

Village of Eagle
Planning Commission Meeting Minutes
November 29, 2023 Start Time 7:00 P.M.
Eagle Fire & Rescue Department- 705 S 1st Street, Eagle, NE

The November 29, 2023 Planning Commission Meeting was called to order at 7:00 P.M. by Chairman, Terry Caddy. The chairman made the announcement that the Open Meetings Act is posted on the east wall of the Fire Hall meeting room and that the meeting announcement and agenda were posted at the announcement boards located at the Eagle Park, Village of Eagle Office, and the Village of Eagle Fire Department.

Roll call of Planning Commission Members present included: Terry Caddy, Justin Davison, Ashley Moyer, Randy Todd, Willa DiCostanzo as well as an alternate of John Surman. Austin Beck and Randy Todd were absent. Additional attendees included: Rick Hesterman, Nick Nystrom, Marcus Hochstein, Maureen Caddy, Dick Sittner, Barb Sittner, Raymond Althouse, Jason Houdek, Shirley Oberly, Marv Oberle, Doug Koozer, Jason McCarthy, Paul Hegert, Robert Debusk, Suzette Debusk, Shawn Suhr, Barbara Suhr.

Public hearing opened at 7:02PM for the purpose of hearing testimony concerning the adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska.

Shirley Oberle asked if Ag land is cheaper than residential? Terry Caddy addressed this by stating he reached out to the county assessor asking if the change in zoning from Ag to Residential would change the tax rate. The county stated that any acreage should be taxed as residential use and if any property is taxed as Ag and not residential that is the counties screw up and they will fix it. They don't look at our zoning but rather how the property is being used. Shirley asked about combining the adjoining farmland back to her homestead parcel. Maureen advised that she can get a survey to plat the land back together and then have the village sign off on it and take it to the county to be recorded.

Shirley then asked why they can't vote for the board if the board is ruling over those in the ETJ. Maureen Caddy addressed this by stating, "The state statute gives authority to all municipalities to planning authority over a certain area. This varies on the size of the community of how far out they can plan. It's a State statute that allows this. State statute allows a planning authority to extend its boundaries in Eagle Villages case to a mile and a quarter." Shirley asked again for clarification on how to go about getting approval from the Village to conjoin her two parcels of land. She was advised to reach out to Nick Nystrom.

Robert Debusk asked if they would have to get on Village water since we're changing zoning if they are going to have to change anything with their well and septic system. Caddy answered no.

Terry Caddy stated that if you have 3 acres or more you can have a well and septic system on your property. If you have 1.5-3 acres of land you can have either water or sewer. There are people with 1.5 acres and have Rural Water and then they can have a septic system. Maureen Caddy addressed that if you're under 1.5 acres you must be connected to a municipalities water and sewer or get a waiver from the Nebraska Department of Environment and Energy as they regulate this as a Village. Which is why we have a minimum acreage limit of 1.5 acres.

Jason McCarthy asked why were using the word non-conforming. He asked what it's non-conforming to, the Village or the by-laws? Maureen Caddy addressed this with stating that it's non-conforming to the zoning regulation. If you have less than 10 acres you can't be classified as Agricultural. This is a Village of Eagle zoning regulation. The next question McCarthy addressed is if they're grandfathered in regarding animals or things that don't currently apply to him as Ag now but will as Residential. Maureen stated that if you have it in place for at least 6 months prior to the changes those will be grandfathered in. you can have what you have now but can't expand the number of animals you have. We are modifying the residential estates to allow for some animals whereas before it wasn't allowed. The goal is to bring more people in conformity with these changes.

Jason McCarthy asked what gain the Village has by rezoning the property. Caddy addressed that if you wanted to build a building you'd then have to get a building permit which would require them to meet zoning regulation setbacks/requirements. This is to create conformity within the community and surrounding areas. Marcus Hochstein stated it's more of protections of your neighbors from you doing something on your property. Jason addressed it's weird that they don't have a say in what changes happen.

Raymond Althouse said that the assessor required him to split off a parcel that has some out buildings, cattle, and cattle water on the parcel and these changes would make him out of compliance. He stated he could get the proper paperwork and combine the land. His concern that is if he leaves it as is and doesn't connect all three parcels someone could file a complain against him. His cattle come onto a portion of land that is being rezoned to Residential Estates. Per Raymond the separation of the land was done so by the county due to a state law.

Doug Koozer stated that the new rules for Ag states under 50 acres and the new Residential Estates shows under 150 acres. If the Village thinks that these changes will be made and nothing will change he can't believe that. He states there are over 100 additional regulations. The taxes will go up with the zoning change and he's lived there since 1998 and they haven't had any kind of problem. He finds it hard to believe things won't change. Terry Caddy asked if he saw anything in the reading that will affect him. Koozer stated on the 3 acres he has a well and septic on and besides his only concern is taxes going up. He believes that due to this change in zoning from Ag to RE it will increase his taxes. It was pointed out the county is already basing taxes off of residential since that's the use of the property. He asked if the county already has this as residential and zoning hasn't changed yet, why is it changing now. Nick stated that he isn't for sure but he probably wasn't within our zoning jurisdiction prior to Dollar General going in as that may have pushed the ETJ out enough to add his property within our

zoning authority. He asked if we can sign a letter stating the changes won't change their taxes if we're certain it won't. Caddy told them to reach out to the assessor if they have concerns of taxes changing with our zoning change. Caddy stated that the Assessor told him that, "the present best use was taxed as residential use. If any of them are being taxed on Ag basis it is our mistake and that will be corrected." Koozer stated he has a property within a 3 mile jurisdiction of Lincoln and it's unheard of that Lincoln would come out and rezone. Maureen Caddy addressed this by stating that Lincoln just annexed 3 miles and bumped there zoning jurisdiction another 3. Maureen pointed out that the land abutting to Koozers has a value of \$4,000 an acre and Koozers land value for 3 acres alone is valued at \$39,000 or \$13,000 an acre.

Koozer asked who is going to enforce the new rules as there are many new rules for things such as unlicensed vehicles, trailers, etc. Terry Caddy stated it would be the Village of Eagle.

Barb Sittner asked for clarification about the lot dimensions of Carrs development that they are going to potentially build. Terry Caddy addressed this stating that the plans are not moving forward due to interest rates. They have ran out of time and have to start over with a preliminary plat as the previous plans are all expired. The development was going to be residential lots with streets, city water and sewer and commercial along the highway. There will be some residential suburban lots that are 9,000 square feet and some suburban lots that are \$6,000 square feet like we have in the older part of town. No acreages will be apart of this development phase.

Suzette DeBusk then asked if this new development would be comparable to the development just west of Eagle. Terry Caddy stated yes.

Robert DeBusk asked if the are paving A street from 43 to 202. Caddy stated he wasn't aware of this. Koozer stated that they stated that the county isn't moving forward with this because there are some houses too close to the road. Koozer asked the county who gave permits to those that built too close to the road. DiCostanzo stated that they've changed the easement requirements and the width of the road they were wanting to increase the road width.

DiCostanzo addressed to the room they need to monitor the Eagle website to see when meetings for things like the planning commission and board meetings are happening. These meetings are times that people can come in and voice their concerns about what changes may be happening or being discussed.

Terry Caddy stated that if your property is being looked at tonight then any property owner within 300 feet of them was also notified.

Jason McCarthy asked for full transparency of the desired outcome or intent of these changes. He was asking if these changes have to do with the new developments coming to town. Terry Caddy stated that he can't say that it has nothing to do with future development. It is to ensure that if someone wants to come in next to him and they have three acres that they have to conform to what he is conforming to and that they know what they're getting into. The reason

for conformity is so everyone is treated equally and fairly. McCarthy stated it seems like a lot of effort for something that hasn't been a problem for a very long time and if nobody in the highlighted areas is being asked to conform they don't feel they're being treated fairly. We're talking about neighbors that don't exist yet. He feels they do exist and nobody cares how they feel. He asked who is complaining about them not being conforming. Once they are conforming it doesn't change anything so what's the point of all the effort put into these changes. Rick Hestermann stated we typically hire a company to do this however we've volunteered to make all these updates and get the zoning changes and map updated. We're taking time to get everything right and since we're going through this process it just makes sense to get all the standards updated as we update things. For example if someone takes Ag property and breaks off a piece to build a house they wouldn't be zoned properly and we're just wanting everyone to be in conformity if something like this was to happen. It's more the Village trying to get things up to date and standardized as it should've been done before. This should've been done years ago. McCarthy is asking for full transparency as we live in a small community and should trust our neighbors. The rumor mill is stating that these changes have to do with the developments coming to town and the last thing they want to do is fund these developments coming to our community. Maureen Caddy addressed that people for many years have been splitting land off and under different zoning regulations and were wanting to have things be conforming for people doing this in the future. Most people are using these parcels under 10 acres for residential properties so it makes sense they are zoned residential. Hesterman stated it's not going to really change its use as Residential Estates is more comparable to a trans agriculture parcel.

Terry Caddy addressed that there will be a few more strict rules. The current owners are grandfathered into some of these rules and if there's a parcel coming in they aren't grandfathered in and will have to follow by the book. The Village doesn't go out and inspect if you have two or three trailers. How things come up is by complaints.

Jason Houdek asked how he's zoned into the ETJ but his neighbor isn't. Terry Caddy stated that the ETJ is how the crow flies and the entire parcel has to be within the ETJ, 1.5 miles.

Shirley asked what would happen at the next Village Board meeting. Caddy stated it will be a meeting just like this one and they will decide if they will adopt the map and zoning regulations or table it for any changes prior to adoption.

Shirley Oberle addressed that she's going to conjoin her two parcels and asked when it needs done by. Maureen Caddy addressed that it would be good to have this done prior to voting these changes. She stated the board can delay the three readings so that they don't have to make the owners have additional work to make these changes later.

Raymond Althouse asked who he needs to talk with about getting a survey. He is going to get with Nick Nystrom on this.

Jason McCarthy asked if they have say on any changes.

Caddy stated they can make comments and if they don't have comments tonight then they can make comments at the December 5th Village Board Meeting. Caddy stated if they have concerns about the taxes they should reach out to the assessor and ask questions. He stated we aren't trying to hide anything and want everyone to be treated fair even if they don't necessarily like the changes.

DiCostanzo addressed that these changes are also to address the safety and health of those within the Village limits. Caddy stated most of the issues are of those of people within the Village.

Marcus Hoschstein stated that even if there are some new things in the regulations then you can still come to the board and ask for an exception with valid reasoning.

Doug Koozer stated that when Buell Trucking moved to the new location and put up lighting it created an issue by having light pollute all the way to his property and the rules aren't being enforced. Maureen Caddy addressed that these rules weren't in place when Buell Trucking built and installed lighting prior to any regulations to prevent it. However, these changes wouldn't allow for anyone new to do the same.

Raymond Althouse asked about putting a fence up against a residential property if it could be reconsidered that a high tension wire be put in next to a residential property. Caddy stated that in the new regulation it allows this type of fencing.

Jason McCarthy asked if they wanted to petition this who they would present this to. Maureen Caddy stated they would present that to the board. McCarthy then asked if all 33 parcel owners came together and didn't want to pass this if it's something that they could essentially stop. It was addressed that that isn't the case.

Terry Caddy stated he talked to 7 or 8 parcel owners and they asked two questions: 1) are our taxes going up 2) are we being annexed into town? He told them that based on what he was told by the county the taxes should be based on residential and they won't be annexed in now. It doesn't mean that they can't be annexed into the Village in 30 years.

Public Hearing adjourned at 8:35pm.

The next item of business is Discuss/possible action: Approval/recommendation of the adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska.

John Surman made a comment about how many parcels were represented by the people. One couple has 3 parcels and they weren't here at all. The one to one ratio doesn't necessarily apply to this. So, he assumes they are satisfied with any questions they got answers to or don't have any issues.

DiCostanzo feels that people that wanted a better understanding of the process and they have that. She also encourages anyone that has concerns or a delay of vote attend the board meeting.

DiCostanzo wants to make sure Raymond Althouse has time to make the changes he wants with his property so that the parcels are combined prior to the vote of these changes.

DiCostanzo motioned to approve the adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska. John Surman seconded the motion. The motion is carried unanimously.

DiCostanzo – yes

Davison – yes

Moyer – yes

Caddy – yes

Surman- yes

Seeing no further items of business the Planning Commission Meeting the meeting was adjourned at 8:47pm.

A recording of this meeting was made and is available at the Village of Eagle Office.