

MINUTES OF PLANNING & ZONING COMMISSION
FEBRUARY 16, 2012
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Erickson opened the meeting at 7:02 P.M. at the Buffalo County Courthouse in Kearney, NE on February 16, 2012.

Present were: Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Paul Steinbrink, Sr., Gwen Stengel and Loye Wolfe. Absent: Scott Brady. Also attending were Deputy County Attorney Melodie Bellamy, Zoning Administrator LeAnn Klein and five members of the public.

Chairperson Erickson announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act.

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 7:05 P.M. No one was present to address the Commission. The public forum closed at 7:05 P.M.

Chairperson Erickson opened the public hearing at 7:06 P.M for a special use permit for Roland Whitney on behalf of Carl Whitney Sand & Gravel Inc. for property described as the South Half of the East Half of the Northeast Quarter of Section Twenty three (23), Township Nine (9) North, Range Thirteen (13) West of the 6th p.m. Buffalo County, Nebraska for a gravel pit.

Scott Brady arrived at 7:09 P.M.

Roland Whitney was present and told the Commission what he intends to do. He wants to pump gravel on 40 acres and this will be used for development for houses at a later time. He submitted a drawing marked as Exhibit #1 from the engineer regarding this area. Ron Follmer owns 40 acres to the north of Whitney's 40 acres. Follmer will come in front of the Commission at a later time to ask for a special use permit to pump gravel on the north 40 acres. Whitney explained there will be a berm around this property to prevent any water on going back on adjoining property owners.

Erickson stated this property will eventually need to be rezoned to Agricultural-Residential (AGR).

Heiden asked if the berm will affect the drainage of the water flow.

Whitney said he has nothing to do with the homes being built at this time; he is only pumping the gravel. He will put the berm up to prevent water from flowing onto adjoining property owners. Whitney said sand and gravel will be put where the houses will be placed. The gravel will be used for County and State uses.

Stengel asked where the exit will be. Whitney replied the exit will be enlarged where the current drive-way is located and they will get the necessary permit from the State Department of Roads. Follmer and Whitney would use the same entrance point, only enlarging the drive-way.

Skov questioned why Follmer isn't in front of the Commission for his special use permit.

Follmer stated he wasn't at that point yet to begin gravel pumping on the north forty acres. Whitney said he would start as soon as the weather warms up.

Keep said timing is an issue with the special use permits. He agreed if Follmer isn't ready to get started pumping, there is no reason to get his permit at this time.

Erickson asked where the north channel of the Platte River is located.

Whitney replied the north channel of the Platte River is about 100' feet south of the south forty acres.

Whitney told the Commission that is why they put a berm around the gravel pit. This would keep any river water from getting into their pits. If the water comes up, they won't be able to pump gravel.

Heiden asked if Whitney would be raising this property at least four feet to build in a floodplain.

Skov said the question before the Commission is whether they can pump gravel at this location. Skov said we're just talking about pumping gravel, nothing else.

Brady asked if this is in compliance with the Natural Resources District or who has jurisdiction of the NRD.

Bellamy reminded the Commission the question before them tonight is if this permit complies with the current Comprehensive Plan and Zoning Regulations.

Erickson said just recently this Commission has approved a gravel pit to the south of this location.

Jim Bruner was present and owns the home to the northeast of this property. He has concerns about the hours of operation of the gravel pumping. The slough has had water in it for five years.

Stengel asked if he had other concerns with flooding. Bruner doesn't have any concerns about the south forty acres but he does have with the north forty acres. There is a slough that runs through the north forty acres. The slough has as much water as the north channel of the Platte River and as long as the slough isn't blocked, he would not have concerns.

Loren Niemack was also present and has concerns of the slough that runs through the north forty acres. He said that slough has run continuously for 12 months of the year. He is concerned if

they put berms on this property, the water will back onto his property to the west. If the natural flow of the slough is disturbed, there will be problems.

Bellamy reminded the Commission the hearing tonight is for the south forty acres only.

Brady asked Niemack what his concerns are.

Niemack responded the primary drainage is through the slough. Niemack remarked Whitney needs a mining permit. Erickson replied he has applied for a special use permit for a gravel operation. Niemack doesn't want water backing onto his pasture.

Heiden reminded everyone the County Board has the final vote. They have to get the okay from the NRD.

Wolfe and Keep have concerns with the flow of this slough.

Chairperson Erickson closed the public hearing at 7:35 P.M. and asked for a motion.

Erickson asked if they need to get permits through the Natural Resource District.

Follmer said they would have to get 404 permits through the Army Corps of Engineers. Follmer said the County permit is the first permit they need before they get approval from the Army Corps of Engineers.

Bellamy reminded the Commission the public hearing has been closed.

Moved by Skov, seconded by Steinbrink, to approve this application as submitted for a gravel pit.

Wolfe asked if the berms are just for pumping gravel. Whitney replied the berms were to keep the water off adjoining property.

Keep also has concerns with the floodplain and maintaining the flows in this area. There are ways to keep the water flowing by placing culverts in the right spot.

More discussion followed and Steinbrink and Skov later withdrew their motion. It was the consensus of the Commission more information was needed before they could make their decision. The application is for the south forty acres but the drawing submitted was for the entire 80 acres.

Bellamy told the Commission what options are available to them for tonight's hearing.

Brady questioned if the new application could guarantee that water wouldn't be forced on adjoining property owners.

Bellamy responded this board cannot make that determination.

Bellamy told the Commission the plans submitted involve the entire 80 acres, not just the south 40 acres. She reminded the Commission what options are available to them.

Heiden asked what the setbacks would be from adjoining property owners for the pumping of gravel.

Skov asked the applicant to re-submit the plan for the south 40 acres only.

Motion was made by Stengel, seconded by Skov to table this application until the applicant can re-submit a precise plan for the gravel operation for the south forty acres and the drawing will coincide with the application. Voting yes were Stengel, Skov, Brady, Erickson, Heiden, Keep, Steinbrink and Wolfe. Voting no: none. Absent: none. Motion passed.

A welcome was extended to Scott Brady who is the newest member of our Commission. He gave us background information on himself.

Lonnie Dickson, Regional Planner with Hanna Keelan Associates, was present. He presented a zoning district map as well as other information to the Commission. This was discussed at length. The Commission will take a look at this information and Lonnie will attend the March meeting.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the January 19, 2012 as mailed. Voting yes: Skov, Heiden, Brady, Erickson, Keep, Steinbrink, Stengel and Wolfe. Voting no: none. Absent: none. Motion passed.

The next meeting of the Planning & Zoning Commission will be March 15, 2012 at 7:00 P.M. at the Buffalo County Courthouse.

Stengel moved to adjourn at 9:15 P.M.