

City of Scottsbluff, Nebraska

Monday, November 7, 2022

Regular Meeting

Item Subdiv.2

Council to discuss and consider action on the creation of an Agricultural Estate Dwelling Site from KEB Farms, Inc. for property located at 80436 County Road 24, Scottsbluff, NE and authorize the Mayor to sign the Certificate.

Staff Contact: Zachary Glaubius, Planning Administrator

Agenda Statement

Item No.

For Meeting of: 11-7-22

AGENDA TITLE: Council to discuss and consider action on an application for the creation of an Agricultural Estate Dwelling Site from KEB Farms, Inc., for property located at 80436 Country Road 24, Scottsbluff, Nebraska.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Development Services

PRESENTATION BY: Zachary Glaubius, Planning Administrator

SUMMARY EXPLANATION: At the 10-10-22 Planning Commission meeting, the P.C. reviewed this AEDS application and made a positive recommendation on its approval by City Council (5-0). This AEDS meets the requirements.

BOARD/COMMISSION/STAFF RECOMMENDATION: Positive recommendation on approval

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

EXHIBITS

Resolution ☐

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify) _____
Staff Report

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

Please list names and addresses required for notification.

APPROVAL FOR SUBMITTAL: _____

City Manager

Rev: 12/14/ City Clerk

Rev: 12/14/ City Clerk

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

On the 24th day of AUGUST, 2022,

K E B FARMS, INC. (KELLY BECKER) (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 25-3-19.1-13, 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. If more space is needed, please attach the legal description. SEE ATTACHED (4.16 ACRES±)
-
-
-
-
-
-
-
-

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

TOTAL AREA = 4.16 ACRES± / NET AREA = 3.77 ACRES±

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

SW1/4 OF THE NE 1/4, S1/2 OF THE SE1/4 OF THE NE1/4 EXCEPT THE ABOVE DESCRIBED
TRACT, PART OF THE NE1/4 OF THE SE1/4 LYING NORTH OF FARMER'S IRRIGATION
DISTRICT LATERAL, ALL IN SECTION 7, TOWNSHIP 22 NORTH, RANGE 54 WEST
OF THE 6TH P.M.


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

82.80 ACRES±

5. **INTENT** (Must have one or more of the following; each should be specifically described):
- a). An existing farmstead site (describe previous use) TRACT TO BE SEPARATED CURRENTLY USED AS AN EXISTING FARMSTEAD SITE. SITE HAS A HOUSE AND OUTBUILDINGS.
 - b). A conveyance to a farm-ranch owner's relative (set out the names of the relatives and relationship to the owner): INTENT OF AG ESTATE IS TO CONVEY PROPOSED SITE TO
OWNER'S SON - JEREMY BECKER
 - c). A conveyance to a farm-ranch owner, to be used for dwelling purposes for that farm-ranch owner:
 - d). Marginal usage land (describe completely as to the reason such land is "marginal use"):
6. **ACCESS TO PUBLIC ROAD** (Describe access: Must have a minimum width of 150 feet on an existing dedicated public road; or if an interior section type, there must be an access road of at least 25 feet in width. Also, access roads on the dedicated public road must be
ENTIRE EAST SIDE OF PROPOSED SITE ABUTS COUNTY ROAD 24.
7. **PRELIMINARY PLAN REQUIREMENTS** (Following procedures in Scottsbluff Municipal Code Book of the City of Scottsbluff Subdivision Regulations, as required by the City of Scottsbluff Development Services Department):
8. **REQUIREMENT:** Before any action can be taken, applicant shall submit a receipt from the Scotts Bluff County Treasurer's Office showing that the current property taxes have been paid.

CITY OF SCOTTSBLUFF
AGRICULTURAL ESTATE DWELLING SITE APPLICATION
AGRICULTURAL – ET ZONING DISTRICT

9. **NOTE:** Assuming that the City of Scottsbluff Planning Commission and City Council approve the referenced application for the creation of an Agricultural Estate Dwelling Site, then the applicant therein 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 (paragraph3, 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 25-3-19.1 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: K E B FARMS, INC. (KELLY BECKER)
Address: 80436 COUNTY ROAD 24
City/State: SCOTTSBLUFF, NE 69361
Telephone: 308-631-4622
Email Address: KEBECKER42@YAHOO.COM
Signature: 
Ag-Estate Address: 80436 COUNTY ROAD 24
City/State: SCOTTSBLUFF, NE 69361

City of Scottsbluff, Development Services

RECEIVED:

Date: _____

Receipt #: _____

Filing Fee - \$100.00

Public Hearing Notifications per Property Owner \$3.00 each

CITY OF SCOTTSBLUFF - PLANNING COMMISSION

The City of Scottsbluff Council, having received and reviewed the application of:

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the _____ day of _____, 20____ and then having heard comments and testimony thereon do hereby:

Approve: _____

Disapprove: _____

the request as stated.

COMMENTS:

Dated this _____ day of _____, 20____

CITY OF SCOTTSBLUFF
PLANNING COMMISSION

CHAIRMAN

SECRETARY

CITY OF SCOTTSBLUFF - CITY COUNCIL

The City of Scottsbluff Council, having received and reviewed the application of:

FOR AN EXCEPTION TO Agriculture (A) District Zoning for an Agricultural Estate Dwelling Site (Part 25-3-19.1-13 of the Scottsbluff Municipal Code Zoning Regulations) and having taken said application and request into consideration on the _____ day of _____, 20____ and then having heard comments and testimony thereon do hereby:

Approve: _____

Disapprove: _____

the request as stated.

COMMENTS:

Dated this _____ day of _____, 20____

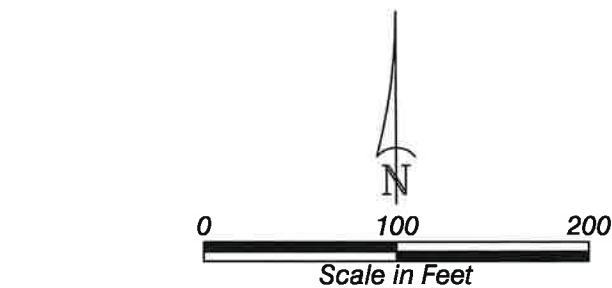
CITY OF SCOTTSBLUFF
CITY COUNCIL

ATTEST:

MAYOR

CITY CLERK

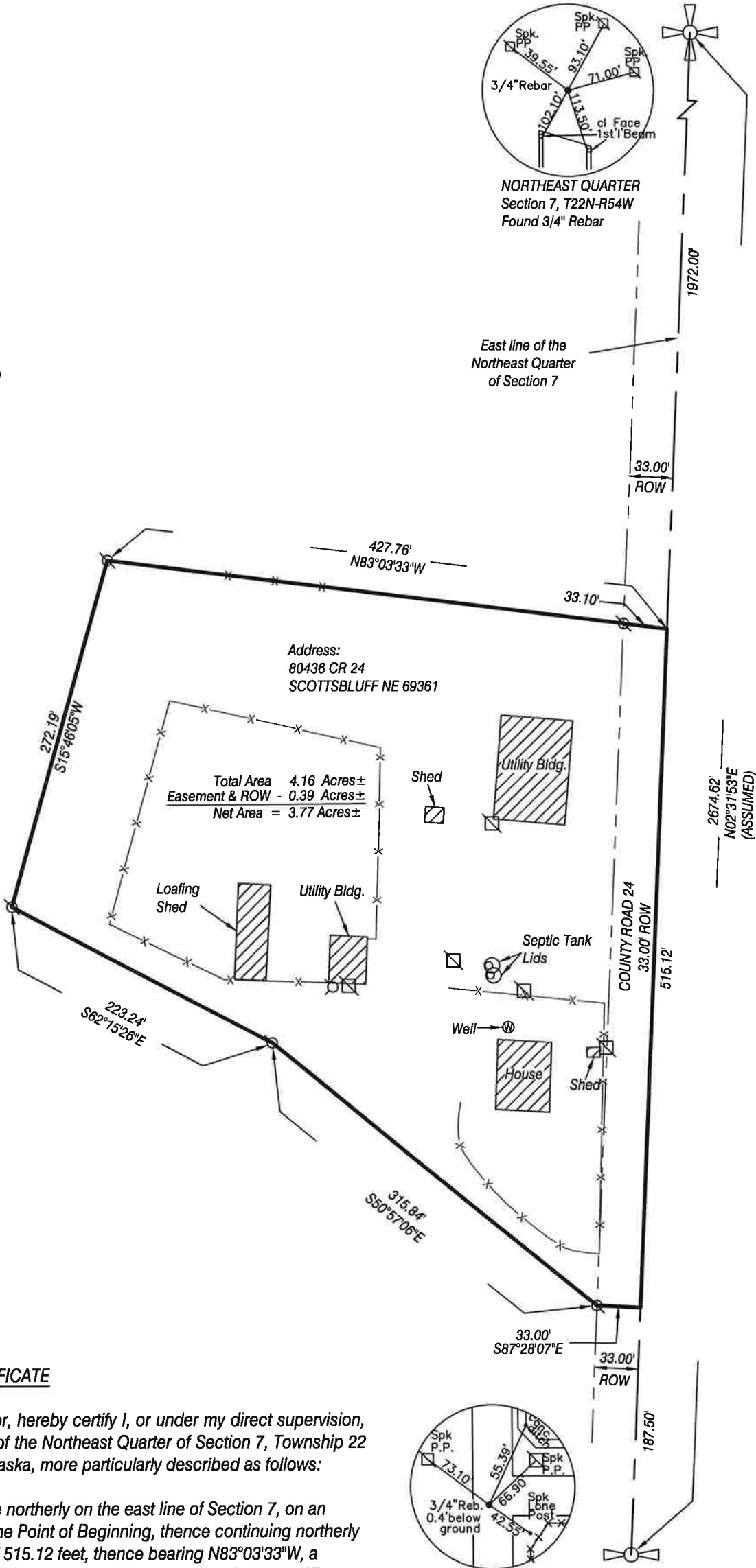
TRACT IN SE1/4 OF THE NE1/4 OF
SECTION 7, T22N-R54W
SCOTTS BLUFF COUNTY, NEBRASKA
JOB# RM220234-00



LEGEND

- EXISTING SECTION CORNER, AS NOTED
- EXISTING QUARTER SECTION CORNER, AS NOTED
- SET 5/8" X 24" REBAR W/CAP
- EXISTING FENCELINE
- STRUCTURES
- WELL
- YARD HYDRANT
- POWER POLE
- SEPTIC TANK LID
- ROW
- R
- M

NOTE: Easements of Record, if any, are not shown on this survey plat.



SURVEYOR'S CERTIFICATE

I, Dustin L. Beaudette, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed a tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the East Quarter Corner of Section 7, thence northerly on the east line of Section 7, on an assumed bearing of N02°31'53"E, a distance of 187.50 feet, to the Point of Beginning, thence continuing northerly on the east line of Section 7, bearing N02°31'53"E, a distance of 515.12 feet, thence bearing N83°03'33"W, a distance of 427.76 feet, thence bearing S15°46'05"W, a distance of 272.19 feet, thence bearing S62°15'26"E, a distance of 223.24 feet, thence bearing S50°57'06"E, a distance of 315.84 feet, thence bearing S87°28'07"E, a distance of 33.00 feet, to the Point of Beginning, containing 4.16 acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 100 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL this 30th day of AUGUST, 2022.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Dustin L. Beaudette, Nebraska Registered Land Surveyor, L. S. 799



City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 19, 2022

For Hearing of: October 10, 2022



I. GENERAL INFORMATION

- A. Applicant:** KEB Farms (Kelly Becker)
80436 CR 24
Scottsbluff, NE 69361
- B. Property**
Owner: Same as Applicant
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 80436 CR 24
- D. Legal Description:** A tract of land situated in Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County
- E. Location:** 80436 CR 24
- F. Existing Zoning & Land Use:** A-Agricultural
- G. Size of Site:** AEDS: Approximately 4.16 Acres
Agricultural/Vacant Land to be Reserved: Approximately 82.8 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	Farm Ground
East	Rural	A -Agricultural	Farm
South	Rural	A -Agricultural	Farm Ground
West	Rural	A -Agricultural	Farm Ground

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 CR 24.

2. The proposed AEDS will have a width of 515 feet along County Road 20. 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 intent of the property owner is to convey the AEDS to property owner's son.

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 meets the required 80 acre minimum.
4. The AEDS meets the 2-acre minimum and 20-acre maximum area requirement.

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

1. None

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 Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th PM, Scotts Bluff County, commonly identified as 80436 CR 24.

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.

AEDS 80436 CR 24

Zoning Overview



Street Centerlines

- Highway
- Main Road
- Residential/Rural

Official City Zoning

- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home
- Parcels
- AEDS Boundaries

Taylor Stephens
City of Scottsbluff GIS
Created on 9/26/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
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.

AEDS 80436 CR 24

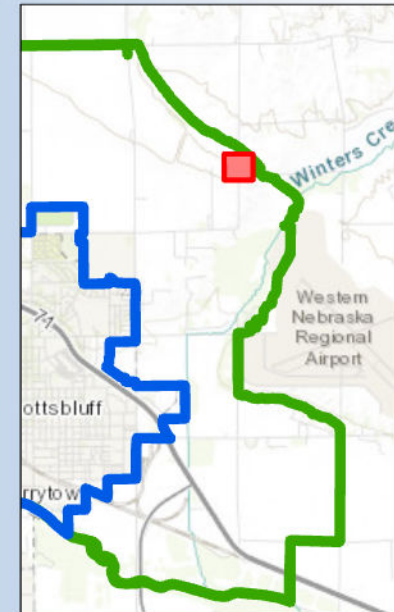
2016 Comp. Plan Future Land Use Overview



- 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
 - SE Industrial and Commercial
 - South Broadway
 - WNCC and Surrounding Area
- Street Centerlines**
- Highway
 - Main Road
 - Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
 - NTD (Less than 5 yrs)
 - STD (5 - 10 yrs)
 - AEDS Boundaries

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- Corporate Limits
- Extended Jurisdiction
- Street Centerline
 - Highway
 - Main Road
 - Residential
- Parcels
- Address
- AEDS Boundaries

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Street Centerlines

- Highway
- Main Road
- Residential/Rural

- Fire Hydrants
- ◆ Water Curbstop
- Water Valve
- Water Manhole
- Water Lines
- Wastewater MH
- Wastewater Lines
- ▲ Outfall
- Stormwater Inlet
- Stormwater Manhole
- Stormwater Arc

- Parcels

FrankLt2920220701_095643.jpg

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- AEDS Boundaries

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Created on 9/26/2022
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
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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. Kelly Becker (K E B Farms, Inc.) 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 25-3-19.13-14.a-j, of the Zoning Regulations. The Planning Commission approved the same at their regular meeting on October 10, 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 November 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 Southeast Quarter of the Northeast Quarter of Section 7, Township 22 North, Range 54 West of the 6th P.M. Scotts Bluff County, Nebraska, more particularly described as follows:
Beginning at the East Quarter Corner of Section 7, thence northerly o the east line of Section 7, on an assumed bearing of N02°31'53"E, a distance of 187.5 feet, to the Point of Beginning, thence continuing northerly on the east line of Section 7, bearing N02°31'53"E, a distance of 515.12 feet, thence bearing N83°03'33"W a distance of 427.76 feet, thence bearing S15°46'05"W, a distance of 272.19 feet, thence bearing S62°15'26"E, a distance of 223.24 feet, thence bearing S50°57'06"E, a distance of 315.84 feet, thence bearing S87°28'07"E, a distance f 33.00 feet, to the Point of Beginning, containing 4.16 acres, more or less.
3. The legal description of the reserved real estate pursuant to Part 25-3-19: A tract of land situated in the Southwest Quarter of the Northeast Quarter, South Half of the Southeast Quarter of the Northeast Quarter except the above descried Tract, part of the Northeast Quarter of the Southeast Quarter lying North of Farmer's Irrigation District Lateral, All in Section 7, Township 22 North, Range 54 West of the 6th P.M.

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)