

AGENDA
October 20, 2025

1. Please silence all cell phones
2. Pledge Allegiance and Prayer
3. Roll Call
4. Inform public of the posting of the open meeting laws
5. The meeting notice was published in the Columbus Telegram on October 14th and the Humphrey Democrat on October 15th, 2025.
6. Approval of agenda as written
7. Approve the minutes of September 23rd, 2025 as written.
8. **Discussion and possible action on the following:**
9. County Treasurer
 - 9.a. Motion to Open the Hearing
 - 9.b. Motion to close the hearing
 - 9.c. Requesting approval of the following Motor Vehicle Exemptions as presented by the County Treasurer: Columbus Community Hospital, Inc.
10. Consideration of approval of the Valuations regarding School Districts, Fire Districts, Townships, Cities, and Villages, Platte County, ESU's 7 & 8, Natural Resource Districts, Ag Society, and SID No. 7 be made a matter of record and be used for levying purposes.
11. Consideration of approval for the Levies regarding School Districts, Fire Districts, Townships, Cities, and Villages, Platte County, ESU's 7&8, Natural Resource Districts, Ag Society, and SID No. 7 be set.
12. Motion to adjourn to November 18th, 2025.
13. Please silence all cell phones
14. Roll call
15. Inform public of the posting of the open meeting laws
16. The meeting notice was published in the Columbus Telegram on October 14th and the Humphrey Democrat on October 15th, 2025
17. Approve the agenda as written
18. Approve the minutes for October 7th, 2025 as written
19. **Discussion and possible action on the following:**
20. Consideration of Attorney Fee's for Anthony Kush.
21. Highway Department
 - 21.a. Consideration of Utility Permit for Midstates Fiber Optic MR 8 3/4, and Allo - MS 2227 Fiber Optic

- 21.b. Consideration of Approval for Temporary and Permanent Right of Way Documents for County Projects
- 21.c. Road Report
- 22. Consideration of Resolution 25-22 — A proposed change in the status of the Platte County Public Defender from an Elected Official to Appointed/Contracted beginning in January 2027.
- 23. Committee Reports
- 24. Motion to accept, file and credit the proper accounts in correspondence: Monthly Fee Reports, Cancel Drug Enforcement Fund check #10251963 to Sarah Ryba in the amount of \$301.84 — The claim had wrong Fund number on it. The check should have been issued from Problem Solving Court Fund, State of NE, Dept of WEE-NPDES General Permit for Operations Confining Cattle for Bill Klug Feedlot Concentrated Animal Feeding Operation, Certificate of Liability Insurance for Elkhorn Paving Construction, Charter Communications - Channel Change Notice, Treasurer Receipts \$42,761.92
- 25. Motion to approve claims
- 26. Public Comments
- 27. Motion to Adjourn to November 4th, 2025 at 9:00 a.m.

The agenda for the meeting subject to change, is kept continuously current and is available for public inspection at the office of the County Clerk in the Platte County Courthouse, Columbus, Nebraska.

File with Your
County Treasurer

Application for Exemption from Motor Vehicle Taxes by Qualifying Nonprofit Organizations

FORM
457

• Read instructions on reverse side.

Name of Organization Columbus Community Hospital, Inc			Tax Year 2025	Value of Motor Vehicles
Name of Owner of Property			County Name Platte	State Where Incorporated Nebraska
Street or Other Mailing Address 4600 38th Street			Contact Name Jennifer Wieck	Phone Number 402-562-4646
City Columbus	State NE	Zip Code 68601	Email Address jdwieck@columbushosp.org	

Type of Ownership

Agricultural and Horticultural Society Educational Organization Religious Organization Charitable Organization Cemetery Organization

Name	Title of Officers, Directors, or Partners	Address, City, State, Zip Code
Chad Van Cleave	VP-Finance	4600 38th Street, Columbus, NE 68601

Description of the Motor Vehicles • Attach an additional sheet, if necessary.

Motor Vehicle Make	Model Year	Body Type	Vehicle ID Number	Registration Date or Date of Acquisition, if Newly Purchased
Toyota Rav4	2024	4 door	2T3F1RFV9RW443657	9/29/2025

Motor Vehicle described above is used in the following exempt category (please mark the applicable boxes):

Agricultural and Horticultural Society Educational Religious Charitable Cemetery

Give a detailed description of the use of the motor vehicle:

Home Health used for home visits

Are the motor vehicles used exclusively as indicated? (see instructions)

YES NO

If No, give percentage of exempt use:

_____ %

Under penalties of law, I declare that I have examined this exemption application and, to the best of my knowledge and belief, it is correct and complete. I also declare that I am duly authorized to sign this exemption application.

sign
here

Jennifer Wieck
Authorized Signature

Controller
Title

9-25-2025
Date

For County Treasurer Recommendation

- Approval
- Denial

Comments: _____

Signature of County Treasurer _____ Date _____

For County Board of Equalization Use Only

- Approved
- Denied

If the County Board's determination is different from the County Treasurer's recommendation, an explanation is required.

I declare that to the best of my knowledge and belief, the determination made by the County Board of Equalization is correct pursuant to the laws of the State of Nebraska.

Signature of County Board Member _____ Date _____

Please retain a copy for your records.

Tremel Survying	760.00
LindahI Engineering	3,100.00
Orr Legal	2142.40
Removal of (3)Tenants 250.00 Month @12 months	9,000.00
Anthony Kush (time) 13Hrs @85.00	1,105.00
Expense	16,107.40

THE OFFICE OF THE PLATTE COUNTY ATTORNEY



BREANNA D. FLAHERTY
County Attorney
bflaherty@plattecounty.ne.gov

DARIN J. KNEPPER
Deputy County Attorney
dknepper@plattecounty.ne.gov

ALEX WEST
Deputy County Attorney
awest@plattecounty.ne.gov

JULIE REITER
Deputy County Attorney
jreiter@plattecounty.ne.gov

EMILEE HIGGINS
Deputy County Attorney
ehiggins@plattecounty.ne.gov

September 4, 2025

Connor W. Orr
Attorney for Anthony J. Kush
9375 Burt Street, Ste 100
Omaha, NE 68114

RE: Floodplain Violation

Mr. Orr:

Your client, Anthony Kush, submitted an application dated September 18, 2023, for a Flood Plain Development Permit relating to parcel #710167787, located within the Platte County flood plain. Mr. Kush selected “fill, material removal (tree removal), and drainage improvement – land leveling”, under “description of work”. The application also requires the applicant to indicate the use for the proposed construction/alteration/development, and Mr. Kush stated “work is done to repair flood damage from 2019 disaster. Land was leveled in preparation for agricultural use only.” This application was approved, and a flood plain development permit was issued to him on September 19, 2023.

It has recently come to our attention that a recreational vehicle (RV) is currently placed on the property and is being used as a permanent residence. To this date, there has not been an application submitted that would allow for either a residence or an RV to be placed on this property. The resolution passed by the Platte County Board of Supervisors, Resolution No. 963, does allow for an RV to be in the floodplain fringe areas with a permit, specifically, Section 6.26 of the resolution states:

Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for “manufactured homes” of this resolution. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick – disconnect type utilities and security devices and has no permanently attached additions.

I have enclosed pictures showing the location of the RV as it presently sits on the property. This RV has been skirted and also has an additional structure attached, which prohibits it from meeting the definition of "ready for highway use." The resident living in the RV has established a permanent residence at this location, has an assigned mailing address and is receiving mail at this location. In order for a residence to be permitted at this location, a floodplain development permit must be applied for and all regulations relating to elevation, including a minimum of 1' above the Base Flood Elevation (BFE), proper anchoring of the structure, water, sewer and utility connection meeting regulation within the floodplain and other permanent residence regulations, must be met before any permit could be issued.

At this time, Mr. Kush is in violation of the Flood Plain Ordinance of Platte County. The ordinance contains a penalty section as follows:

Section 10.0: " Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense."

I am requesting that you notify your client of the violation and that he immediately takes corrective action, no later than 15 days from the date of this letter, to avoid prosecution under the ordinance. All structures must be removed from this property and Mr. Kush can file for a permit for a recreational vehicle or a residence within the regulations of the ordinance but may not replace any structure until a valid permit has been issued.

If you have any questions, do not hesitate to contact our office.

Sincerely,

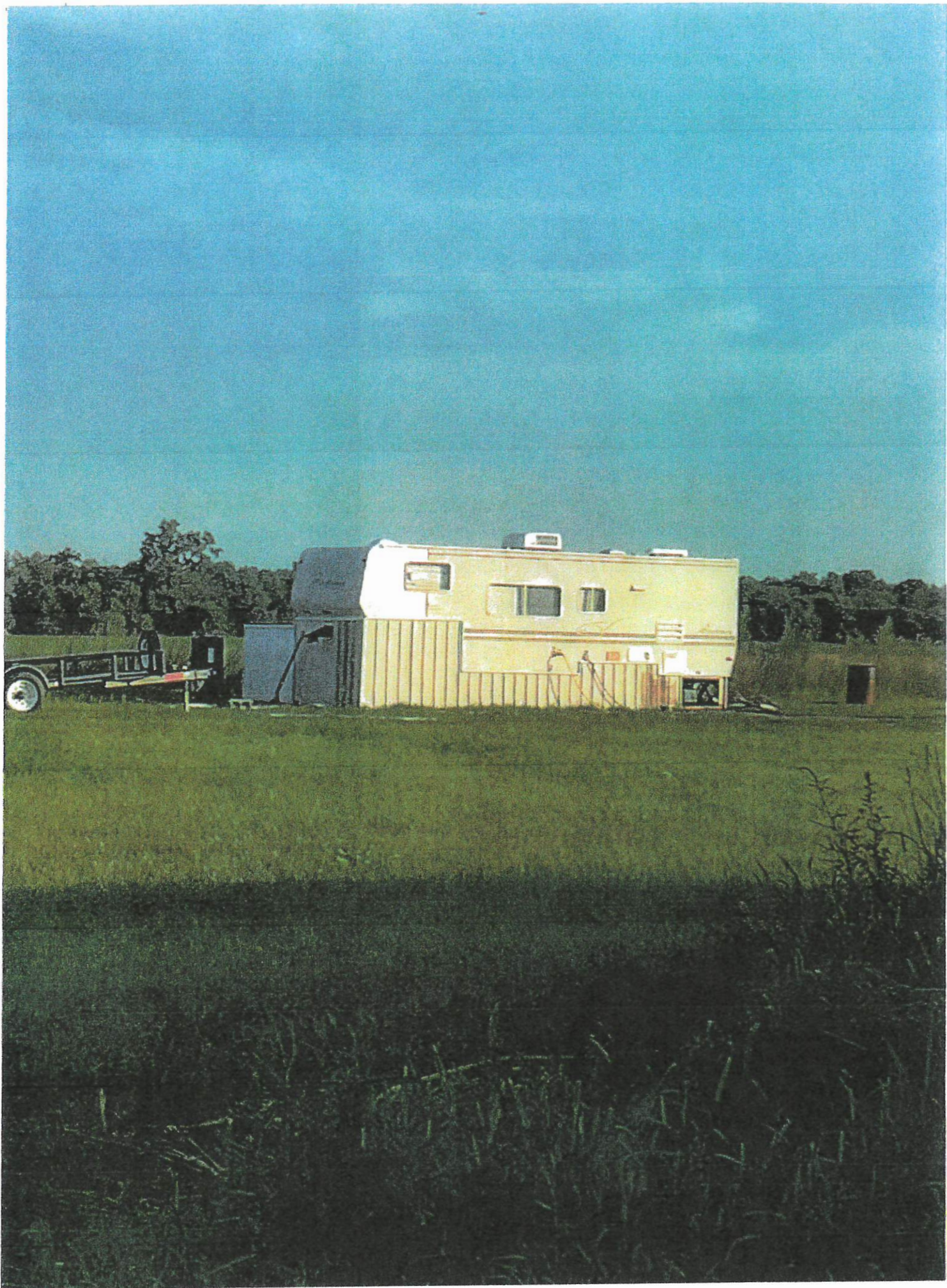


Breanna Flaherty
Platte County Attorney

c.c. J. Cromwell











Anthony Kush <kushcoatings2@gmail.com>

Fw: Letter - AJ Kush

14 messages

Connor Orr <connor@orrlawgrp.com>
To: kushcoatings2 <kushcoatings2@gmail.com>
Cc: Paul Heimann <PaulH@orrlawgrp.com>

Thu, Sep 4, 2025 at 9:48 PM

FYI - they are again coming after you.

This time, for the RV. Your neighbors and this county truly has it out for you.

I can research those resolutions and get back to you on next steps. Sorry these people all are just obnoxious.

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Breanna Flaherty <bflaherty@plattecounty.ne.gov>
Sent: Thursday, September 4, 2025 10:15:23 AM
To: Connor Orr <connor@orrlawgrp.com>
Cc: Jane Cromwell <jcromwell@plattecounty.ne.gov>
Subject: Letter - AJ Kush

Good morning!

The flood plain administrator is requesting I send letters to individuals in violation of the flood plain ordinance for Platte County, instead of sending this directly to AJ I am sending it to you, only because I know you represent him on the issue with the Ditters. I've also put the original in the mail – if you prefer I send this directly to AJ I can re-format the letter and send it to him, just let me know.

Bre

This message has been sent as a part of discussion between recipient and the addressee whose name is specified above. Should you receive this message by mistake, we would be most grateful if you informed us that the message has been sent to you. In this case, we also ask that you delete this message from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding. This message has been sent as a part of discussion between recipient and the addressee whose name is specified above. Should you receive this message by mistake, we would be most grateful if you informed us that the message has been sent to you. In this case, we also ask that you delete this message from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding.

 **letter.pdf**
8972K

Anthony Kush <kushcoatings2@gmail.com>
To: Frank Willis <fwilliscl2@gmail.com>

Fri, Sep 5, 2025 at 6:17 AM

[Quoted text hidden]

 **letter.pdf**
8972K

Anthony Kush <kushcoatings2@gmail.com>
To: garrettclark132@gmail.com

Fri, Sep 5, 2025 at 7:01 AM

[Quoted text hidden]

 **letter.pdf**
8972K

Anthony Kush <kushcoatings2@gmail.com>
To: meyersemma265@gmail.com

Fri, Sep 5, 2025 at 7:01 AM

[Quoted text hidden]

 **letter.pdf**
8972K

Anthony Kush <kushcoatings2@gmail.com>
To: Connor Orr <connor@orrlawgrp.com>, bflaherty@plattecounty.ne.gov,
jcromwell@plattecounty.ne.gov

Fri, Sep 5, 2025 at 7:39 AM

When can we talk about this. Need to bring in the tenant. And all of us have a discussion on what's needed for a permit if any again. There is no permanent attached property. Guy works construction and takes camper with him so no consecutive residence. Structure is a dog house for when he is gone out of town. As for skirting it's part of the camper and is removed when he pulls it, he uses it as storage and keeps sun and weather off items under camper ... it as you can see in photo is not even fully around camper.

As for mail box it is not his. A different tenant has it for their mail when they are in the aera.

Please advise as I wish to have tenants of recreation use be in compliance..

[Quoted text hidden]

Anthony Kush <kushcoatings2@gmail.com>
To: Kaden Stenzel <kadenstenzel@gmail.com>

Fri, Sep 5, 2025 at 7:42 AM

----- Forwarded message -----

From: **Anthony Kush** <kushcoatings2@gmail.com>

[Quoted text hidden]

[Quoted text hidden]

Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Fri, Sep 5, 2025 at 9:11 AM

To: Anthony Kush <kushcoatings2@gmail.com>, Connor Orr <connor@orrlawgrp.com>, Jane Cromwell <jcromwell@plattecounty.ne.gov>

Good morning,

Any RV needs a permit, and then the three permissible uses are outlined in that section I included in the letter. I will let Jane reply with some dates that she is available and then I will reply regarding those dates.

Breanna

From: Anthony Kush <kushcoatings2@gmail.com>

Sent: Friday, September 5, 2025 7:39 AM

To: Connor Orr <connor@orrlawgrp.com>; Breanna Flaherty <bflaherty@plattecounty.ne.gov>; Jane Cromwell <jcromwell@plattecounty.ne.gov>

Subject: Re: Fw: Letter - AJ Kush

When can we talk about this. Need to bring in the tenant. And all of us have a discussion on what's needed for a permit if any again. There is no permanent attached property. Guy works construction and takes camper with him so no consecutive residence. Structure is a dog house for when he is gone out of town. As for skirting it's part of the camper and is removed when he pulls it, he uses it as storage and keeps sun and weather off items under camper ... it as you can see in photo is not even fully around camper.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Connor Orr <connor@orrlawgrp.com>
To: kushcoatings2 <kushcoatings2@gmail.com>

Fri, Sep 5, 2025 at 9:16 AM

DON'T EMAIL THEM DAMMIT!

THAT'S OUR JOB!

DON'T FEED THE TROLLS.

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Anthony Kush <kushcoatings2@gmail.com>
Sent: Friday, September 5, 2025 7:39:18 AM
To: Connor Orr <connor@orrlawgrp.com>; Breanna Flaherty <bflaherty@plattecounty.ne.gov>; jcromwell@plattecounty.ne.gov <jcromwell@plattecounty.ne.gov>
Subject: Re: Fw: Letter - AJ Kush

[Quoted text hidden]

Anthony Kush <kushcoatings2@gmail.com> Mon, Sep 8, 2025 at 9:15 AM
To: Tom Tremel <ttremel@hotmail.com>

[Quoted text hidden]

Anthony Kush <kushcoatings2@gmail.com> Mon, Sep 8, 2025 at 9:15 AM
To: Tom Tremel <ttremel@hotmail.com>

----- Forwarded message -----
From: **Connor Orr** <connor@orrlawgrp.com>
Date: Thu, Sep 4, 2025 at 9:48 PM
Subject: Fw: Letter - AJ Kush
To: kushcoatings2 <kushcoatings2@gmail.com>
CC: Paul Heimann <PaulH@orrlawgrp.com>

[Quoted text hidden]

 **letter.pdf**
8972K

Anthony Kush <kushcoatings2@gmail.com> Mon, Sep 8, 2025 at 5:39 PM
To: Connor Orr <connor@orrlawgrp.com>, bflaherty@plattecounty.ne.gov, jcromwell@plattecounty.ne.gov



Fyi everything gone as of Friday. Not sure if you got pictures of him packed out

[Quoted text hidden]

Jane Cromwell <jcromwell@plattecounty.ne.gov>
To: Anthony Kush <kushcoatings2@gmail.com>

Wed, Sep 10, 2025 at 11:35 AM

A.J.

I will be on the property tomorrow morning at 9 AM to look at the RV area in relationship to the flood plain boundary. You are not required to be on site, but feel free to meet us there if you are available. The Highway Supt. will be assisting me in the on site review.

Jane Cromwell

From: Anthony Kush <kushcoatings2@gmail.com>
Sent: Monday, September 8, 2025 5:40 PM

To: Connor Orr <connor@orrlawgrp.com>; Breanna Flaherty <bflaherty@plattecounty.ne.gov>; Jane Cromwell <jcromwell@plattecounty.ne.gov>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Anthony Kush <kushcoatings2@gmail.com>
To: Jane Cromwell <jcromwell@plattecounty.ne.gov>

Wed, Sep 10, 2025 at 11:37 AM

Sounds good, I'll be there.

[Quoted text hidden]

Connor Orr <connor@orrlawgrp.com>
To: kushcoatings2 <kushcoatings2@gmail.com>

Thu, Sep 11, 2025 at 9:02 PM

FYI

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Breanna Flaherty <bflaherty@plattecounty.ne.gov>
Sent: Thursday, September 11, 2025 11:29:44 AM
To: Connor Orr <connor@orrlawgrp.com>; Jane Cromwell <jcromwell@plattecounty.ne.gov>
Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>; Tiff Ruban <tiff@orrlawgrp.com>
Subject: RE: Letter - AJ Kush

Good morning,

All board minutes are available on the county's website <https://plattecounty.ne.gov/board-of-supervisors/>

I have no recollection of a board meeting where Mr. Kush's property was discussed, so please provide the date of that meeting. The meetings also have audio recordings and you would be able to request the recording from the date of the meeting you are interested in from the Clerk of Platte County, Jennifer Brown.

Breanna

From: Connor Orr <connor@orrlawgrp.com>
Sent: Wednesday, September 10, 2025 9:18 PM
To: Breanna Flaherty <bflaherty@plattecounty.ne.gov>; Jane Cromwell <jcromwell@plattecounty.ne.gov>
Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>; Tiff Ruban <tiff@orrlawgrp.com>
Subject: Re: Letter - AJ Kush

My understanding is that the area is not a floodplain area.

I also understand the board had a meeting on this where you and Jane were present. Please ensure the meeting minutes, record, recordings, transcript and all submissions or notes therefrom are preserved and please advise how we obtain copies.

Thanks,

Connor

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Breanna Flaherty <bflaherty@plattecounty.ne.gov>
Sent: Wednesday, September 10, 2025 1:54:58 PM
To: Connor Orr <connor@orrlawgrp.com>; Jane Cromwell <jcromwell@plattecounty.ne.gov>
Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>; Tiff Ruban <tiff@orrlawgrp.com>
Subject: RE: Letter - AJ Kush

Good afternoon,

I believe Jane was going to reach out to you regarding additional information she received from your client yesterday. I've also received a call from a board member regarding a discussion with AJ and an email from Teressa Tremel regarding a discussion with AJ. My understanding is that the RV has been removed for now, and that AJ requested that Jane look at a portion of the property that may not be in the flood plain or

flood fringe. If you have any questions please let me know, I've also asked Jane to respond to the Public Records Request.

Breanna

From: Connor Orr <connor@orrlawgrp.com>

Sent: Monday, September 8, 2025 9:43 AM

To: Breanna Flaherty <bflaherty@plattecounty.ne.gov>; Jane Cromwell <jcromwell@plattecounty.ne.gov>

Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>; Tiff Ruban <tiff@orrlawgrp.com>

Subject: Re: Letter - AJ Kush

Our client attempted to come into Jane's office this morning to seek more information on whether or not a permit needed to be applied for and, if so, then figuring out who, what, where, how and why. However, he was informed that Jane was out and to try again tomorrow.

While we are waiting for further information, please respond to the following FOIA Request:

1. Copies of all applications, as well as all information and documents submitted with such applications for permits for RVs and/or manufactured homes in any floodplain areas and/or floodplain fringe areas in Platte County.
2. Copies of all denial letters for any denials of any applications submitted for RVs and/or manufactured homes in any floodplain areas and/or floodplain fringe areas in Platte County.
3. Copies of all issued permits for any RVs and/or manufactured homes located in floodplain areas and/or floodplain fringe areas in Platte County and any explanations showing why they were approved.
4. Copies of any and all transcripts and submissions made at any county board meeting regarding the approval and/or denial of any requests, permits and/or circumstances involving RVs and/or manufactured homes in floodplain areas and/or floodplain fringe areas in Platte County.
5. Copies of any and all court records, letters of noncompliance, letters, demands, cease and desist correspondence, real estate filings sent, charged and/or filed by the county attorney's office and/or any other records or documents of the floodplain administrator and/or county attorney which show prior enforcement of the Platte County Board of Supervisors, Resolution No. 963, section 6.26 or any other similar code pertaining to RVs in floodplain areas and fringe areas.

- Let me know if you have any questions and Tiff from my office can send another OneDrive folder for your response as well if you confirm that is the best way to get the responses.

Thanks,

Connor W. Orr

The Orr Law Group, PLLC

9375 Burt Street, STE 100

Omaha, NE 68114

P: (402) 408-6488

D: (402) 408-6407

connor@orrlawgrp.com

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From: Connor Orr <connor@orrlawgrp.com>

Sent: Friday, September 5, 2025 4:05 PM

To: Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>;
Tiff Ruban <tiff@orrlawgrp.com>

Subject: Re: Letter - AJ Kush

The provisions you sent state otherwise. Regardless, the tow-behind vehicle the neighbors are trying to implicate our client for is being moved as we speak.

Please send me the full sets of codes and ordinances and we will review those alongside a permit application, then we will let you know our client's position. Absent the provisions being entirely different from the ones you have cited, I expect his position will remain to follow the regulations as *written* and not as *read*. If needed, we can seek clarification from the court or a variance on the issue in front of the board.

Have a nice weekend.

Thanks,

Connor W. Orr

The Orr Law Group, PLLC

9375 Burt Street, STE 100

Omaha, NE 68114

P: (402) 408-6488

D: (402) 408-6407

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From: Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Sent: Friday, September 5, 2025 3:41 PM

To: Connor Orr <connor@orrlawgrp.com>

Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>;
Tiff Ruban <tiff@orrlawgrp.com>

Subject: Letter - AJ Kush

Good afternoon,

I will send you a copy of the complete flood plain ordinance next week. **Nothing can be placed on the land, including a recreational vehicle, without a permit if it is being placed on land governed by the flood plain ordinance.** The permit allows for an RV to be placed there (1) less than 180 consecutive days, OR (2) to be placed there more than 180 consecutive days as long as it is highway ready, OR, (3) if it meets the requirements for a manufactured home. Therefore, Platte County does not consider the matter resolved.

Breanna D. Flaherty

Platte County Attorney

Platte County Attorney's Office

2610 14th Street

Columbus, NE 68601

(T) 402-563-4903

(F) 402-564-1914

From: Connor Orr <connor@orrlawgrp.com>

Sent: Friday, September 5, 2025 2:25 PM

To: Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Cc: Paul Heimann <PaulH@orrlawgrp.com>; McGrane Pledger <mcgrane@orrlawgrp.com>;

Tiff Ruban <tiff@orrlawgrp.com>

Subject: Re: Fw: Letter - AJ Kush

Breanna,

The vehicle in question has not been on the property for more than 180 *consecutive* days. It is also ready for highway use. In fact, it will be towed away and moved this weekend for the military ball in another town by its owner. This is one of several times that the vehicle in question was moved out of that spot for multiple days. Therefore, we do not believe this regulation applies at all and a plain reading of the excerpts you provided

make clear, no permit is required under those circumstances as the list is a disjunctive in that it has an "or" list and (i) and (ii) apply to this situation.

If you want to send me the regulations and ordinance in question, I will be happy to review and discuss further. The referenced ones in your letter are not published on your county's website, so if you want to discuss further, I will need you to send full copies of those codes/ordinances.

Given the above answers and the fact that the vehicle is being moved for the weekend, it seems to me that we could just consider the matter resolved. Please advise if you agree or if you want to discuss further.

Cheers,

Connor W. Orr

The Orr Law Group, PLLC

9375 Burt Street, STE 100

Omaha, NE 68114

P: (402) 408-6488

D: (402) 408-6407

connor@orrlawgrp.com

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From: Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Sent: Friday, September 5, 2025 9:20 AM

To: Connor Orr <connor@orrlawgrp.com>

Subject: FW: Fw: Letter - AJ Kush

Connor – I didn't read the "from" line close enough and just realized that the response was from your client. I hadn't emailed him so wasn't expecting an email, although I take issue with being called "obnoxious" just for doing my job.

Breanna

From: Anthony Kush <kushcoatings2@gmail.com>

Sent: Friday, September 5, 2025 7:39 AM

To: Connor Orr <connor@orrlawgrp.com>; Breanna Flaherty <bflaherty@plattecounty.ne.gov>; Jane Cromwell <jcromwell@plattecounty.ne.gov>

Subject: Re: Fw: Letter - AJ Kush

When can we talk about this. Need to bring in the tenant. And all of us have a discussion on what's needed for a permit if any again. There is no permanent attached property. Guy works construction and takes camper with him so no consecutive residence. Structure is a dog house for when he is gone out of town. As for skirting it's part of the camper and is removed when he pulls it, he uses it as storage and keeps sun and weather off items under camper ... it as you can see in photo is not even fully around camper.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Anthony Kush <kushcoatings2@gmail.com>

Re: A.J. Kush property

3 messages

Connor Orr <connor@orrlawgrp.com>

Wed, Sep 17, 2025 at 12:24 PM

To: Jane Cromwell <jcromwell@plattecounty.ne.gov>

Cc: Breanna Flaherty <bflaherty@plattecounty.ne.gov>

Thank you for confirming no violation and for closing this matter.

Thanks,

Connor W. Orr

The Orr Law Group, PLLC

9375 Burt Street, STE 100

Omaha, NE 68114

P: (402) 408-6488

D: (402) 408-6407

connor@orrlawgrp.com

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From: Jane Cromwell <jcromwell@plattecounty.ne.gov>**Sent:** Wednesday, September 17, 2025 10:49 AM**To:** Connor Orr <connor@orrlawgrp.com>**Cc:** Breanna Flaherty <bflaherty@plattecounty.ne.gov>**Subject:** A.J. Kush property

Mr. Orr:

After conducting a site visit and receiving documentation from the County Surveyor, it has been determined that the area where the RV was located is not included in the flood

Orr Law Group
9375 Burt St # 200
Omaha, NE 68114



Anthony J. Kush
38455 State Hwy 22
Monroe, NE 68647

Invoice

Invoice Number 670
Invoice Date 10/07/2025
Payment Due On 10/14/2025
Amount Due \$2,080.00

Pay Now



Scan to pay

01155-State v. Anthony Kush - Kush, Anthony - Felony

01155-State v. Anthony Kush - Kush, Anthony - Felony

Fees

Date	Description	Staff	Rate	Hours	Total
09/04/2025	Correspondence Receipt and review of letter from county attorney and email to client on same for RV issue on zoning.	CO	\$400.00	0.50	\$200.00
09/05/2025	Research Research Platte country flood plain ordinances.	MP	\$200.00	0.40	\$80.00
09/05/2025	Correspondence Correspondence with client, county attorney and review of correspondence on same as well as research on same to determine initial positions.	CO	\$400.00	2.00	\$800.00
09/08/2025	Correspondence Correspondence with client re FOIA strategy, discussion he wants to have with floodplain administrator and risks of same, then FOIA to county attorney drafted.	CO	\$400.00	0.70	\$280.00
09/09/2025	Correspondence Correspondence with client re county board meeting on RV issues.	CO	\$400.00	0.50	\$200.00

09/10/2025	Correspondence Correspondence with county attorney on board meeting where the she and Jane exposed their lack of basis to support misplaced efforts to discriminate against our client and make up charges they have never levied, and FOIA follow up.	CO	\$400.00	0.20	\$80.00
09/11/2025	Correspondence Correspondence with corrupt bureaucrat, Ms. Flaherty & Ms. Cromwell, discussion with client, and review of resolutions and ordinance they sent re them still trying to have issues with the RV.	CO	\$400.00	1.10	\$440.00

\$2,080.00

Subtotal	\$2,080.00
Total	\$2,080.00
Total Balance Due	\$2,080.00
Total Balance Due (if paid by Credit Card)*	\$2,142.40

* Amount shown is accurate at the time of invoice issuance and is subject to change based on payment method or other applicable adjustments.



Anthony Kush <kushcoatings2@gmail.com>

AJ Kush Floodplain Violation Letter

1 message

Teresa Tremel <teresatremel123@gmail.com>

Mon, Sep 8, 2025 at 2:01 PM

To: bflaherty@plattecounty.ne.gov

Cc: kushcoatings2@gmail.com, Jane Cromwell <jcromwell@plattecounty.ne.gov>, hwy.admin@plattene.us

Good afternoon, AJ Kush reached out to us after he received a letter from you at the Platte County Attorney's Office to figure out how to resolve this matter in case he decides to allow temporary recreational vehicles out on his property in the future. As of today, the recreational vehicle in question has been removed from the property so we could not verify everything that was stated in the letter Kush received. If everything Kush stated to us was true, then it does not seem as if he was in violation of the floodplain ordinance.

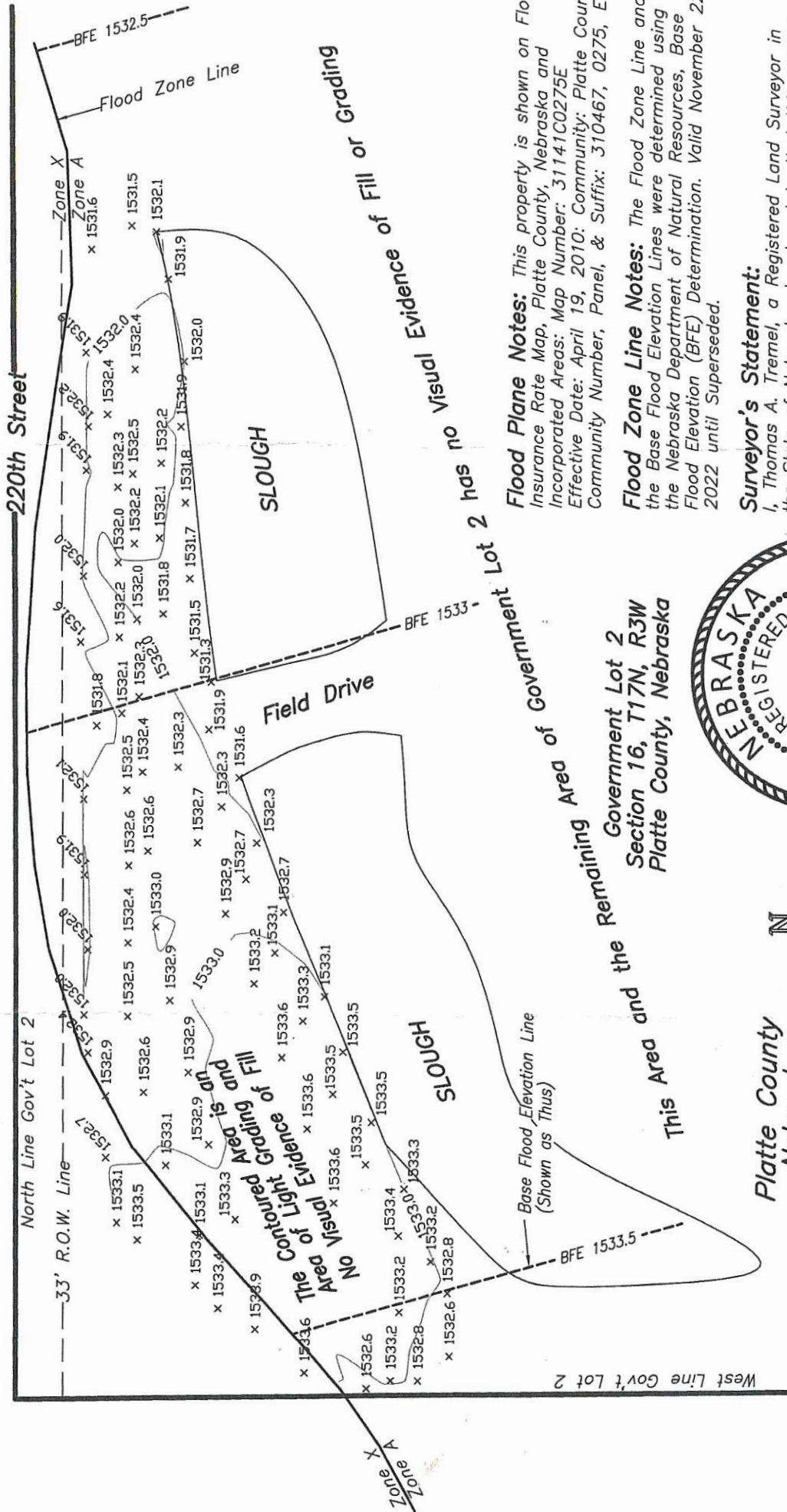
Kush stated that the recreational vehicle has skirting put up around it that is easily removable for road use and that the "additional attached structure" was not attached but rather a doghouse that was next to the camper on skids easily removed from the property. The owner of the recreational vehicle was road ready in a reasonable time when he packed up to move it over the weekend. The mailbox in question does not belong to the owner of the camper and he was not receiving mail from this mailbox. Again, we could not go out there and verify any of this because over the weekend the individual who owns the camper moved it due to his weekend plans.

If what Kush said about the skirting, doghouse and mailbox is accurate then was he in violation of the Platte County Floodplain Ordinance?

At the end of the letter from Flaherty, it says that Mr. Kush can file for a permit for a recreational vehicle. The question this raises is that it is not stated in the Platte County Ordinance or on the Flood plain development permit application that a permit is needed for a recreational vehicle. If a permit is needed then that is understandable but that is not easily known without notice. It may be a good idea to add this to the new ordinance that is being worked on to make this clear. In the future, if Kush plans to have recreational vehicles on his property, as long as he has filed for a permit then is he complying with the Platte County Floodplain Ordinance?

--

Teresa Bond, CFM
Tremel Surveying, Inc.
402-942-1101



Flood Plane Notes: This property is shown on Flood Insurance Rate Map, Platte County, Nebraska and Incorporated Areas: Map Number: 31141C0275E Effective Date: April 19, 2010; Community: Platte County; Community Number, Panel, & Suffix: 310467, 0275, E

Flood Zone Line Notes: The Flood Zone Line and the Base Flood Elevation Lines were determined using the Nebraska Department of Natural Resources, Base Flood Elevation (BFE) Determination. Valid November 22, 2022 until Superseded.

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
 Thomas A. Tremel, L.S. #455
 September 6, 2023



This Area and the Remaining Area of Government Lot 2
 Government Lot 2
 Section 16, T17N, R3W
 Platte County, Nebraska

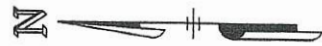
Platte County
 Nebraska

R-3-W



Section 16

Vicinity Sketch



1" = 100'

**FLOOD PLAIN DETAIL - AJ KUSH
 GOV'T 2, SECTION 16, T17N R03W
 PLATTE COUNTY, NEBRASKA**

TAT	C-JIN	DATE
DRAWN	SURVEYED	
		09/06/2023



No. 1 Driftwood Drive - Columbus, NE 68601
 Phone (402) 568-4569 - Fax (402) 568-3922

BILL TO:

AJ Kush
PO Box 102
Monroe, Nebraska 68647

Phone: 402.910.2699

DESCRIPTION OF WORK:

Survey and prepared Flood Plain Detail
in Government Lot 2, Section 16,
T17N, R3W, Platte County, Nebraska. \$760.00

Refund from over payment -\$737.00

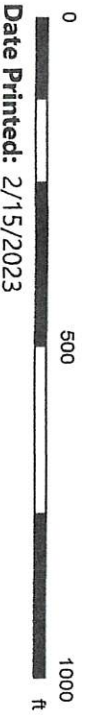
Total Due \$00.00

Thank you for this survey work.

No. 1 Driftwood Drive • Columbus, NE 68601 • Phone (402) 276-3690

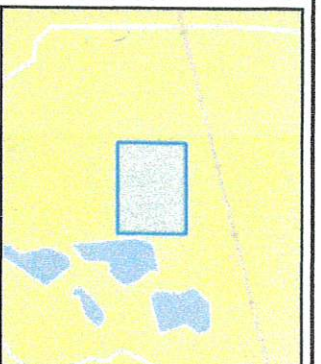


FEMA, NEDNR | State of Nebraska, Department of Transportation



Date Printed: 2/15/2023

Flood way



Legend

BFE Determinations

Valid BFE

Effective Paper Maps

Effective Flood Zone

Effective Paper Maps

1% Annual Chance

Regulatory Floodway

0.2% Annual Chance

Reduced Risk Due to Levee

Flood Hazard Zones

FIRM panels

Cross-Sections

Limit-Lines

Other Map Layers

Sections

Communities

NRDs

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0719

RESOLUTION NO. 963

WHEREAS, certain areas of the County of Platte, Nebraska, are subject to periodic flooding from the various bodies of water within and abutting said County of Platte, Nebraska, causing serious damage to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this County Board to require the recognition and evaluation of flood plain areas having special flood hazards; and

WHEREAS, this body has the legal authority to adopt flood plain management control measures to reduce future flood losses pursuant to Neb. Rev. Stat. Sec. 31-1001, et. seq. (Reissue 1988).

NOW, THEREFORE, BE IT RESOLVED, that this Board of Supervisors of the County of Platte, Nebraska, hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate flood plain management and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations (44 C.F.R. 60.30); and

2. Vests the office of County Highway Superintendent with the responsibility, authority, and means to administer and enforce all of the provisions of this Resolution as follows:

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Neb. Rev. Stat. §§31-1001 to 31-1022 (Reissue 1993) has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area. Therefore, the County Board of Supervisors of the County of Platte, Nebraska, ordains as follows:

1.2 FINDINGS OF FACT

1.21 Flood Losses Resulting from Periodic Inundation

The flood hazard areas of the County of Platte, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

1.23 Methods Used to Analyze Flood Hazards

This resolution uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- A. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this resolution. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this resolution. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated September 21, 1998, as amended, and any future revisions thereto.
- B. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- C. Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.
- D. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.

- E. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

1.3 STATEMENT OF PURPOSE

It is the purpose of this resolution to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this resolution to:

- 1.31 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 1.34 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

SECTION 2.0 GENERAL PROVISIONS

2.1 LANDS TO WHICH RESOLUTION APPLIES

This resolution shall apply to all lands within the jurisdiction of the County of Platte, Nebraska, identified on the Flood Insurance Rate Map (FIRM) dated September 21, 1998, and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section 4.0 of this resolution. In all areas covered by this resolution no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Platte County Board of Supervisors or its duly designated representative under such safeguards and restrictions as the Platte County Board of Supervisors or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.0, 6.0, and 7.0.

2.2 THE ENFORCEMENT OFFICER

The Assistant County Highway Superintendent of the County of

Platte is hereby designated as the County of Platte's duly designated Enforcement Officer under this Resolution.

2.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Drainage Committee will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Drainage Committee and to submit his own technical evidence, if he so desires.

2.4 COMPLIANCE

Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this resolution and other applicable regulations.

2.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this resolution to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this resolution imposes greater restrictions, the provision of this resolution shall prevail. All other resolutions inconsistent with this resolution are hereby repealed to the extent of the inconsistency only.

2.6 INTERPRETATION

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by

man-made or natural causes, such as ice jams and bridge openings restricted by debris. This resolution does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This resolution shall not create liability on the part of the County of Platte, Nebraska, or any officer or employee thereof for any flood damages that may result from reliance on this resolution or any administrative decision lawfully made thereunder.

2.8 SEVERABILITY

If any section, clause, provision or portion of this resolution is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this resolution shall not be affected thereby.

2.9 APPEAL

Where a request for a permit to develop or a variance is denied by the Assistant County Highway Superintendent, the applicant may apply for such permit or variance directly to the Drainage Committee.

SECTION 3.0 DEVELOPMENT PERMIT

3.1 PERMIT REQUIRED

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 12.0.

3.2 ADMINISTRATION

- A. The Assistant County Highway Superintendent is hereby appointed to administer and implement the provisions of this resolution.
- B. Duties of the Assistant County Highway Superintendent shall include, but not be limited to:
 - (1) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this resolution have been satisfied.
 - (2) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is

required.

- (3) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
- (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.
- (7) When floodproofing is utilized for a particular structure the Assistant County Highway Superintendent shall be presented certification from a registered professional engineer or architect.

3.3 APPLICATION FOR PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- 3.31 Identify and describe the development to be covered by the floodplain development permit.
- 3.32 Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- 3.33 Indicate the use or occupancy for which the proposed development is intended.
- 3.34 Be accompanied by plans and specifications for proposed construction.
- 3.35 Be signed by the permittee or his authorized agent who

may be required to submit evidence to indicate such authority.

- 3.36 Give such other information as reasonably may be required by the Assistant County Highway Superintendent.

SECTION 4.0 ESTABLISHMENT ZONING DISTRICTS

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this resolution and those standards of the underlying zoning district shall be prohibited.

SECTION 5.0 STANDARDS FOR FLOODPLAIN DEVELOPMENT

5.1 No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.

5.2 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of Section 6.0. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

5.3 Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.

5.4 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

- 5.41 Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5.42 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

5.43 Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.44 All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

5.5 Storage of Material and Equipment

5.51 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

5.52 Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

5.6 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

SECTION 6.0 FLOOD FRINGE OVERLAY DISTRICT - (Including AO and AH Zones)

6.1 PERMITTED USES

Any use permitted in Section 7.0 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in

the district unless the standards of Section 5.0 are met.

6.2 STANDARDS FOR THE FLOOD FRINGE OVERLAY DISTRICT

6.21 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.

6.22 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Assistant County Highway Superintendent as set forth in Section 3.2, B(7).

6.23 Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6.24 Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

6.25 Manufactured Homes

A. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
- (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
- (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- (4) Any additions to the manufactured home be similarly anchored.

B. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

- (1) Outside of a manufactured home park or subdivision,
- (2) In a new manufactured home park or subdivision,
- (3) In an expansion to an existing manufactured home park or subdivision, or
- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.

C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 6.25B be elevated so that either:

- (1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.

6.26 Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this resolution. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

6.27 Located within the areas of special flood hazard established in Section 2.1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- B. All new construction and substantial

improvements of non-residential structures shall:

- (1) Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community s. FIRM (at least two feet if no depth number is specified), or
- (2) Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 3.2B(7).

C. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

SECTION 7.0 FLOODWAY OVERLAY DISTRICT

7.1 PERMITTED USES

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other resolution. The following are recommended uses for the Floodway District:

- 7.11 Agricultural uses such as general farming, pasture, nurseries, forestry.
- 7.12 Residential uses such as lawns, gardens, parking and play areas.
- 7.13 Non-residential areas such as loading areas, parking and airport landing strips.
- 7.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

7.2 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Section 5.0 and 6.0. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State or other sources or Section 5.6(d) of this resolution; in meeting the standards of this section.

SECTION 8.0 VARIANCE PROCEDURES

- 8.1 The Drainage Committee as established by County of Platte, Nebraska, shall hear and decide appeals and requests for variances from the requirements of this resolution.
- 8.2 The Drainage Committee shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by Assistant County Highway Superintendent in the enforcement or administration of this resolution.
- 8.3 Any person aggrieved by the decision of the Drainage Committee or any taxpayer may appeal such decision to the District Courts provided in Neb. Rev. Stat. §23-168 (Reissue 1997),
- 8.4 In passing upon such applications, the Drainage Committee shall consider all technical evaluation, all relevant factors, standards specified in other sections of this resolution, and:
 - 8.41 The danger that materials may be swept onto other lands to the injury of others;
 - 8.42 The danger to life and property due to flooding or erosion damage;
 - 8.43 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 8.44 The importance of the services provided by the proposed facility to the community;
 - 8.45 The necessity to the facility of a waterfront location, where applicable;
 - 8.46 The availability of alternative locations, not subject

to flooding or erosion damage, for the proposed use;

- 8.47 The compatibility of the proposed use with existing and anticipated development;
- 8.48 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 8.49 The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 8.491 The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
- 8.492 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

8.5 CONDITIONS FOR VARIANCES

- 8.51 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8.52-8.56 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 8.52 Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 8.53 Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
- 8.54 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 8.55 Variances shall only be issued upon (i) a showing of

good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or resolutions.

- 8.56 The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this resolution.

SECTION 9.0 NONCONFORMING USE

9.1 A structure or the use of structure or premises which was lawful before the passage or amendment of the resolution, but which is not in conformity with the provisions of this resolution may be continued subject to the following conditions:

9.11 If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this resolution. The Utility Department shall notify the Assistant County Highway Superintendent in writing of instances of nonconforming uses where utility services have been discontinued for a period of six months.

9.12 Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

9.2 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this resolution. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

SECTION 10.0 PENALTIES FOR VIOLATION

Violation of the provisions of this resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the County of Platte, Nebraska, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 11.0 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County of Platte, Nebraska. At least 3 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this resolution are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

SECTION 12.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage and to give this resolution its most reasonable application;

"Appeal" means a request for a review of the Assistant County Highway Superintendent's interpretation of any provision of this resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The usual and rapid accumulation of runoff of surface waters from any source.

"Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years that has a one percent chance of flood occurrence in any one year).

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which (FIRM) Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community,

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than, the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation the applicable non-elevation design requirements of this resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured Home" does not include a "recreational vehicle",

"Manufactured Home Park or Subdivision" means a parcel (or

contiguous parcels) of land divided into two or more manufactured Home lots for rent or sale.

"New Construction" For floodplain management purposes, "new construction" means structures for which the start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

"Start of Construction" [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L.97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is

principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

"Variance" means a grant of relief to a person from the terms of a floodplain management resolution

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ADOPTED AND PASSED by the Board of Supervisors of the County of Platte, Nebraska, this 15 day of September, 1998.



C. W. Franzen
CHAIRMAN
Platte County Board of Supervisors

ATTEST: *Diane C. Pappas*
COUNTY CLERK