

MINUTES OF PLANNING & ZONING COMMISSION
MAY 17, 2007
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Rick Pope called the meeting to order at 7:10 o'clock P.M. with a quorum present on May 17, 2007 at the Buffalo County Highway Department Building in Kearney, NE.

Agenda for such meeting was regularly posted as required by law. Present were: Francis "Buss" Biehl, Karin Covalt, Marlin Heiden, Willie Keep, Rick Pope, Paul Steinbrink, Sr. and Loye Wolfe. Absent: Leonard Skov and Craig Wietjes. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and 40 members of the public.

Chairperson Pope announced there was a copy of the open meetings act posted on the bulletin board. The public forum was opened at 7:10 P.M. There was no one present to speak at this time. The public forum closed at 7:10 P.M.

Chairperson Pope opened the public hearing at 7:11 P.M. for a request of zoning map amendment filed by Roger and Linda Dennis for property described as part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska containing approximately 7.42 acres, more or less. They wish to rezone this area from Agricultural-Residential to Commercial for a truck repair shop.

Roger and Linda Dennis were present to explain they would like to put a truck trailer repair shop with a 100' x 100' building with an office located in the building.

Hoffmeister asked on how many acres this would be and also how they would gain access to their property.

Dennis replied they would use the county road to gain access.

Klein stated this was for 7.42 acres and Buffalo Creek Road is already paved past this site. This also would be directly adjacent to Bosselman's and also would be west of the existing motel which both are already zoned commercial.

Biehl responded he thinks this is a good spot for this business.

Heiden asked what they would do with the oil they would get from the trucks. Dennis responded they would have a built in oil separator.

Klein asked what the hours of operation would be which Dennis replied would be 7:00 A.M. – 6:00 P.M. except for emergencies.

Bert Pacheco, the current owner of the property, was present and said there are no residential properties close and the truck traffic is already present at Bosselman's Truck Center.

There was no one present in opposition.

Steinbrink asked if this area would be fenced. Dennis replied this area would not be fenced.

Hoffmeister referred the Commission to Section 5.55 which states “open storage of materials attendant to a permit use or special permit shall be permitted only within an area surrounded or screened by a solid wall or fence”.

Pope closed the hearing at 7:17 P.M.

Motion was made by Biehl, seconded by Heiden to recommend an amendment of zoning map from Agricultural-Residential to Commercial and forward to the County Board with a favorable recommendation for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 5 and assuming the West line of said Southeast Quarter of the Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto, thence N 89° 49' 30" E and on the South line of the Southeast Quarter of the Northeast Quarter of said section a distance of 100.0 feet to the ACTUAL PLACE OF BEGINNING; thence NORTH parallel with and 100.0 feet easterly from the West line of the Southeast Quarter of the Northeast Quarter of said section a distance of 660.0 feet; thence N 89° 49' 30" E parallel with the South line of said Northeast Quarter a distance of 498.26 feet; thence S 00° 19' 30" W a distance of 660.0 feet to a point on the South line of the Southeast Quarter of the Northeast Quarter of said section; thence S 89° 49' 30" W a distance of 494.04 feet to the place of beginning. Containing 7.42 acres, more or less, of which 0.37 acres, more or less, are presently being used for road purposes on the South side. Voting yes were Biehl, Heiden, Covalt Keep, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Skov and Wietjes. Motion passed.

Klein said notices will again be sent out to adjacent land owners and this will be heard by the County Board on June 12 @ 11:00 A.M.

Chairperson Pope opened the public hearing at 7:20 P.M for a special use permit for Cargill Ag Horizons for a retail fertilizer and ag chemical facility for property being part of the Southwest Quarter of the Southwest Quarter of Section 14, Township 12 North, Range 14 West of the 6th p.m., Buffalo County Nebraska.

Matt Richardson, operations manager for this area, and Stan Knuth, performance ag leader for this area were present from Cargill Ag Horizons. Greg Wolford, engineer with W Design Associates was also present. Wolford said this would be a retail fertilizer and ag chemical facility. This entire facility will be designed in conformance with Nebraska Department of Environmental Quality Title 298 Rules and Regulations. All storage tanks will be located in contained dikes and structures and all loading or unloading of product will be on concrete loading pads. This facility would be a dawn to dusk facility during chemical season. This is located on the corner of Highway 2 and Navaho Road. They have applied for a drive way permit

through the Buffalo County Highway Department. They will not have a drive way off Highway 2 and they will be moving the drive-way to the north per the request of the Highway Superintendent.

Heiden asked how far the nearest residence was and Wolford replied he didn't think there were any close residences.

Hoffmeister asked the following questions:

1. How far from Ravenna
2. How far will drive-way be from Highway 2
3. How many employees

Richardson replied as follows:

1. It's about 2 miles east of Ravenna
2. The drive-way will be about 240' north of Highway 2
3. They will have one employee since the facility is fully automated.

Klein told the Commission this area is currently zoned Agricultural. She also said the Highway Superintendent had told her the drive-way would be approximately 300' north of the corner of Highway 2 and Navaho Road.

Wolfe asked if the facility would be open at night. Richardson replied that it would be from dawn to dusk during fertilizer season.

Steinbrink ask if this equipment would be parked overnight. Richardson said they might have equipment parked occasionally.

Wolfe asked if they would clean the equipment on site and if there were any other plants in the area. Richardson told her they clean the equipment at the field and most of their other plants are south of Interstate 80. This plant will be automated.

Heiden asked if there would be room for expansion. They do have additional storage for expansion.

Pope told the audience the nearest residence is about ¼ mile west and the distance from Ravenna is about 1 ½ miles.

Doug Mead, who lives in the residence to the west, asked if there would be anhydrous ammonia stored on site. They are planning on putting in some seed storage.

Allen Shultz asked if a permit was recently approved for fertilizer storage in this approximate area. Pope replied a special use permit had been approved east of this location.

Sherry Hopkins is opposed to this permit and feels we don't need another fertilizer plant off Highway 2. There will be enough traffic with the ethanol plant.

Ron Woitaszewski told the Commission there are merchants that sell chemicals. This area is zoned agricultural and farmers use fertilizer.

Ron Urwiller stated there is a little difference between 500,000 gallon tanks of fertilizer and chemicals we put on our lawns.

Sherry Hopkins said Cargill has a ten acre tract and there could be a large expansion done in the future. Cargill is a big company.

Maria Beck questioned what this area is currently zoned.

Pope replied this is agricultural zoning and they are applying for a special use permit which is permitted under our zoning regulations.

Pope closed the public hearing at 7:42 P.M.

Heiden questioned the process of Cargill expanding. Hoffmeister told the Commission they would have to come back before the Commission and amend the special use permit.

Biehl asked if their job was to evaluate whether another plant is needed. Hoffmeister responded that it is not their duty to determine this.

Keep asked how many load out bays there would be, which would be two.

Pope thinks this is an ideal location because it is centrally located but has concerns of the amount of traffic.

Klein told the Commission that she had been told by the Highway Superintendent the State had promised to put in a turning lane, which has not been done. Future use of Navaho Road is predicted at 400 trucks per day.

Wolford said they would have a total of seven tanks, one 500,000 gallon tank, one 300,000 gallon tank and five 21,000 gallon tanks. They will be located in a lined containment dike similar to the Nutri-Flo Facility.

Keep questioned if Navaho was paved. This was paved by the County prior to the construction of the ethanol plant.

Pope agrees this is an agricultural use and an agricultural area.

Moved by Biehl, seconded by Covalt to recommend forwarding this special use permit filed by Cargill Ag Horizons with the recommendation of approval to the County Board on the following described legal description a tract of land located in the Southwest Quarter of the Southwest Quarter of Section 14, Township 12 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska, described as follows: Commencing at the Southwest corner of Section 14, Township 12 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska; thence N 00° 38' 09" W on

the west line of the Southwest Quarter of said Section 14, 487.30' to the point of beginning; thence N 00° 38' 09" W on said west line 213.73'; thence N 89° 48' 36" E parallel with the south line of said Southwest Quarter 833'; thence S 00° 38' 09" E and parallel with said west line 600' to a point on the north line of State Highway No. 2; thence N 88° 05' 02" W on said north line 590.58'; thence N 74° 57' 10" W on said north line 196.03'; thence N 10° 27' 42" W on said north line 318.13' to the point of beginning containing 10.83 acres more or less with the following conditions:

1. Drive-way will meet the requirements as set forth by the County Highway Superintendent.
2. This permit is approved as submitted on the drawing attached to the application with seven tanks as shown on the drawing
One 500,000 gallon tank, one 300,000 tank and five 21,000 gallon tanks

Voting yes were Biehl, Covalt, Heiden, Keep, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Skov and Wietjes. Motion passed.

Klein said this will be set for public hearing at the June 12, 2007 County Board meeting.

Chairperson Pope opened the public hearing at 8:10 P.M. for consideration of general amendments to add four definitions and amend 6.4 #7 of the Buffalo County Zoning Regulations as previously adopted. The County Board had asked the Commission to study the paunch issue.

Hoffmeister explained the definitions added and also paunch would be allowed only in the Agricultural area, not in Agricultural-Residential areas. Permits would be required for any future applications and paunch does not include floor wash, animal blood and other by-products or waste. Bagged manure is not included under manure.

Wolfe and Pope explained these Regulations will be added to the existing Regulations and hopefully the County Board will pass the proposed Resolution which will address the health issues.

Randy Reese, from Pleasanton who lives in AGR, asked about spreading manure on his property. He was told if he owns the property, he would not need a permit to spread manure on his own property.

Ron Woitaszewski told the Commission he has a problem with having to have the blessing of residences within 1320' of application. He said they have been turned in numerous times and are not told who has complained. There have been other farmers who also have dumped dead animals and other debris but nothing is ever done to them. The problem with being turned in is you are guilty until you prove your innocence. They did have a problem this year incorporating the product because of the weather conditions.

Rob Urwiller said he has seen the dumping of plastics and other items.

Dick Leisinger said they have been applying paunch for thirteen years for Gibbon Pack and he has seen numerous houses being added. They have tried to do it correctly.

Sherry Hopkins questioned how the paunch is being separated from the other parts of the animal.

Ron Urwiller applauds Gibbon Pack for the way they have handled the application of paunch. Some companies are unattentive to the rules and regulations and they have created a lot of problems for other companies.

Sherry Hopkins stated something needs to be done because it is not being done correctly in the Ravenna area.

Dan Leisinger questioned why paunch is being singled out.

Dick Hartman told the Commission when he was on the County Board of Hall County, they had put an immediate stop to the dumping. He said it sounds like Gibbon Pack is doing it correctly.

Wes Hodge, a representative from Gibbon Pack, asked why they don't eliminate the dumping from outside of the County.

Ron Urwiller questioned what are the consequences of someone not following the rules.

Pope closed the public hearing at 8:45 P.M.

Moved by Steinbrink, seconded by Heiden to add the following definitions to the existing zoning regulations for Buffalo County as previously adopted and forward to the County Board with a favorable recommendation with these added definitions.

MANURE : any liquid or solid animal excreta or any bedding, litter, or water run-off contaminated with animal excreta. Exempted from this definition is packaged or bagged manure sold at retail.

MANURING: the spreading of manure upon land.

LIVESTOCK PROCESSING WASTE: Byproducts of the animal slaughter processing consisting of but not limited to: blood, animal parts, and floor wash but not consisting of Paunch or Paunch Manure.

PAUNCH OR PAUNCH MANURE: the undigested food contained in slaughtered animal stomach(s). It does not include floor wash, animal blood, and other by-products or waste generated from the slaughter and processing of meat products.

Voting yes were Steinbrink, Heiden, Biehl, Covalt, Keep, Pope and Wolfe. Voting no: none. Absent: Skov and Wietjes. Motion passed.

Moved by Biehl, seconded by Covalt to amend Section 6.4 #7 A as follows and forward to the County Board with a favorable recommendation with the following changes.

7. SPECIAL REGULATIONS CONCERNING DISPOSAL OF CONFINEMENT FACILITY, ~~OR~~, FEEDLOT WASTE, LIVESTOCK PROCESSING WASTE AND/OR OTHER WASTE :

- A. Disposal and storage of any confinement facility or feedlot ~~waste~~ manure ~~or livestock processing waste~~ on land within Buffalo County other than on the property upon which the confinement facility or feedlot is located shall be subject to the license requirements and ~~waste~~ manure disposal requirements and recommendations of the State of Nebraska.

Voting yes were Biehl, Covalt, Heiden, Keep, Pope, Steinbrink and Wolfe. Voting no: none:
Absent: Skov and Wietjes. Motion passed.

Moved by Wolfe, seconded by Biehl to amend Section 6.4 #7 B as follows and forward to the County Board with a favorable recommendation with the following changes.

- B. No ~~livestock waste~~ manure disposal by spraying, injecting, or spreading on ~~cultivated~~ land shall be closer than thirteen hundred and twenty (1,320) feet to a ~~neighbor's~~ an inhabited residence without written consent by the property owner of the residence. This restriction shall not apply to lands upon which the confinement or feedlot is located.

Voting yes were Wolfe, Biehl, Covalt, Heiden, Keep, Pope and Steinbrink. Voting no: none.
Absent: Skov and Wietjes. Motion passed.

Moved by Steinbrink, seconded by Heiden to amend Section 6.4 #7 C as follows and forward to the County Board with a favorable recommendation with the following changes.

- C. ~~Paunch manuring of livestock processing waste shall be allowed by spreading the same upon agricultural lands followed by discing or plowing within a time effective manner.~~ Disposal of paunch manure shall be allowed only in AG District with the same being subject to any applicable license and/or permit requirements of the State of Nebraska and/or Buffalo County.

Voting yes were Steinbrink, Heiden, Biehl, Covalt, Keep, Pope and Wolfe. Voting no: none.
Absent: Skov and Wietjes. Motion passed.

Moved by Covalt, seconded by Biehl to amend Section 6.4 #7 D as follows and forward to the County Board with a favorable recommendation with the following changes.

- D. In no event shall there be storage of and/or disposal of livestock ~~waste~~ manure from a confinement facility or feedlot facility on, ~~or upon,~~ or within 100 feet of land designated by the United States Department of Agriculture, or entity thereof as delineated wetlands.

Voting yes were Covalt, Biehl, Heiden, Keep, Pope, Steinbrink and Wolfe. Voting no: none. Absent: Skov and Wietjes. Motion passed.

Discussion of the proposed County Board resolution pertaining to the health issue was discussed. The County Board had asked the Planning & Zoning Commission to study this issue.

The Commission feels that flies would be controlled by controlling the moisture content of the paunch. Klein had gathered samples from Gibbon Pack and did have these samples tested for moisture and other nutrients. A copy of the testing of the three individual samples had been supplied to the Commission members as well as Gibbon Pack.

The Commission feels that no more than 83% moisture should be allowed. The Commission discussed the permit application process and the incorporation of the paunch manure.

Melodie Bellamy read the entire resolution.

Biehl stated we need to make these regulations tough enough to eliminate any problems in the future.

Heiden asked Gibbon Pack if they cover the paunch trucks.

Pope feels something should be in the resolution about applying only during daylight hours. This would eliminate application around the clock.

Wes Hodge does have concerns with this resolution. Incorporating the paunch within four hours would be a problem for their company. He feels they are the only one in the County that are actually applying paunch. They have tried to do things correctly and he feels they are now being penalized.

Sherry Hopkins said Gibbon Pack is not the problem. She doesn't understand why Buffalo County cannot stop the immediate dumping just like Hall County did.

Anna Leithoff said Chamness has nine piles of this material currently stock piled by their property. It has not been handled in a timely manner. The flies and odor are terrible!

Liz Lockhorn feels permits should be applied for. If we destroy our water, we have nothing.

Ken Erickson also feels we need to have the permitting process. It's been evident the State Department of Environmental Quality does not enforce their rules.

Pope feels the hours of application should be addressed.

Heiden agreed we need to have some rules.

Covalt is concerned how this will affect Gibbon Pack.

Keep also likes the application process and we need to clarify “official” under Section K of the Resolution.

Dick Leisinger reiterated sometimes they cannot incorporate immediately because of current weather conditions.

Dan Leisinger says sometimes they might pick up the last load after 5:00 P.M. and in the winter time it would be dark at this time. The time frame of hauling between the hours of one half hour before sunrise and one half hour after sunset would not be feasible.

Larry Urwiller questioned if they apply paunch in November and it then freezes, would they need to get another permit if the permits are only good for three months?

Allen Shultz feels people should have to apply for a permit. If it is not done correctly, the permit could be pulled.

Ron Urwiller asked if the paunch with 83% moisture is stock piled, what happens if it rains? Moisture would collect in these piles.

Hoffmeister reminded the Commission the County Board is free to do anything they want with this resolution. The Commission has spent many hours on this issue and feels the following is of concern:

1. Hours of application.
2. The storing of the paunch.
3. Moisture content should be no more than 83%.
4. Paunch should not be applied within certain distances of residence, wells and wetland areas.
5. Duration of the permits.
6. Amount of land paunch may be applied on.

After much deliberation, it was moved by Covalt, seconded by Heiden to add #17 to the proposed resolution and forward this recommendation to the County Board at the conclusion of their study on the paunch issue as follows:

RESOLUTION

A RESOLUTION TO ADOPT REGULATIONS FOR LAND APPLICATION OF PAUNCH MANURE IN BUFFALO COUNTY, NEBRASKA.

WHEREAS, pursuant to Neb. Rev. Stat. Section 23-174.10, any county that adopts county zoning regulations may make such regulations as may be necessary or expedient to promote the public health, safety, and welfare; to provide rules for the prevention, abatement or removal of nuisances, including the pollution of air and water;

and to make and prescribe regulations for the construction, location and keeping in order all slaughterhouses, stockyards, junk and salvage yards, or other places where offensive matter is kept, or is likely to accumulate; and

WHEREAS, problems regarding the land application of paunch manure within Buffalo County has been and is of significant concern to the Buffalo County Board of Supervisors, as well as residents in areas where the land application of paunch manure has been and is being conducted; and

WHEREAS, Nebraska State Regulations and enforcement of the same concerning paunch manuring practices in Buffalo County, together with changes in zoning regulations, are not thought to be adequate for the protection of the citizens and properties of Buffalo County from detrimental aspects of paunch manuring practices that include, but are not limited to: creation of disagreeable odors and flies; creation of health risks associated with paunch manure containing materials not derived from animal stomachs; creation of potential sanitary risks to private and public water supplies; and creation of unsightly piles of paunch manure.

NOW THEREFORE BE IT RESOLVED THAT the Buffalo County Board of Supervisors adopts and enacts the following:

**RULES AND REGULATIONS FOR LAND APPLICATION OF PAUNCH
MANURE IN BUFFALO COUNTY**

1. Application for a permit is to be submitted to the Buffalo County Planning and Zoning Office, located at 9730 Antelope Avenue, Kearney, Nebraska (308) 233-5640.

Any person who is proposing to land apply and/or store paunch manure shall submit to the Planning and Zoning Office a permit application on a form furnished by that office at least fifteen (15) days prior to any physical construction or operation. The fifteen (15) day filing requirement for permits shall commence after all the necessary information has been received by the Planning and Zoning Administrator.

2. There shall be assessed a \$100.00 fee for each application with no more than 320 contiguous acres included in any one application.
3. Paunch manure application permit information shall include:
 - A. Legal description of the application location.
Name and address of the owner or owners of the paunch manure application site.

- B. Map showing all wells, streams, surface water, or inhabited dwellings within one mile of the application location.
 - C. Information showing the routes to be used by the trucks to ensure that roads and bridges will be adequate. Also, an explanation of how the paunch manure will be transported from the generation site to the application site.
 - D. The name of the entity, his, her, and/or its address and telephone number of the entity producing the paunch manure.
 - E. The name, address, and telephone number of the entity applying the paunch manure.
 - F. Names and addresses of neighboring home sites or farmsteads and adjacent land owners within 1,320 feet of parameters of proposed site.
 - G. The location and name of watercourses or wetlands in the area.
 - H. A description of the method of unloading and storage of paunch manure at the application area.
 - I. A description of the method of spreading of material and incorporation into the soil. This description must include a discussion of methods to be used during winter months and periods of unfavorable weather and soil conditions as well as normal favorable conditions.
 - J. The application for a permit shall include the estimated quantity of paunch manure which is proposed to be land applied.
 - K. The application for permit in and of itself constitutes permission and access to officials of Buffalo County to verify tonnage of application and chemical content. Additionally, applicant agrees to supply officials of Buffalo County written documentation given to applicant and/or landowner for any independent laboratory utilized by the applicant and/or landowner to analyze materials applied.
 - L. The application for permit shall be signed by owner of property upon which paunch manure is to be applied with owner giving his lawful name, address, and telephone/fax number.
4. Paunch manure is defined the undigested food contained in slaughtered animal stomach(s). It does not include floor wash, animal blood, and other by-products or waste generated from the slaughter and processing of meat.
 5. Paunch manure shall not be applied or stored:

- A. Within 1,320 feet of an inhabited dwelling unless this dwelling is in common ownership with applicant.
 - B. Within 5,000 feet of a municipal water supply well.
 - C. Within 1,000 feet of a livestock well, stream, or pond.
 - D. Within 200 feet of an irrigation well.
 - E. Within 1000 feet of a domestic water supply.
 - F. Within 100 feet of delineated wetlands areas.
6. Paunch manure shall be incorporated into the ground within 4 hours of application. "Incorporation" shall mean to work the paunch matter into the subsurface of the soil by plowing, disking, and/or other means. If weather conditions do not allow the paunch manure to be incorporated in soils within four (4) hours, it will not be spread upon lands.
7. Paunch manure shall not be stored and/or held for incorporation in Flood Plain areas.
8. Application of paunch manure shall comply with all local, state, and federal laws and regulations.
9. Application of material shall be to land properly selected and managed in such a manner so that:
- To control flies and odors paunch manure to be applied on lands shall not have moisture content in excess of eighty-three (83) per cent. Techniques and procedures may be required, including but not limited to dewatering of manure to reduce the potential for flies and odors.
- Unless the applicant can demonstrate to Buffalo County's satisfaction that pollution of waters of the state will not result, paunch manure shall not be surface applied on land with greater than a 10% slope for unfrozen soil.
10. Paunch manure shall not be applied to frozen soils.
11. All complaints from the public shall be addressed by the Buffalo County Board of Supervisors.
12. Suspending, revoking, or denying permits shall occur upon any of the following:
- A. Violation of any terms or conditions of the permit.
 - B. Obtaining a permit by misrepresentation of any relevant facts or failure to disclose fully all relevant facts.
 - C. A change in ownership, applicator, or control of any activity or operation which has a permit.
 - D. An application for a permit may be denied because of previous performance that was unsatisfactory.
 - E. Failure to provide records concerning amount of paunch placed upon lands, dates of delivery, and/or other requested records.

- F. Application of materials not comprised entirely of paunch manure.
- 13. The grant of, review of, and/or revocation of permits shall be processed as an agenda item at meetings of the Buffalo County Board of Supervisors. Notices of meeting will be given by the Board to applicant owner and property owners. Residents within 1,320 feet of the parameters application area will be notified when an application will be discussed with the property being posted similar to procedures utilized in zoning issues raised before the Buffalo County Board of Supervisors.
- 14. All permits will be in effect for three (3) months from the date of issuance. Such permits shall not be assignable to subsequent owners and/or applicators of land(s) upon which application(s) have been approved and not expired.
- 15. Records of permits issued will be kept in the Planning and Zoning Office for five (5) years from the date of issuance.
- 16. Failure to comply with these regulations shall be grounds for prosecution under Nebraska Revised Statutes Section 23-114.05.
- 17. The transport of paunch is only approved between one hour before sunrise and one hour after sunset.

NOW, THEREFORE, BE IT RESOLVED, by the Buffalo County Board of Supervisors, Nebraska, that effective upon passage of this Resolution, that no person, corporation, partnership, limited liability company, or any other entity shall cause or allow paunch manure to be spread or applied to real estate within the confines of Buffalo County, Nebraska, without complying with the above-mentioned rules and regulations and upon application to Buffalo County, Nebraska, and upon approval by said Board of Supervisors

Dated this _____ day of _____, 2007.

BUFFALO COUNTY BOARD OF SUPERVISORS

ATTEST:

{SEAL}

County Clerk

**BUFFALO COUNTY
PAUNCH MANURE
PERMIT APPLICATION**

1. _____
Date

2. Applicant: Name: _____

Address: _____

Phone No.: _____

3. Legal description of the application location, not to exceed 320-contiguous acres per application: _____

4. Name, address, and telephone number of the owner or owners of the paunch manure application site:

5. Authorized agent of the entity producing the paunch manure:

Name: _____

Address: _____

Phone No. : _____

6. Authorized agent of the entity applying the paunch manure:

Name: _____

Address: _____

Phone No. : _____

7. Application of paunch manure shall comply with all local, state, and federal regulations.
8. All permits will be in effect for three (3) months from the date of issuance.
9. Permits may be revoked or suspended for any violation of the terms or conditions of the permit at any time by action of the Buffalo County Commissioners. Permits are non-transferable.
10. Failure to comply with these regulations shall be grounds for prosecution under Nebraska Revised Statutes Section 23-114.05.
11. Applicant in signing this application acknowledges that he, she, and/or it has read Buffalo County's resolution concerning application of paunch manure and accepts terms of such resolutions together with any amendments thereto.

The following information is to be included with the permit application:

Map showing all wells, streams, surface water, and inhabited dwelling within one mile of the application location.

Information showing the routes to be used by the trucks, and an explanation of how the paunch manure will be transported from the generation site to the application site.

Names and addresses of home sites or farmsteads and adjacent land owners within 1,320 of parameters of proposed site.

The location and name of watercourses or wetlands in the area.

A description of the method of spreading of material and incorporation into the soil. This description must include a discussion of methods to be used during periods of unfavorable weather and soil conditions as well as normal favorable conditions.

The quantity of paunch and the acres which is proposed to be

land applied shall be included in the permit.

12. Fee: \$100.00 per application (Application fee is not refundable.)

Make checks payable to: Buffalo County

Mailing address: P.O. Box 1270
Kearney, NE 68848-1270

SIGNATURES:

(PROPERTY OWNER)

APPROVED _____

DENIED _____

(DATE)

BUFFALO COUNTY COMMISSIONERS:

ATTEST:

County Clerk

{SEAL}

THIS PERMIT IS VALID UNTIL: _____

Voting yes was Covalt, Heiden, Biehl, Keep, Pope, Steinbrink and Wolfe. Voting no: none
Absent: Skov and Wietjes. Motion passed.

Old Business: Moved by Wolfe, seconded by Steinbrink to approve the minutes of the April 19, 2007 and April 26, 2007 meetings as mailed. Voting yes were Wolfe, Steinbrink, Biehl, Covalt, Heiden, Keep and Pope. Voting no: none. Absent: Skov and Wietjes. Motion passed.

The next regular meeting of the Planning & Zoning Commission will be June 21, 2007 at 7:00 P.M.

Motion was made by Steinbrink to adjourn at 10:50 P.M.