

# **City of Scottsbluff, Nebraska**

**Monday, March 7, 2022**

**Regular Meeting**

## **Item Subdiv.1**

**Council to discuss and consider action on an application for the creation of an Agricultural Estate Dwelling Site from Julie Shuey, Executor of the Kyla Casselmann Shuey Estate, for property located at 181015 Hwy L 79G, Scottsbluff, NE and authorize the Mayor to sign the Certificate.**

**Staff Contact: Zachary Glaubius, Planning Administrator**

## Agenda Statement

Item No.

For Meeting of: March 7, 2022

**AGENDA TITLE:** Council to discuss and consider action on an application for the creation of an Agricultural Estate Dwelling Site from Julie Shuey for property located at 181015 Highway L79G, Scottsbluff, NE, and authorize the Mayor to sign the certificate.

**SUBMITTED BY DEPARTMENT/ORGANIZATION:** Department Development Services

**PRESENTATION BY:** Zachary Glaubius, Planning Administrator

**SUMMARY EXPLANATION:** The Planning Commission reviewed and made a positive recommendation on the approval of an AEDS at 181015 Highway L79G of 6.86 acres with a reserved balance of approximately 77 acres.

**BOARD/COMMISSION/STAFF RECOMMENDATION:** Positive recommendation by P.C.

**Does this item require the expenditure of funds?**

\_\_\_\_\_yes \_\_\_\_\_no

**Are funds budgeted?**

\_\_\_\_\_yes \_\_\_\_\_no

**If no, comments:**

**Estimated Amount**

**Amount Budgeted**

**Department**

**Account Description**

**Approval of funds available**

\_\_\_\_\_  
City Finance Director

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### EXHIBITS

Resolution ☐

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☒

Other (specify) Staff Report for Planning Commission, Certificate

**NOTIFICATION LIST:** Yes ☐ No ☐ Further Instructions ☐

Please list names and addresses required for notification.

**APPROVAL FOR SUBMITTAL:**

\_\_\_\_\_  
City Manager

Rev: 12/14/ City Clerk



CITY OF SCOTTBLUFF

AGRICULTURAL ESTATE DWELLING SITE APPLICATION  
AGRICULTURAL - ET ZONING DISTRICT

On the 20 day of JANUARY, 2022

----- (being the  
record title owner of the real estate described in paragraphs 1 and 3 below), has caused to be made an application to the City of Scottsbluff, Scotts Bluff County for an exception to Agriculture (A-ET) District zoning, for an Agricultural Estate Dwelling Site subject to all provisions of Part 13 Ag. District, specifically 13-19.1-13, of the Zoning Regulations, as follows:

1. LEGAL DESCRIPTION OF TRACT TO BE SEPARATED: (An accurate survey, properly identifying the tract to be set out, must accompany this application):

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1, OF SECTION 2020 TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

2. SIZE (ACREAGE), IN ABOVE DESCRIBED TRACT TO BE SEPARATED:

6.86 ACRES, MORE OR LESS

3. LEGAL DESCRIPTION OF BALANCE OF LAND WHICH IS TO BE RESERVED

Remaining Accreted lands of Government Lot 1, Section 20-22-55

4. SIZE (ACREAGE), IN ABOVE DESCRIBED TRACT TO BE RESERVED:

77 Acres, More or less

5. INTENT (Must have one or more of the following: each should be specifically described):

(a) An existing farmstead site (describe previous use)

Seperate house for the existing AG land

Agricultural Estate Dwelling Site, then the applicant herein is required to have recorded for public record, at the direction of the City of Scottsbluff City Council, a "CERTIFICATE", which sets out the action taken by the Commission and Council (at the cost of the applicant). Furthermore, there shall be a clear understanding that as to the referenced legal description (paragraph 3, above), a request for an Agricultural Estate Dwelling Site shall be granted ONE TIME ONLY, so as to carry out the intent as expressed in Section 2 5-3-19.1 of the Scottsbluff Municipal Code Zoning Regulations. Furthermore, in the event that the Agricultural Estate Dwelling Site is no longer actually used for the purpose in existence upon giving of such approval, then it is understood that the approval granted by the City Council shall be automatically revoked.

Owner Name: Kyla CasseLMann Shuey Estate

Address: 180821 Hwy 4799

City/State: MITCHELL NE 69357

Telephone: 3086412940 =====

E-mail Address: jsfaskg@jsgmail.com

Signature: Julie Shuey Per Rep

Ag-Estate Address: 181015

City/State: SCOTTSBLUFF NE 69361

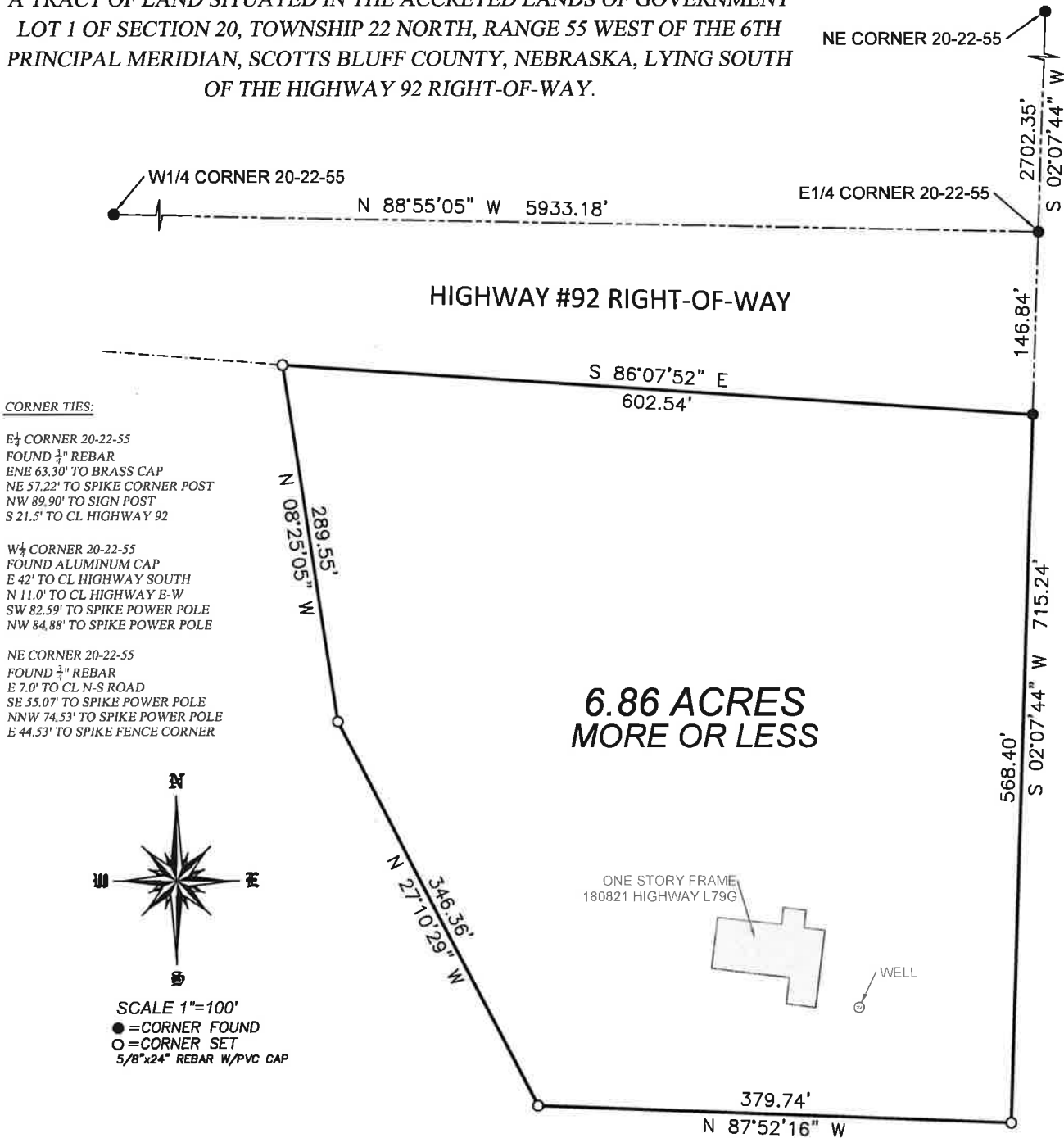
City of Scottsbluff  
Development Services

RECEIVED: Date: \_\_\_\_\_

Receipt No. \_\_\_\_\_

RECORD OF AEDS SURVEY

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY.



LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE, NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 120 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 19th day of January, 2022.

Scott M. Bosse  
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603



SURVEYOR NOTES:

- 1) THIS TRACT MAYBE SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD OR APPARENT.
- 2) ONLY THE RECORD DOCUMENTS NOTED HEREON WERE PROVIDED TO OR DISCOVERED BY SURVEYOR. NO ABSTRACT, CURRENT TITLE COMMITMENT NOR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED FOR THIS SURVEY.

SHEET  
1 OF 1

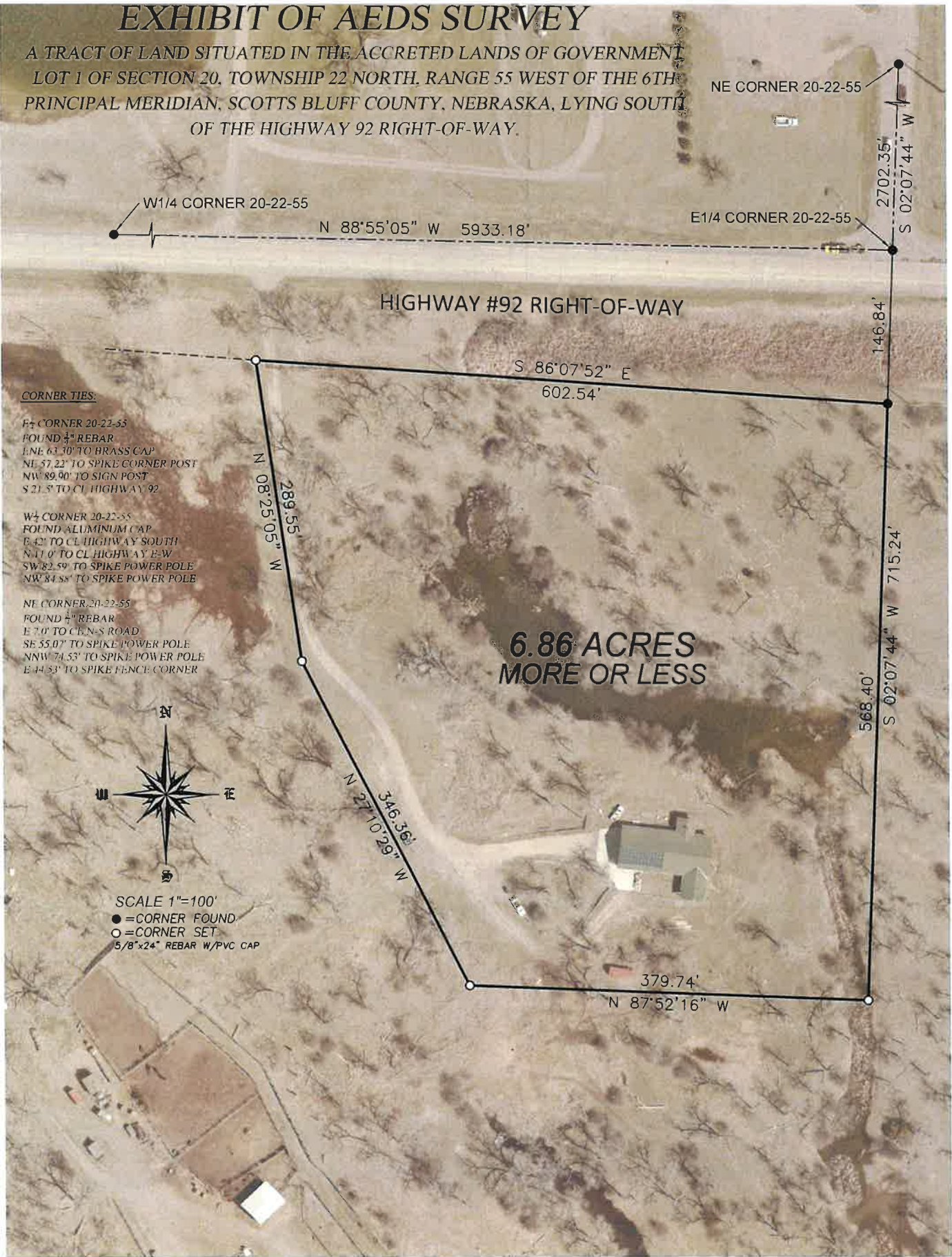
PROJECT:  
SHUEY 20-22-55  
KYLE CASSELMAN SHUEY ESTATE

ACCUSTAR SURVEYING

30601 COUNTY ROAD 17  
PHONE: (308) 623-0197

MITCHELL, NE 69357  
CELL: (308) 631-0737

Scale 1"=120'  
Date: JANUARY 18, 2022  
Dwn By: SMB



**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE ACCRETED LANDS OF GOVERNMENT LOT 1 OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, LYING SOUTH OF THE HIGHWAY 92 RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE EAST QUARTER CORNER OF SAID SECTION 20; THENCE, ALONG THE TRUE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID SECTION, S02°07'44"W TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY #92, BEING A DISTANCE OF 146.84 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY EXTENSION, S02°07'44"W FOR A DISTANCE OF 568.40 FEET; THENCE, N87°52'16"W FOR A DISTANCE OF 379.74 FEET; THENCE, N27°10'29"W FOR A DISTANCE OF 346.36 FEET; THENCE, N08°25'05"W TO A POINT ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A DISTANCE OF 289.55 FEET; THENCE, ALONG SAID RIGHT-OF-WAY, S86°07'52"E FOR A DISTANCE OF 602.54 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 6.86 ACRES, MORE OR LESS.

SHEET 1 OF 1	PROJECT: SHUEY 20-22-55 KYLA CASSELMAN SHUEY ESTATE	ACCUSTAR SURVEYING 30601 COUNTY ROAD 17 PHONE: (308) 623-0197	MITCHELL, NE 69357 CELL: (308) 631-0737	Scale 1"=120'
				Date: JANUARY 19, 2022 Dwn By: SJB



## City of Scottsbluff Planning Commission

### Development Services Staff Report – Zachary Glaubius

Prepared on: February 2, 2022 For Hearing of: February 14, 2022



#### I. GENERAL INFORMATION

- A. Applicant:** Julie Shuey  
180821 Highway L79G  
Scottsbluff, NE 69361
- B. Property**  
**Owner:** Kyla Casselmann Shuey Estate  
(same address as applicant)
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 181015 Highway L79G
- D. Legal Description:** A tract of land situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 44 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska.
- E. Location:** 181015 Highway L79G
- F. Existing Zoning & Land Use:** A-Agricultural & Floodplain Overlay Zone
- G. Size of Site:** AEDS: Approximately 6.86 Acres  
Agricultural/Vacant Land to be Reserved: Approximately 77 Acres

#### II. BACKGROUND INFORMATION

**A. General Neighborhood/Area Land Uses and Zoning:**

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural	A -Agricultural	Riverview Golf Course
East	Rural	A -Agricultural	Farm Ground
South	Rural	A -Agricultural	Farm and Natural
West	Rural	A -Agricultural	Farm and Natural

**B. Relevant Case History**

1. N/A

#### III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural.
- B. Traffic & Access:**
1. Current access to site is from frontage to Highway L79G also referred to as Highway 92

2. The proposed AEDS will have a width of 602.54 feet along County Road 22. The minimum required under 25-3-19 is 150 feet.

**C. Utilities:**

1. The AEDS is located in the extra-territorial jurisdiction and is not served by city utilities.

**IV. STAFF COMMENTS**

- A. The total area of the reserved agricultural land is below the 80-acre requirement. Per 25-3-19.10d, the Planning Commission may permit the creation of an AEDS out of less than 80 acres of reserved land, in certain situations, in the event that the intent of AEDS is maintained.
- B. The majority of the reserved land meets the definition of “marginal usage” due to its location in the North Platte River floodplain and wooded nature.

**V. FINDINGS OF FACT**

**A. Findings of Fact to Recommend Its Approval May Include:**

1. The agricultural use and AEDS designation are consistent with the Comprehensive Plan Future Land Use Map.
2. The AEDS designation will not create any nonconforming yards or structures.
3. The reserved area is less than the required 80 acres, however the intent of the AEDS subsection is maintained.

**A. Findings of Fact to Not Recommend Approval May Include:**

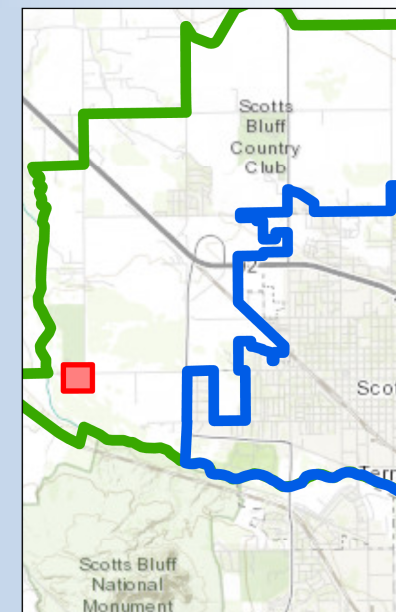
1. The reserved agricultural land does not meet the 80 acres minimum requirement.

**VI. STAFF RECOMMENDATION**

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Agricultural Estate Dwelling designation of a tract of land situated in the Accreted Lands of Government Lot 1 of Section 20, Township 22 North, Range 44 West of the 6<sup>th</sup> PM, Scotts Bluff County, Nebraska.

**VII. PUBLIC NOTIFICATION**

- A. Notification letters were mailed to property owners within 300 feet of the proposed AEDS. Ten (3) letters were mailed in total. One sign was posted on the property more than 10 days before the date of the meeting indicated the date, time, and place of the public hearing.



Proposed Changes

### Street Centerlines

#### CLASS

- Highway
- Main Road
- Residential/Rural

Taylor Stephens  
City of Scottsbluff GIS  
Created on January 28th, 2022  
Coordinate System:  
NAD 1983 State Plane Nebraska FIPS 2600 Foot  
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.





Proposed Changes

## 2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- Southeast Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area

## Street Centerlines

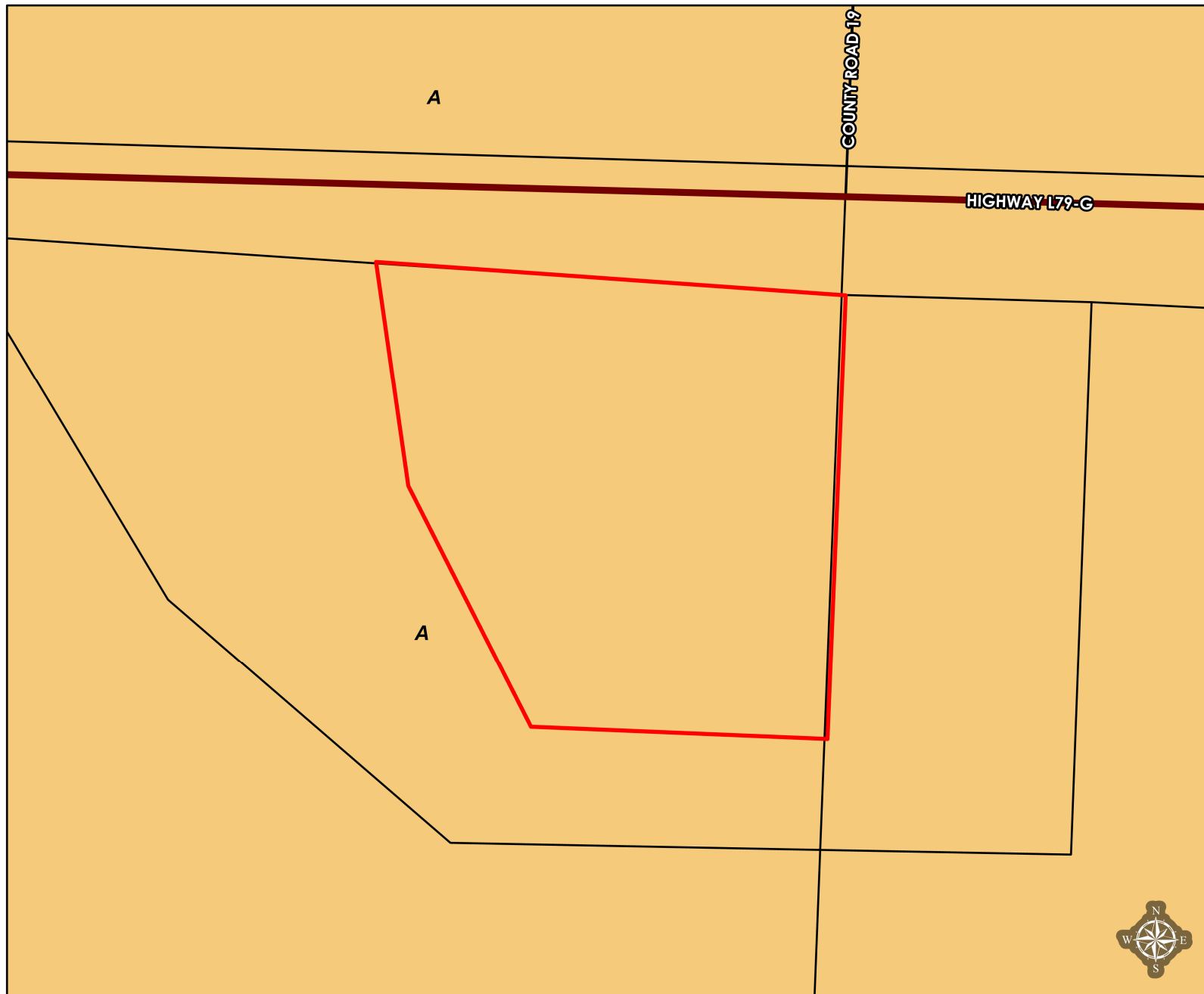
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Proposed Changes

Parcel Boundaries

### Zoning

- A
- AR
- C-1
- C-2
- C-3
- M-1
- M-2
- O&P
- PBC
- R-1
- R-1A
- R-1B
- R-4
- R-6
- GEODATA.GISMGR.Corporate\_Limits
- GEODATA.GISMGR.Extended\_Jurisdiction

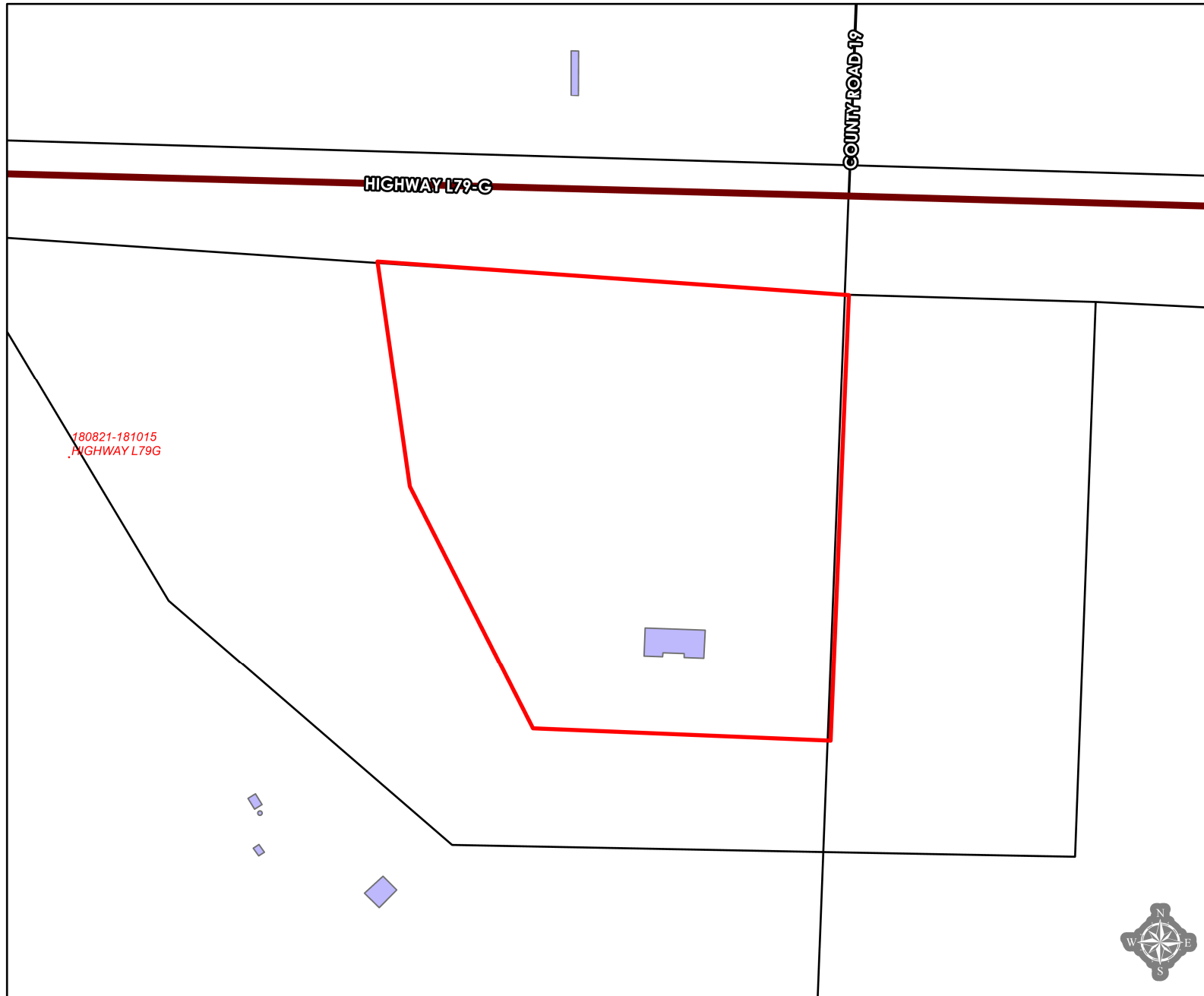
### Street Centerlines

#### CLASS

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Proposed Changes

Building

Parcel Boundaries

Street Centerlines

CLASS

Highway

Main Road

Residential/Rural

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Proposed Changes

### Street Centerlines

#### CLASS

- Highway
- Main Road
- Residential/Rural
- Fire Hydrants
- Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Verified\_Manhole
- Wastewater Lines
- Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc
- Easement

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For Recording Only  
RET: Development Services, City of Scottsbluff

### **CERTIFICATE**

This certificate should be indexed and recorded against the real estate described in Paragraph 2 and 3 below.

The following action was taken by the Scottsbluff City Planning Commission, and the Scottsbluff City Council.

TO-WIT:

1. Kyla Casselmann Shuey Estate, Julie Shuey, Personal Representative has caused to be made an application to the City of Scottsbluff, Scotts Bluff County for an exception to Agriculture (A-ET) District Zoning, for an Agricultural Estate Dwelling Site subject to all provisions of Part 13. Ag. District, specifically 25-3-19.1-13, of the Zoning Regulations. The Planning Commission approved the same at their regular meeting on February 14, 2022 and the City Council accepted such recommendations by approving the same, as provided by law, at the meeting of the Scottsbluff City Council on March 7, 2022.
2. Legal description of the tract-site (AEDS), separated as an Agricultural Estate Dwelling Site is: A tract of land situated in the Accreted Lands of Government Lot 1, of Section 2020 Township 22 North, Range 55 West of the 6<sup>th</sup> Principal Meridian, Scotts Bluff County, Nebraska, lying South of the Highway 92 right-of-way, more particularly described as follows:  
Referring to the East Quarter Corner of said Section 20; thence, along the true southerly extension of the East Line of said Section, S02°07'44"W to a point on the southerly right-of-way line of Nebraska Highway #92, being a distance of 146.84 feet, said point also being the true point of beginning; thence, continuing along said southerly extension, S02°07'44"W for a distance of 568.40 feet; thence, N87°52'16"W for a distance of 379.74 feet; thence, N27°10'29"W for a distance of 346.36 feet; thence, N08°25'05"W to a point on the said southerly right-of-way line, being a distance of 289.55 feet; thence, along said right-of-way, S86°07'52"E for a distance of 602.54 feet to the true point of beginning, containing an area of 6.86 acres more or less.
3. The legal description of the reserved real estate pursuant to Part 25-3-19: Remaining Accreted Lands of Government Lot 1, Section 20-22-55 containing an area of 77 acres more or less.



STATE OF NEBRASKA )  
CITY OF SCOTTSBLUFF )  
COUNTY OF SCOTTS BLUFF )

I, Jeanne McKerrigan the duly appointed, qualified, and acting Mayor for the City of Scottsbluff, County of Scotts Bluff, State of Nebraska, do hereby certify that the foregoing is a true and complete recitation of the action taken by the City Planning Commission, and City Council, as it relates to the subject therein described, as shown by the records and minutes of the referenced public bodies. IT WITNESS WHEREOF, I DO HERBY SET MY OFFICIAL HAND, THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, City of Scottsbluff  
Jeanne McKerrigan

STATE OF NEBRASKA )  
CITY OF SCOTTSBLUFF )  
COUNTY OF SCOTTS BLUFF )

On the date immediately above set out, before me, a Notary Public duly commissioned and qualified to act in Scottsbluff, Scotts Bluff County, personally came the referenced Mayor , to me known to be the identical person whose name is affixed to the foregoing certificate, and acknowledged the same to be his voluntary act and deed as such official.

\_\_\_\_\_  
Notary Public  
(NOTARY SEAL & COMMISSION EXPIRES)