

Chairperson Brent Alverson called the Monday, June 22, 2026 meeting of the Nemaha County Planning Commission to order at 7:05 p.m. in the Pioneer Building meeting room with Commission members Brent Alverson, Freda Dobbins, Marya Haverkamp, Charity Henry, Todd Rokey, Bob Ruddick and Michael Schmelze in attendance. Galen Ackerman and Martin Schmelzle had excused absences. Jim Dobbins was present from the public.

Charity Henry moved and Freda Dobbins seconded the motion to approve the Monday, April 27, 2026 minutes as presented tonight. Motion carried.

New Business included the following:

- Freda Dobbins had some questions about the process going forward after the Planning Commission had considered the questions raised by the County Commissioners
- Addressing questions asked by County Commissioners
- Grammar and word corrections to document
- Confirming that the County Commissioners are provided a report of the hearing held on October 27, 2025

Brent Alverson moved and Marya Haverkamp seconded the motion to approve the agenda as detailed in New Business above. Motion carried.

Discussion of the questions asked by the County Commissioners resulted in the following recommendations by the Planning Commission:

Can Section 1-102(5) be removed? Todd Rokey moved and Charity Henry seconded the motion to remove Section 1-102(5). Motion carried on a 5-2 vote with Freda Dobbins and Michael Schmelzle casting the dissenting votes.

Can Section 1-104(3) be removed? Brent Alverson moved and Marya Haverkamp seconded the motion to remove Section 1-104(3). Motion carried unanimously.

Can “nuclear” be added to Section 3-104(d) and Section 1-104(6)(d). After discussion on how the term power generating plant covers nuclear power as an existing type of power, and leaving the language as is will address other types of power created both now and in the future, Freda Dobbins moved and Bob Ruddick seconded the motion to leave the statement as worded because power generating plants covers all existing and future generating facilities. Motion carried unanimously.

Can Sections 3-104(i) and 1-104 (6)(i) be increased to 100 feet? Since some grain legs are already taller than 100 feet, with some up to 120 feet, Brent Alverson moved and Michael Schmelzle seconded the motion to remove any tower 50 feet or more in height and replace it with any tower over 125 feet or more in height. Motion carried unanimously.

Can Sections 1-104(13), (14), (21), (23), (24), (36), (40), (43) be removed. Charity Henry moved and Todd Rokey seconded the motion to remove Sections 1-104(13), (14), (21), (23), (24), (36) (40) and (43) from the document. Motion carried unanimously.

Charity Henry proposed deleting the last sentence in Section 1-104(4) and particularly the word “fireplaces”.

Can the word rezoning be removed from Section 4-101? Brent Alverson moved and Freda Dobbins seconded the motion to remove words “rezoning or” from the document. Motion carried unanimously.

Can Section 4-103 be amended to make it more specific to only Conditional Uses—maybe in the title? A possible title might be “Development Plan for Conditional Use Permit”. Michael Schmelzle moved and Freda Dobbins seconded the motion to leave Section 4-103 as is. Motion carried unanimously.

In Section 5-109, can/should the notice area be extended from 1,000 feet? Freda Dobbins moved and Brent Alverson seconded the motion to change 1,000 feet to 5,280 feet in the two places it appears in Section 5-109. Motion carried unanimously.

Can Section 6-101 make assistance with identification of violations optional but not mandatory. It was consensus that the only individual whose duty it should be to enforce the provisions of the Land Development Code is the Zoning Administrator. Freda Dobbins moved and Marya Haverkamp seconded the motion to put a period at the end of Code and remove “It shall also be the duty of all officers and employees of Nemaha County, Kansas to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction or land use.” Motion carried unanimously.

Can Section 7-104 be amended to make it specific to only Conditional Uses? The Planning Commission agreed that the Planning Commission is not “rezoning”. It was the consensus of the Planning Commission to remove the words “rezoning of land or for” in the first sentence and “rezoning or” in the last sentence. Consensus was unanimous.

The County Commissioners asked if “Should burying of wind blades be prohibited?” be included in the Land Development Code (LDC)? Charity Henry moved and Todd Rokey seconded the motion to add 1-104(6)(j) and 3-104(j) The Disposal of Wind Turbine blades to the LDC document. Motion carried unanimously.

After additional discussion, the Planning Commission voted to make the following recommended amendments to the LDC:

Charity Henry moved and Marya Haverkamp seconded the motion to remove 1-104(4) the definition for Accessory Use from the LDC because it is not referenced anywhere else in the LDC, Motion carried unanimously.

Charity Henry moved and Brent Alverson seconded the motion that "Special use permits" in 1-104(6) be changed to "Conditional use permits" in two places for consistency in wording. Motion carried unanimously.

Austin Parker arrived at the meeting at approximately 9:00 p.m. and requested that the Planning Commission stay in session until they could approve the documents he typed after joining the meeting which added an additional two hours to the meeting.

Charity Henry moved and Brent Alverson seconded the motion to remove "required conditional use permit" in the AG Agricultural District from the definition in 1-104(6) and 3-104(a). Motion carried unanimously.

Todd Rokey moved and Charity Henry seconded the motion to remove "required conditional use permit" in the agricultural district in two places in Section 3-104(a). Motion carried unanimously.

Brent Alverson moved and Todd Rokey seconded the motion that the Planning Commission send the Land Development Code, with answers to the questions submitted by the County Commissioners to the Planning Commission, back to the County Commission to reconsider. The motion carried 5-2 with Freda Dobbins and Michael Schmelzle casting the dissenting votes.

Brent Alverson moved and Charity Henry seconded the motion that the Planning Commission is also sending the following recommended amendments to the Land Development Code to the County Commission for its consideration. The motion carried 5-2 with Freda Dobbins and Michael Schmelzle casting the dissenting votes.

a. Section 1-104(4)

- i. After discussion, the Planning Commission agreed that the definition of Accessory Use should be removed because it is not referenced anywhere else in the Land Development Code. As such, the Planning Commission voted to remove this Section from the amended Land Development Code being presented for reconsideration to the Board of County Commissioners.

b. Section 1-104(6)

- ii. After discussion, the Planning Commission agreed that for consistency, the term special use permit be changed to conditional use permit in the Land Development Code. As such, the Planning Commission voted to amend the Section to reference conditional use permit rather than use permit both times it appears in this Section in the amended Land Development Code being presented for consideration to the Board of County Commissioners.

- c. Section 1-104(6)(a) and Section 3-104(a)
 - iii. After discussion, the Planning Commission agreed that for consistency in definitions, it makes sense to remove the phrase “requires a Conditional Use Permit in the AGF Agricultural District” from the definition contained in Sections 1-104(6)(a) and 3-104(a) in the Land Development Code. As such, the Planning Commission voted to remove the phrase “requires a Conditional Use Permit” in the AG Agricultural District” from the definition contained in Section 1-104(6)(a) and 3-104(a) in the amended Land Development Code being presented for consideration to the Board of County Commissioners.

Brent Alverson moved and Charity Henry seconded the motion that the Planning Commission direct Austin Parker to re-submit the LDC document as amended incorporating the Recommended Amendments along with the prior written report submitted to the Nemaha County Commission (The meeting minutes from the October 27, 2025, Public Hearing and the electronic media articles referenced therein) for consideration. Motion carried 5-2 with Freda Dobbins and Michael Schmelzle casting the dissenting votes.

Michael Schmelzle moved to direct the Board of County Commissioners to refer the Land Development Code for a referendum vote to the citizens of Nemaha County, Kansas at the next general election. The motion died due to lack of a second.

The next meeting will be Monday, August 24, 2026.

Bob Ruddick moved to adjourn the meeting at 10:49 p.m.

Respectfully submitted by

Nancy Gafford, Secretary

Brent Alverson, Chairman

Date

A copy of the revised Land Development Code as presented to the Nemaha County Commissioners is attached to these minutes.