

DAKOTA COUNTY PLANNING COMMISSION: August 15, 2023 MINUTES

The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Vice Chairman Harold Moes and the Pledge of Allegiance was said by all.

Roll Call: Present were: Tim Decker, Ron Collins, Ron Gill, Gordon Hegge, Steven Lieber (7:02), Dick McCabe, Harold Moes. Absent: Scott Bousquet and Martin Rohde. Also, present: Planning and Zoning Administrator Joe O'Neill. Public present: See attached list

Notice was made regarding the Open Meeting Act posted on the wall.

Moved by Tim Decker, second by Ron Gill, to approve the minutes of the May 16, 2023 meeting minutes. Consent unanimous. Motion carried.

Public Hearing was called order at 7:02pm for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comments regarding the following request for 66 Conditional Use Permits from Summit Carbon Solutions for their proposed carbon pipeline to run through Dakota County. Joe O'Neill asked Ben Fuller, representative for Summit Carbon, if the pipeline would cross any wetlands and if so, did they have environmental studies done. Mr. Fuller stated that environmental studies have been done. They are crossing the Missouri River so a lot of studies has been done with that as well. Joe asked about the Danish Alps area and Mr. Fuller said he did not have wetlands map with him but environmental studies have been done. Joe asked about road haul agreements and he said that he is currently working with the road department and NIRMA to get an agreement in place. Troy Launsby, Dakota County Commissioner asked if Summit will invoke eminent domain or go around properties that don't want this pipeline on their land. Mr. Fuller stated that they are at a point where the route is pretty much locked in and they would use eminent domain but only as a last resort. Kenny Baker spoke in opposition of the pipeline coming through as did Ron Hartnett and Sheila Curiel. Shelli Meyer with bold alliance who is also a landowner in Dixon County spoke in opposition as well. Aaron Eldridge, South Dakota project manager for Summit stated that Dakota County has an acquisition rate of 72% for volunteer easements. He also stated that no pipeline would be laid until a clear path was established up to North Dakota. Public Hearing was closed at 7:39pm

Motion made by Tim Decker, second by Gordon Hegge to table the conditional use permit for Summit Carbon Solutions for their proposed carbon pipeline to run through Dakota County until they have 100% of the property easement acquisition. Roll Call Vote. Unanimous. Motion Carried.

The final plat was submitted to the commission for MARI ADDITION in South Sioux City's extraterritorial jurisdiction located in part of the northeast ¼ of the southwest ¼ and part of Government Lot 3, all in Section 36, Township 29 North, Range 8 East, 6th P.M. Dakota County Nebraska. This subdivision consists of Lots 1 through 16, Lots R1, R2 & R3. Subdivision area is 25.617 acres. This plat has been approved by South Sioux City. Motion made by Tim Decker, second by Ron Collins to approve final plat and send recommendation of their approval to the Board of Commissioners. Roll Call Vote. Unanimous. Motion Carried.

Lanice Neilson wanted to discuss the possibility of developing her land into a housing subdivision. Ms. Neilson was not in attendance. Discussion will wait until she can attend a meeting.

The commission reviewed Section 510 & 511 of the zoning regulations which contradict each other.

Section 510. Administration. *No building or other structure shall be erected, moved, added to, or structurally altered in an excess of one thousand (\$1,000) dollars without a permit therefore issued by the Building Inspector. No building or zoning compliance permit shall be issued by the Building Inspector except in conformity with the provisions of these regulations.*

Section 511. Application for Zoning Permit. *The construction and alteration of farm buildings will not require a zoning compliance permit and will not be subject to building codes adopted by the County Commissioners. The following are classified as farm buildings: buildings utilized for agricultural purposes on a farmstead of twenty (20) acres or more which produces one thousand (\$1,000) dollars or more of farm products each year; dwelling units or other structures intended for human occupation shall be considered non-farm buildings for the purpose of these regulations.*

*All applications for **zoning** permits shall be accompanied by plans to scale, showing the actual dimensions and shape of the lot to be built upon; the sizes and locations on the lot of buildings already existing, if any; and the location, dimensions, and use of the proposed building or alteration.*

The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed uses of the building and land; the number of families or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.

*One copy of the plans shall be returned to the applicant by the Building Inspector. This copy shall indicate that it was approved or disapproved and signed by the Building Inspector. If a **zoning** permit is disapproved, the Building Inspector shall state the reasons for such refusal in writing. The original and one copy of the plans, similarly marked, shall be retained by the Building Inspector. The issuance of a **zoning** permit shall in no case be construed as waiving any provisions of these regulations.*

The Planning Commission will have a public hearing next month to amend the first sentence of section 511 to read as follows. **The construction and alteration of farm buildings will require a zoning compliance permit and will be subject to building codes adopted by the County Commissioners.**

The planning commission discussed light pollution and how someone's lights might shine on to a neighbors' house or property and cause problems. Joe will look into this more and if other counties address this.

The planning commission discussed solar farms. A company is looking at coming in and putting up a utility based solar panel consisting of 166 acres and 1000 megawatts. We have commercial regulations but not utility. Joe will look into what other counties have on this as well.

Miscellaneous and old business. New zoning permit was issued to Bob Vanlent – cabin-Hubbard. Informational statement permits were issued to Kelly Lamp- Hubbard - for a storage shed, Sare Sue & Eric Larson – chicken coop- Homer.

Harold opened up the floor for public comment. No comment.

Moved by Ron Collins, second by Tim Decker to adjourn. Consent unanimous. Motion carried
Meeting was duly adjourned at 8:07 P.M.

Respectfully submitted,
Jolene Gubbels