

MINUTES OF PLANNING & ZONING COMMISSION
AUGUST 19, 2010
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Wietjes opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on August 19, 2010. Present were: Karin Covalt, Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Paul Steinbrink, Sr. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and nine members of the public.

Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act and a copy is posted as required by law.

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:01 P.M. No one was present to address the Commission. The public forum closed at 7:01 P.M.

Chairperson Wietjes opened the public hearing at 7:02 P.M. for a special use permit filed by NE Colorado Cellular Inc. d/b/a Viaero Wireless for part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Eleven (11) North, Range Eighteen (18) West of the 6th p.m., Buffalo County, Nebraska for a wireless telecommunications tower.

Chris Riha was present and told the Commission he is the site acquisition manager for Central Nebraska and northern Kansas. They want to develop the area along Highway 40. The proposed site is ½ mile west of Miller and the tower has 100% setback from power lines, Arrow Road and the adjacent neighbor to the south. There are no guy wires and the 195 foot tower is a self-support lattice tower. They will have a 9' W x 17' L x 9' H aggregate building to house electronic equipment, have a backup generator fueled by a buried 1,000 propane tank and the improvements will be enclosed by a padlocked chain linked fence. They have received approval from FAA for a determination of no hazard to air navigation, a letter of which he previously faxed to the Zoning Administrator. The drive-way would be directly off Arrow Road.

Wolfe asked if there would be a fenced area which Riha replied yes.

Heiden asked if the tower would collapse, where would it fall?

Riha replied it would not collapse on the road or adjoining property since it is situated far enough back.

Klein told the Commission he is applying for this special use permit under Section 5.34 #4 of the Buffalo County Zoning Regulations.

David Petersen was present and told the Commission he owns property to the south of the proposed site. He questioned if it would change his land value. He also questioned since Arrow Road is a township road, would the road be adequate. He also serves on the township board.

Bellamy replied this Commission does not control the land value.

Riha responded there is no evidence that the value would go up or down. He said there is more demand for wireless and he also doesn't feel the road is an issue. He was surprised how well the road held up during recent rains.

Wietjes complimented Riha on his presentation.

Wietjes closed the public hearing at 7:19 P.M.

A motion was made by Erickson, seconded by Stengel to forward the special use permit submitted by NE Colorado Cellular, Inc., d/b/a Viaero Wireless for property located in part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Eleven (11) North, Range Eighteen (18) West of the 6th p.m., Buffalo County, Nebraska to the County Board with approval for a wireless telecommunications tower as submitted.

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

Klein noted the Planning & Zoning make their recommendation to the County Board and the County Board is free to make any decision they wish. She said this would be heard before the County Board on September 14, 2010 and notices would again be sent out.

Wietjes opened the next public hearing at 7:20 P.M. for a special use permit for a livestock washout facility filed by J.C. Ourada on a 10 acre portion in the northwest corner of the Southeast Quarter (SE ¼) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the 6th p.m., Buffalo County, Nebraska.

J.C. Ourada was present and told the Commission he owns a livestock trucking business. He wishes to put a livestock washout facility at a site on 85th Road, 2 ½ miles north of Elm Creek and ¼ mile east off Highway #183. He has been in the business for a long time and hauls hogs. The proposed building will be constructed out of a polly and cement type material. They will separate the manure from the water and the solids will be separated out and the water will be discharged through the lagoon. Currently there are places in Columbus and Paxton which has a system similar to this. The site at Columbus is running their water through the city waste and the Paxton location runs it through a lagoon system. The removed material will be stock piled and spread on the fields in the fall. Discharge water will be retained in a holding pit. All EPA permits and requirements are being applied for and will be met. The major discharge is wood chips. They need the County's approval first before they can continue the process with the Nebraska Department of Environmental Quality. They are looking at 63 acres for discharge. There is about 100-120 acres that is pasture. The site would only be ¼ mile from Highway #183

so they would not tear up County roads. The closest residence is about ½ mile and smell should not be a problem since there is an existing feedlot to the west on the south side of the road. There would not be a ground water problem at this location either.

Stengel asked how big the well would be. Ourada responded they will be working with the NRD and probably would like to drill a new well in the southwest corner and would use the existing well. This operation would use about 1500 gallons per trailer and they would be doing 8-9 trailers per day. She also asked about the lagoon.

Vaden Hellerich, with Professional Environment Solutions, was present and he is the engineer who is designing this system. He explained the lagoon would be using about 2-4 acres and they would be using the existing contours. The borings will be done by Mid-States.

Erickson asked the depth of the sand and Hellerich responded the gravel is at about 90'.

Stengel questioned the gray water and what kind of pump they would use.

Hellerich explained the process and they would be using an electric float pump. The separation of the materials will be done inside of the building.

Wolfe asked about the liner of the lagoon.

Hellerich told the Commission the lagoon will meet DEQ requirements otherwise they will not be operating.

Stengel asked how they would dispose of the material during the winter months.

Hellerich responded the lagoon would have a 180 day capacity, which would get them through to the spring. He explained the inspection process of DEQ.

Wietjes asked if there would be any other trucks using this facility. Ourada responded not in the near future. He also asked if a steam cleaner would be included in this project.

Ourada explained the process of steam cleaning trucks and they always could come back before the Commission.

Bellamy asked about the size of the stock pile.

Ourada said they will build a 50' x 50' cement pad and the material would be spread by a manure wagon. Nebraska Department of Environmental Quality also monitors these applications.

Keep questioned the amount of dry matter used in the trailers.

Skov asked if the volume would increase the benchmark.

Wolfe asked if DEQ received a list of property owners of the land where the product is applied.

Hellerich replied if the volume increases, they would have to go back to DEQ for their approval. He also said the list of property owners is public.

Klein noted they are applying for this special use permit under Section 5.14 #3 of the Buffalo County Zoning Regulations.

Bellamy asked about the 911 address.

Klein responded she would get the 911 address from the Sheriff's office.

Keep questioned is this is a truck wash or livestock washout facility and does this fit under this Section.

Bellamy replied she feels this does fit under this Section.

Keep feels this is a perfect spot for this business.

Wietjes complimented Ourada on the presentation. By having Mr. Hellerich at tonight's meeting, a lot of questions were answered.

Wietjes closed the public hearing at 8:00 P.M.

Motion made by Keep, seconded by Skov to approve the special use permit for a livestock washout facility as submitted and forward this to the County Board with approval on a 10 acre portion in the northwest corner of the Southeast Quarter (SE ¼) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the 6th p.m., Buffalo County, Nebraska.

Voting yes were Keep, Skov, Covalt, Erickson, Heiden, Stengel, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion carried.

Klein noted the County Board is free to do whatever they wish and this will be heard by the County Board on September 14, 2010. Notices again will be sent to adjacent property owners.

Wietjes opened the next hearing at 8:10 P.M. for a zoning map amendment from Agricultural-Residential (AGR) to Commercial (C) filed by Gene Freeze for property described as Lots 74 through 82, both inclusive, Village of Odessa, Buffalo County, Nebraska.

Lucas Gerdes was present and told the Commission he is leasing this property from Gene Freeze. This property was the Odessa school and he didn't realize this property was still zoned AGR. He is planning on having new and used furniture, antiques and used appliances. His Uncle owns a furniture store in Cozad and they might consulate the business into one location.

Klein said the map she had sent to the Commission showed the areas along Highway 30 that are currently zoned Commercial.

Stengel asked where the entrance would be and Gerdes told the Commission they would be using the existing entrance and they might also have boats and 5th wheel campers in this area. They might also have a flea market on Saturdays.

Heiden asked if he rented the entire building of which Gerdes replied he did rent the entire building.

Stengel questioned if there should be a privacy fence on the north side. Gerdes said all used appliances would be stored inside.

Klein read the “uses by right” in Section 5.52 of the Buffalo County Zoning Regulations.

Gerdes told the Commission the plumbing had been upgraded last month and the forced air was installed in 2007. The septic system is designed as a school and there is an existing well.

Skov said this is the most logical place for Commercial zoning.

Bellamy told the Commission the change of zoning stays with the property.

Klein said the setbacks and parking requirement would also need to be complied with.

Gary Day, who owns the cabinet business to the west, was present and said he is in favor of this area being rezoned to Commercial since it will improve the community.

Gerdes said the building sits on Lot 81 and Lot 82.

Bellamy reminded the Commission the only question before them is if this property should be rezoned from AGR to Commercial.

Keep has concerns of what could go in a Commercial area such as a bar or “café”.

Wietjes closed the public hearing at 8:30 P.M.

Motion was made by Skov, seconded by Heiden to forward this application to the County Board with approval this property is rezoned from Agricultural-Residential (AGR) to Commercial (C) for property described as Lots 74 through 82, both inclusive, Village of Odessa, Buffalo County, Nebraska.

Voting yes were Skov, Heiden, Covalt, Erickson, Stengel and Wolfe. Voting no: Keep and Wietjes. Absent: Steinbrink. Motion carried.

Klein told Gerdes the County Board can accept the recommendation of rezoning or send it back to the Commission for further study. This will be heard by the County Board on September 14, 2010.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the July 15, 2010 as mailed. Voting yes: Skov, Heiden, Covalt, Erickson, Keep, Stengel, Wietjes and Wolfe. Voting no: none. Absent: Steinbrink. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

The next meeting of the Planning & Zoning Commission will be September 16, 2010 at 7:00 P.M. at the Highway Department.

Moved by Heiden to adjourn at 8:35 P.M.