the congratulations.

Meeting Adjourned at 7:50 pm.

Minutes approved September 10, 2007.