

MINUTES OF PLANNING & ZONING COMMISSION
MARCH 16, 2017
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

LeAnn Klein opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on March 16, 2017.

Present were: Scott Brady, Marlin Heiden, Willie Keep, Richard Skelton, Marc Vacek, Randy Vest and Loye Wolfe. Absent: Tammy Jeffs. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and seventeen members of the public.

Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and we do abide by the Open Meetings Act.

Klein asked for nominations for Chairperson. A motion was made by Vest, seconded by Skelton to nominate Scott Brady for Chairperson. Voting yes were Vest, Skelton, Heiden, Keep, Vacek and Wolfe. Voting no: none. Abstain: Brady. Absent: Jeffs.

Klein turned the meeting over to Chairperson Brady.

Chairperson Brady called for the election of a Vice Chairperson. Motion was made by Skelton, seconded by Wolfe to nominate Willie Keep for Vice Chairperson. Voting yes were Skelton, Wolfe, Brady, Heiden, Vacek and Vest. Voting no: none. Abstain: Keep. Absent: Jeffs.

Chairperson Brady called for the election of a Secretary. Motion was made by Skelton, seconded by Vest to nominate Loye Wolfe for Secretary. Voting yes were Skelton, Vest, Brady, Heiden, Keep and Vacek. Voting no: none. Abstain: Wolfe. Absent: Jeffs.

Leonard Skov was not able to be here this evening but was recognized for his years of service on the Planning & Zoning Commission. A plaque will be given to him and we thanked him for his years of service to Buffalo County.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. A copy of the proof of publication is on file in the Zoning Administrator's office. Advance notice of the meeting was also given to the Planning & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

The public forum was opened at 7:05 P.M. Several persons were present, but no one provided any comment. The public forum closed at 7:05 P.M.

Chairperson Brady opened the public hearing at 7:06 P.M. for a special use permit submitted by Brian Kroll on behalf of BTK, Inc. for a Class II livestock confinement poultry layer barn on the following legal description: a tract of land being part of the West Half of the Southeast Quarter

(W ½ SE ¼) Section Thirteen (13) Township Ten (10) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 1058.51 feet; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 1431.41 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°15'45" W a distance of 732.00 feet; thence N 00°44'15" W a distance of 1198.00 feet; thence N 89°15'45" E a distance of 732.00 feet; thence S 00°44'15" E a distance of 1198.00 feet to the place of beginning. Containing 20.13 acres, more or less. TOGETHER WITH; rights of ingress-egress across a strip of land being 60.0 feet in width, with said strip of land being 30.0 feet on each side of following described centerline: Referring to the Southeast Corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 643.30 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 151.49 feet; thence N 69°00' W a distance of 1071.81 feet; thence N 81°00' W a distance of 288.45 feet to the point of termination, said point being on the East line of the aforescribed tract of land, and said point of termination being 30.44 feet northerly of the Southeast Corner of the aforescribed tract of land. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the West line of a public road (Pawnee Road) and to be extended or shortened as necessary to terminate on the East line of the aforescribed tract.

Brian Kroll on behalf of BTK, Inc. and Bruce Brown of Grand Island were present. Mr. Brown is the owner of the birds. Kroll gave the Commission letters of agreement from the adjoining residents within ½ mile from the site. Letters of agreement were signed by Larry and Marilyn Puttergill, Cody and Kristi Weldon and Trudy Jacobs and Teresa Luttrell. Hoffmeister told the Commission since the Jacobs home was uninhabited since 2011, letters of agreement were still needed because the house could be inhabited at any time.

Kroll showed the Commission where the 660' x 60' barn would be located. 100% of the building is confined and all the manure will be dried. They will have 44,000 layers in this facility. The manure will be removed once per year when the new flock is brought in.

Hoffmeister said this number would be included in the Class II livestock confinement. They could have 30,000 as a use by right.

Brady asked if they were cage free which Kroll responded they were.

Hoffmeister asked if it was next to an improved road. Kroll said it was located on the west side of Pawnee Road and 160th is a minimum maintenance road. Brown told the Commission they would have a truck once per week to pick up the eggs and there would also be a feed truck every eight days which would deliver feed. Kroll also showed the Commission where the drive-way

would be located and he said he had gotten a drive-way permit from the Highway Department. The ground is also terraced north of the building site.

Hoffmeister asked about how much feed they would need. Brown said they would need 23 pounds of feed per 100 birds per day.

Hoffmeister asked how many people they would employ. Kroll answered they would have two employees. Hoffmeister also asked how the waste would be handled. Kroll stated the barn would be cleaned once per year and the waste would be land applied to 1300 acres of their property. They will have a hoop building which will be covered.

Hoffmeister also asked how much water they would use. They would use 25 gallons per minute.

Brady asked how much manure is anticipated. Brown said about 200 tons per year. The key is to eliminate water from the manure. The building would then be disinfected.

Wolfe asked where the disinfectant would go. Kroll responded it would go into a septic tank.

Skelton asked how the air quality was. Brown said Merrick County has a layer barn and there is no odor. The key is to keep the manure dry. There are fans in the pit area to keep the manure dry.

Brown said there are a total of seven farms to support the hatchery in Grand Island. These facilities are located in Edgar, Campbell, Lawrence, 2 houses in Gosper County, and 1 in Hall County.

Brady asked the life expectancy of the building and Brown replied they have a life of 25 years. There will be no additional buildings at this time.

Wolfe asked Brown to describe the hoop building. It would be covered with a tarp and have cement sides and floor and would be used as an overflow for the manure. Brown replied they will have a fan to keep the manure dry.

Brady asked if they would have a person residing at the site. Kroll responded not at this time.

Hoffmeister asked if they had a 911 address. Kroll replied not yet.

Brady asked how they would handle the mortality for the birds. Brown said they would have a compost pile and the mortality is less than 1% per month.

Hoffmeister asked what the life of the birds was. Brown said their life expectancy is about a year.

Todd Van Matre was present and lives about 1 ½ mile south of the proposed site. He has concerns about disease and the smell of the compost pile.

Brown replied they have no control with the disease. Migratory birds could spread disease. By having the buildings enclosed, no migratory birds would be able to get into the building. The employees going into the building go through showers before they are allowed to enter the building. They only wear the shoes located inside the buildings so they don't track in any disease from the outside.

They are anticipating 35,000 eggs per day.

Hoffmeister explained the process of the hearings to the audience. The Commission will be making a recommendation to the County Commissioners and the County Commissioners will be having the final hearing. The County Commissioners are free to make any conditions to the permit that they wish.

Brady asked if they had an abandonment plan for the facility. Kroll said they did.

Heiden asked about the grade for the land. Kroll said the grade would be flat and the ground is terraced around it.

Skelton asked where the hoop building would be located. Kroll said the hoop building would be on the west side of the main structure.

Chairperson Brady closed the public hearing at 7:40 P.M.

Wolfe was impressed by the dry waste and that it would be dispersed on their ground.

Hoffmeister said they would need a 911 address.

Heiden asked if they had Nebraska Department of Environmental Quality approval which Kroll stated they did.

Hoffmeister said they would have 120 days to commence and 2 years to complete the building, absent a special provision to the contrary that would change these timelines. Kroll said the structure would be completed in four months.

This facility would be located 5 miles north of Gibbon and about 1 ¼ miles from the Gibbon Golf Course.

Keep asked if this was the Gibbon Golf Course road which it was. This road does already have high traffic counts. There is also a subdivision across the road from the golf course.

Motion was made by Vacek, seconded by Heiden to approve the special use permit submitted by Brian Kroll on behalf of BTK, Inc. for a Class II livestock facility for a poultry layer barn and forward this application with approval to the County Commissioners on the following legal description: a tract of land being part of the West Half of the Southeast Quarter (W ½ SE ¼) Section Thirteen (13) Township Ten (10) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the

Southeast corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 1058.51 feet; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 1431.41 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°15'45" W a distance of 732.00 feet; thence N 00°44'15" W a distance of 1198.00 feet; thence N 89°15'45" E a distance of 732.00 feet; thence S 00°44'15" E a distance of 1198.00 feet to the place of beginning. Containing 20.13 acres, more or less. TOGETHER WITH; rights of ingress-egress across a strip of land being 60.0 feet in width, with said strip of land being 30.0 feet on each side of following described centerline: Referring to the Southeast Corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 643.30 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 151.49 feet; thence N 69°00' W a distance of 1071.81 feet; thence N 81°00' W a distance of 288.45 feet to the point of termination, said point being on the East line of the aforescribed tract of land, and said point of termination being 30.44 feet northerly of the Southeast Corner of the aforescribed tract of land. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the West line of a public road (Pawnee Road) and to be extended or shortened as necessary to terminate on the East line of the aforescribed tract. There are three exhibits attached to this resolution. There are two letters of agreement from adjoining land owners and the application for this special use permit.

Voting yes were Vacek, Heiden, Brady, Keep, Skelton, Vest and Wolfe. Voting no: none. Absent: Jeffs. Motion carried.

Chairperson Brady opened the public hearing at 7:48 P.M. for a partial vacation of plat for a tract of land being part of the East Half of the Southeast Quarter (E ½ SE ¼) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots One (1) through Nine (9), inclusive, part of Harvest Hill Drive and all of 208th Road Place in Harvest Moon Hills, a subdivision being part of the East Half of the Southeast Quarter (E ½ SE ¼) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Section 31, and assuming the East line of the Southeast Quarter of Section 31 as bearing NORTH and all bearings contained herein are relative thereto; thence on the South line of the Southeast Quarter of said Section 31, N 89°46'42" W a distance of 40.00 feet; thence leaving the South line of the Southeast Quarter of said Section 31, NORTH a distance of 40.00 feet to the point of intersection with the West line of a public road (Daykin Road) and the North line of a public road (Pole Line Road), said point also being the Southeast Corner of Lot 1, of said Harvest Moon Hills, thence on the West line of said public road (Daykin Road) and on the East line of Lots 1 through 4, inclusive, NORTH, a distance of 1434.08 feet to the Northeast Corner of said Lot 4, thence leaving the East line of said public road (Daykin Road) and on the North line of said Harvest Moon Hills, N 83°57' W a distance of 892.98 feet to the Northwest Corner of Lot 6, of said Harvest Moon Hills, thence on the West line of said Harvest Moon Hills,

SOUTH, a distance of 470.0 feet to the Southwest Corner of said Lot 6, Harvest Moon Hills, said point being on the North line of Lot 7, of said Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, N 83°57' W a distance of 242.0 feet to the Northwest Corner of said Lot 7, Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, S 03°36'41" E a distance of 834.36 feet to the Southwest Corner of Lot 9, of said Harvest Moon Hills, said point also being the Northwest Corner of Lot 10, of said Harvest Moon Hills; thence on the South line of Lot 9 and the North line of 10, of said Harvest Moon Hills, EAST a distance of 533.1 feet to the Southeast Corner of said Lot 9, Harvest Moon Hills, said point also being the Northeast Corner of said Lot 10, Harvest Moon Hills, and said point also being on the West line of Harvest Hill Drive, a street shown on the plat and dedication of said Harvest Moon Hills, thence continuing EAST a distance of 66.0 feet to a point on the easterly line of said Harvest Hill Drive, said point being on the West line of said Lot 1, Harvest Moon Hills; thence on East line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH, a distance of 129.87 feet; to a point of curvature; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 17.0 foot radius curve to the left forming a central angle of 90°00' an arc distance of 26.7 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, EAST a distance of 150.00 feet to a point of curvature; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 83.0 foot radius curve to the right forming a central angle of 90°00' an arc distance of 130.38 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH a distance of 20.26 feet to the point of intersection with the North line of said public road (Pole Line Road), said point also being the Southwest corner of said Lot 1, Harvest Moon Hills; thence on the North line of said public road (Pole Line Road) and on the South line of said Lot 1, Harvest Moon Hills, S 89°46'42" E a distance of 227.0 feet to the place of beginning. Containing 31.29 acres, more or less.

Mitch Humphrey from Buffalo Surveying Corp and Ryan Fisher were present for the following hearing. Ryan and Brooke Fisher want to vacate lots they own in Harvest Moon Hills Subdivision along Pole Line Road and Daykin Road which is located northwest of Amherst. Humphrey told the Commission they want to vacate 9 lots plus part of Harvest Hill Drive and all of 208th Road Place. Lot 10 is not included in this vacation since it is owned by another person and has a home build on this lot. Reason for vacating these lots is these lots will be used as agricultural. They will be deeding a part of a cul-de-sac to the County to keep Harvest Hill Drive open up to Lot 10 so the owner of Lot 10 can use this road to gain access to his property.

Keep asked if this road was dedicated to the public. Humphrey replied this road is dedicated to the public but is not under County maintenance.

Skelton asked if there were any easements. Humphrey said there were no utility easements laid out in this subdivision.

Heiden asked if their drive-way for the owner of Lot 10 couldn't be directly off of Pole Line Road. Hoffmeister said they have their 911 address off of Harvest Hills Drive and they have access to a 66' wide road. That is the reason they are making this cul-de-sac adjacent to Lot 10.

Brady said this was pretty simple.

Keep said the Harvest Moon Subdivision is zoned as Agricultural-Residential.

Chairperson Brady closed the hearing at 8:02 P.M.

Motion was made by Vest, seconded by Skelton to vacate all of this subdivision except Lot 10 and except part of Harvest Hill Drive and forward to the County Commissioners on the following legal description: a tract of land being part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots One (1) through Nine (9), inclusive, part of Harvest Hill Drive and all of 208th Road Place in Harvest Moon Hills, a subdivision being part of the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Section 31, and assuming the East line of the Southeast Quarter of Section 31 as bearing NORTH and all bearings contained herein are relative thereto; thence on the South line of the Southeast Quarter of said Section 31, N 89°46'42" W a distance of 40.00 feet; thence leaving the South line of the Southeast Quarter of said Section 31, NORTH a distance of 40.00 feet to the point of intersection with the West line of a public road (Daykin Road) and the North line of a public road (Pole Line Road), said point also being the Southeast Corner of Lot 1, of said Harvest Moon Hills, thence on the West line of said public road (Daykin Road) and on the East line of Lots 1 through 4, inclusive, NORTH, a distance of 1434.08 feet to the Northeast Corner of said Lot 4, thence leaving the East line of said public road (Daykin Road) and on the North line of said Harvest Moon Hills, N 83°57' W a distance of 892.98 feet to the Northwest Corner of Lot 6, of said Harvest Moon Hills, thence on the West line of said Harvest Moon Hills, SOUTH, a distance of 470.0 feet to the Southwest Corner of said Lot 6, Harvest Moon Hills, said point being on the North line of Lot 7, of said Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, N 83°57' W a distance of 242.0 feet to the Northwest Corner of said Lot 7, Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, S 03°36'41" E a distance of 834.36 feet to the Southwest Corner of Lot 9, of said Harvest Moon Hills, said point also being the Northwest Corner of Lot 10, of said Harvest Moon Hills; thence on the South line of Lot 9 and the North line of 10, of said Harvest Moon Hills, EAST a distance of 533.1 feet to the Southeast Corner of said Lot 9, Harvest Moon Hills, said point also being the Northeast Corner of said Lot 10, Harvest Moon Hills, and said point also being on the West line of Harvest Hill Drive, a street shown on the plat and dedication of said Harvest Moon Hills, thence continuing EAST a distance of 66.0 feet to a point on the easterly line of said Harvest Hill Drive, said point being on the West line of said Lot 1, Harvest Moon Hills; thence on East line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH, a distance of 129.87 feet; to a point of curvature; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 17.0 foot radius curve to the left forming a central angle of 90°00' an arc distance of 26.7 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, EAST a distance of 150.00 feet to a point of curvature; thence continuing on the easterly line of said

Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 83.0 foot radius curve to the right forming a central angle of 90°00' an arc distance of 130.38 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH a distance of 20.26 feet to the point of intersection with the North line of said public road (Pole Line Road), said point also being the Southwest corner of said Lot 1, Harvest Moon Hills; thence on the North line of said public road (Pole Line Road) and on the South line of said Lot 1, Harvest Moon Hills, S 89°46'42" E a distance of 227.0 feet to the place of beginning. Containing 31.29 acres, more or less subject to the additional dedication of right-of-way of the "p" as shown on the exhibit and the reversion aspect should that road ever be vacated.

Voting yes were Vest, Skelton, Brady, Heiden, Keep, Vacek and Wolfe. Voting no: none. Absent: Jeffs. Motion carried.

Chairperson Brady opened the next public hearing at 8:04 P.M. for a special use permit filed by Rick Follmer on behalf of T & F Sand & Gravel, Inc. This was for a tract of land being part of Government Lot Three (3), part of Government Lot Four (4), part of Government Lot Five (5), part of Government Lot Six (6) and accretion lands adjacent to and deriving from Government Lot One (1), Government Lot Three (3), Government Lot Four (4), Government Lot Five (5), and Government Lot Six (6) in Section Seven (7), and accretion lands adjacent to and deriving from Government Lot One (1) in Section Eight (8), all in Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and that portion of accretion lands adjacent to and deriving from Government Lot Six (6) in Section Twelve (12), Township Eight (8) North, Range Nineteen (19) West of the Sixth Principal Meridian, Dawson County, Nebraska, which are located in Section Seven (7), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said accretion lands being located South of Government Lot 6, Government Lot 7 and Government Lot 8 in Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows:

Beginning at the Southeast Corner of Section 7, which point is also the Southeast corner of Government Lot 6 located in said Section 7, and assuming the South line of Section 7 as bearing S 82°44'03" W and all bearings contained herein are relative thereto; thence on the South line of Section 7 and on the South line of Government Lot 6 located in said Section 7, S 82°44'03" W a distance of 872.27 feet, which point is also the Southeast Corner of a tract of land as described on Warranty Deed filed at Inst. 2015-00768, recorded February 11, 2015 in the office of the Buffalo County Register of Deeds; thence leaving the South line of said Section 7 and the South line of Government Lot 6 located in said Section 7, and on the North line of said tract of land described on Warranty Deed filed at Inst. 2015-00768, N 57°10'52" W a distance of 1561.25' thence continuing on the North line of said tract of land described in Warranty Deed filed at Inst. 2015-00768 for the following four (4) courses and distances respectively:
S 02°01'51" W a distance of 602.87 feet; thence
N 60°23'09" W a distance of 371.77 feet; thence
N 87°43'09" W a distance of 1029.90 feet; thence
N 85°53'09" W a distance of 1543.37 feet to a point on the East line of a tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12 recorded

October 25, 1950 in the office of the Buffalo County Register of Deeds; thence on the East line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, N 00°10'50" W a distance of 9.91 feet to the Northeast Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12; thence on the North line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, S 89°49'10" W a distance of 33.0 feet to the Northwest Corner of said Government Lot 3 located in Section 7, which point is the Northwest Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, and which point is the Northwest Corner of said tract of land described on Warranty Deed filed at Inst. 2015-00768, and which point is also on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska; thence proceeding northerly N 01°43'09" E on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska a distance of 3072.93 feet to a point on the existing south bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 01°43'09" W a distance of 425.2 feet from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding northerly from said existing South bank of the Platte River channel, N 01°43'09" E a distance of 200.4 feet, more or less, to a point on the approximate thread of the stream of the Platte River, Main Channel; thence proceeding easterly and downstream on the thread of the stream of the Platte River, Main Channel, to a point intersecting on a line, as such line is drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾' inch hollow rod with solid top) as shown on a survey Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, the existing north bank line and the existing south bank line of which, respectively, are described as follows:

a. Existing North Bank line

A line located in Platte River accretion lands lying south of (a) Government Lots 6,7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest corner of said Section 7, which corner is located in Phelps County, Nebraska; thence proceeding northerly N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel enters said Section 7 from the west, and on the west line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of the

Sixth Principal Meridian, a distance of 3498.13 feet to a point, which point is on the existing North bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Chanel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing north bank of the Platte River channel carrying said thread of the stream for the following twenty-two (22) courses and distances, respectively:

N 81°49'45" E a distance of 181.7 feet; thence
N 75°22'18" E a distance of 183.4 feet; thence
S 83°13'00" E a distance of 124.0 feet; thence
S 69°19'26" E a distance of 244.0 feet; thence
S 38°56'16" E a distance of 52.6 feet; thence
S 46°29'10" E a distance of 127.6 feet; thence
S 68°52'00" E a distance of 602.2 feet; thence
S 86°53'31" E a distance of 109.8 feet; thence
S 83°34'47" E a distance of 280.2 feet; thence
S 72°42'22" E a distance of 225.9 feet; thence
S 80°28'48" E a distance of 331.5 feet; thence
S 64°56'46" E a distance of 129.9 feet; thence
S 73°53'16" E a distance of 184.4 feet; thence
N 86°24'41" E a distance of 791.0 feet; thence
N 36°18'50" E a distance of 534.0 feet; thence
N 70°41'24" E a distance of 431.8 feet; thence
S 64°48'49" E a distance of 205.9 feet; thence
S 30°00'56" E a distance of 144.5 feet; thence
N 66°00'13" E a distance of 199.6 feet; thence
N 39°38'06" E a distance of 461.9 feet; thence
N 47°28'40" E a distance of 200.2 feet; thence
N 64°36'35" E a distance of 208.0 feet to a point, which point is the point of termination of said existing North bank line, and which point on the existing North bank of the Platte River channel bears N 04°35'45" E a distance of 168.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel.

b. Existing South Bank Line

A line located in Platte River accretion lands lying south of (a) Government Lots 6, 7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly, S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest Corner of said Section 7, which Corner is located in Phelps County, Nebraska; thence proceeding northerly, N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel

enters said Section 7 from the west, and on the West line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of Sixth Principal Meridian, a distance of 3072.93 feet to a point, which point is on the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACTUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing South bank of such Platte River channel for the following seventeen (17) courses and distances, respectively:

S 76°08'21" E a distance of 292.7 feet; thence
S 63°11'58" E a distance of 276.9 feet; thence
S 88°36'57" E a distance of 468.9 feet; thence
S 53°02'42" E a distance of 421.0 feet; thence
N 79°41'31" E a distance of 545.41 feet; thence
N 82°23'36" E a distance of 422.6 feet; thence
S 66°35'58" E a distance of 278.7 feet; thence
S 81°52'56" E a distance of 87.0 feet; thence
S 81°52'56" E a distance of 215.0 feet; thence
N 82°43'58" E a distance of 394.3 feet; thence
N 58°52'37" E a distance of 443.6 feet; thence
N 40°01'32" E a distance of 429.0 feet; thence
S 74°31'33" E a distance of 492.4 feet; thence
N 75°52'25" E a distance of 340.9 feet; thence
N 40°57'37" E a distance of 303.9 feet; thence
N 43°54'52" E a distance of 149.9 feet; thence
N 56°08'48" E a distance of 232.8 feet to a point, which point is the point of termination of said existing South bank line, and which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 120.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel;

Thence proceeding southerly leaving the approximate thread of the stream of the Platte River, Main Channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6 Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, S 04°35'45" W a distance of 120.8 feet, more or less, to the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 289.6 feet,

more or less, from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding southerly from said existing South bank of the Platte River channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1' iron pipe with a 1-1/4" O.D. pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963, S 04°35'45" W a distance of 1981.72 feet to said Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963; thence proceeding southerly on the extension of the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in Section 8, Township 8 North, Range 18 West of the Sixth Principal Meridian, S 00°23'19" W a distance of 239.86 feet; thence proceeding westerly, N 89°33'59" W a distance of 64.95 feet; thence proceeding southerly, S 10°04'21" E a distance of 356.2 feet to a point, which point is on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8; thence proceeding southerly on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8, S 00°23'19" W a distance of 1542.43 feet to the place of beginning, containing 382.06 acres, more or less.

Keep told the Commission he will need to abstain since he is an employee of T & F Sand & Gravel, Inc.

Rick Follmer was present and told the Commission he wants to pump gravel on approximately 77 acres what is now a cornfield. This is located south of the river south of the I-80 Elm Creek interchange. This property is owned by Platte River Recovery Implementation Foundation and they would like a lake at this location. He would remove the top soil and keep away from the fence line. He would dig the pit, screen it and haul it away. This area is about ½ mile west from Highway #183. They have used this road in the past. His current pit is about ½ mile west of this location.

Brady asked how big of lake would there be? Follmer replied about 40 acres depending on the amount of gravel taken out. Brady asked if the remainder of the property would be converted to a natural state. Follmer agreed that it would be.

Heiden asked how wide the berm would be. Follmer said the berm would be about 75' wide.

Skelton asked if the top soil would be replaced. Follmer told the Commission probably not. Not all of the details have been worked out.

Wolfe asked if Follmer would take care of the road since it is not maintained by the County. Follmer said this is an old narrow township road and they would take care of it.

There is actually two ways into this property, one from the east and one to the west depending where they are taking out the gravel.

A letter of support for this application was read into the record on behalf of the Platte River Recovery Implementation Program by Chairperson Brady. Their goal is “serving the threatened and endangered species of the Platte River Basin as well as the people who live here. Enhancing this property in accordance with the application for the special use permit will benefit PPRIP goals without putting an undue burden on our neighbors in this area of Buffalo County.”

Dave Kingsley was present and he told the Commission he owns property directly across the road to this property and he has multiple concerns. He questioned what direction will they be hauling the gravel. This is a tiny road and there have been many close calls on this township road. Traffic for 10 years is a main concern of his. It’s a dangerous road and is very narrow. He also has concerns if terns and plovers come onto his land. How is that going to affect the use of his property? They said they were going to drain the water from their pond into the Platte River when the water levels are down. Where are their canals going to be?

Hoffmeister said the only question before this Commission is if there should be a gravel pit at this location.

The question of who can use this road was discussed. This is not a County maintained road.

Terri and Frank Meier live to the south of this property and they also have concerns. Their biggest concern is the road. Terri asked if there were any rules that said how close a sandpit could be dug to neighbor’s property or home.

Hoffmeister said conditions could be put on the special use permit to how close they would dig next to adjacent property owners.

Follmer said they would maintain the road.

Larry Marshall has concerns about the channel of the Platte River backing up onto his property if there is a gravel pit at this location. Does there have to be an elevation study done for this? Where does the flow of the water go to get back to the river in the event of a flood?

Kingsley said he had talked to a representative of the Platte River Recovery Implementation Foundation and he was told they want to close this road. This road is actually on his property and he doesn’t want the road closed.

Hoffmeister said this Commission makes a recommendation to the County Commissioners and the County Commissioners will make the final decision after they hold their hearing.

Kingsley said there are a lot of unanswered questions to what Platte River Recovery intent is and how they are going to go about it. They have paid a lot for their land and would like to know how it is going to affect their use of the land. This is a huge change and 10 years of pumping is a long time.

Hoffmeister questioned how close to the borders they would be pumping.

Follmer said it would be about 100’.

Vacek asked does that limit what can be done with the gravel pit?

Hoffmeister replied the only plan we have is for the gravel pit.

There was quite a bit of discussion what the status of this road was. Is it a private or public road and who has access to it?

Hoffmeister said the Platte River Recovery Implementation Foundation is not required to have a plan on what they are going to do with the land other than say they want a gravel pit at this location.

Brady asked where they would put the scales. Follmer replied they would put the scales on the east end.

Kingsley said they don’t need a gravel pit to preserve habitat for birds.

Follmer said he could go out the west end and then go out the south road.

Wolfe asked if a time limit could be put on the special use permit. Hoffmeister replied we could.

Heiden said they probably would have to make the road wider.

Follmer said they have used this road for about 12 years and they never had an incident. There are fences on both sides so they can’t make the road wider.

Brady said managing the river flow from the pit to the river is a big concern of the neighbors.

Hoffmeister said gravel pits exist in floodplains throughout the state. The only question before the Commission is whether a gravel pit should be located here.

Frank Meier said they could just put a berm to create habitat for piping plovers. This would eliminate the need for a gravel pit and not cause some of the concerns with water flow and flooding.

Follmer said they want islands for the birds to eliminate coyotes killing them. That is why they want a sand pit.

Heiden questioned if he needed other permits to put a gravel pit in this area.

Follmer responded this is an upland area and no other permits are needed.

Hoffmeister showed how much of this area is in the floodplain. This is the area where the gravel is located in this County. Hoffmeister said this road is a trail and is not shown on the maps as an open county road.

Humphrey said it does not qualify being a County road because it doesn't fit the standards of being a County road. This road is actually on part of Kingsley's property.

Meier said he uses the west end of this road because he has cattle on the Marshall property.

Follmer said they could go out the west end and also have the scale on the west end and go on the County road to the south.

Hoffmeister said conditions can be placed on special use permits.

Wolfe asked if we could put a time limit for this permit.

Hoffmeister said a time limit could be put on a special use permit. Some kind of 911 address would be needed.

Klein said when the Meier's got their address it had to be addressed off of Highway 183.

Heiden said the Commissioners could place conditions on this permit.

Klein said the County Commissioners would hear this on April 11.

Brady asked if this hearing should be continued until next month.

Skelton questioned if Meier had trouble with water in the past. Meier doesn't have any problems with Follmer. The problem is once they start the gravel pit, it opens it up to whatever they want to do with their land in the future.

Hoffmeister said it is going to be kind of hard to enforce what the Platte River Recovery wants to do with their land.

Chairperson Brady closed the hearing at 9:22 P.M.

Skelton asked if the County Commissioners could encourage someone from the Platte River Recovery Implementation Foundation to attend the County Commissioners hearing on April 11.

Motion was made by Skelton, seconded by Heiden that this special use permit for T & F Sand & Gravel, Inc. be forwarded to the County Commissioners with approval on the following legal description: a tract of land being part of Government Lot Three (3), part of Government Lot Four (4), part of Government Lot Five (5), part of Government Lot Six (6) and accretion lands adjacent to and deriving from Government Lot One (1), Government Lot Three (3), Government Lot Four (4), Government Lot Five (5), and Government Lot Six (6) in Section Seven (7), and accretion lands adjacent to and deriving from Government Lot One (1) in Section Eight (8), all in

Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and that portion of accretion lands adjacent to and deriving from Government Lot Six (6) in Section Twelve (12), Township Eight (8) North, Range Nineteen (19) West of the Sixth Principal Meridian, Dawson County, Nebraska, which are located in Section Seven (7), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said accretion lands being located South of Government Lot 6, Government Lot 7 and Government Lot 8 in Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows:

Beginning at the Southeast Corner of Section 7, which point is also the Southeast corner of Government Lot 6 located in said Section 7, and assuming the South line of Section 7 as bearing S 82°44'03" W and all bearings contained herein are relative thereto; thence on the South line of Section 7 and on the South line of Government Lot 6 located in said Section 7, S 82°44'03" W a distance of 872.27 feet, which point is also the Southeast Corner of a tract of land as described on Warranty Deed filed at Inst. 2015-00768, recorded February 11, 2015 in the office of the Buffalo County Register of Deeds; thence leaving the South line of said Section 7 and the South line of Government Lot 6 located in said Section 7, and on the North line of said tract of land described on Warranty Deed filed at Inst. 2015-00768, N 57°10'52" W a distance of 1561.25' thence continuing on the North line of said tract of land described in Warranty Deed filed at Inst. 2015-00768 for the following four (4) courses and distances respectively:

S 02°01'51" W a distance of 602.87 feet; thence

N 60°23'09" W a distance of 371.77 feet; thence

N 87°43'09" W a distance of 1029.90 feet; thence

N 85°53'09" W a distance of 1543.37 feet to a point on the East line of a tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12 recorded October 25, 1950 in the office of the Buffalo County Register of Deeds; thence on the East line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, N 00°10'50" W a distance of 9.91 feet to the Northeast Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12; thence on the North line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, S 89°49'10" W a distance of 33.0 feet to the Northwest Corner of said Government Lot 3 located in Section 7, which point is the Northwest Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, and which point is the Northwest Corner of said tract of land described on Warranty Deed filed at Inst. 2015-00768, and which point is also on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska; thence proceeding northerly N 01°43'09" E on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska a distance of 3072.93 feet to a point on the existing south bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 01°43'09" W a distance of 425.2 feet from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding northerly from said existing South bank of the Platte River channel, N 01°43'09" E a distance of 200.4 feet, more or less, to a point on the approximate thread of the stream of the Platte River, Main Channel; thence proceeding easterly

and downstream on the thread of the stream of the Platte River, Main Channel, to a point intersecting on a line, as such line is drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾' inch hollow rod with solid top) as shown on a survey Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, the existing north bank line and the existing south bank line of which, respectively, are described as follows:

c. Existing North Bank line

A line located in Platte River accretion lands lying south of (a) Government Lots 6,7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest corner of said Section 7, which corner is located in Phelps County, Nebraska; thence proceeding northerly N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel enters said Section 7 from the west, and on the west line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of the Sixth Principal Meridian, a distance of 3498.13 feet to a point, which point is on the existing North bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing north bank of the Platte River channel carrying said thread of the stream for the following twenty-two (22) courses and distances, respectively:

N 81°49'45" E a distance of 181.7 feet; thence
N 75°22'18" E a distance of 183.4 feet; thence
S 83°13'00" E a distance of 124.0 feet; thence
S 69°19'26" E a distance of 244.0 feet; thence
S 38°56'16" E a distance of 52.6 feet; thence
S 46°29'10" E a distance of 127.6 feet; thence
S 68°52'00" E a distance of 602.2 feet; thence
S 86°53'31" E a distance of 109.8 feet; thence
S 83°34'47" E a distance of 280.2 feet; thence
S 72°42'22" E a distance of 225.9 feet; thence
S 80°28'48" E a distance of 331.5 feet; thence
S 64°56'46" E a distance of 129.9 feet; thence
S 73°53'16" E a distance of 184.4 feet; thence

N 86°24'41" E a distance of 791.0 feet; thence
N 36°18'50" E a distance of 534.0 feet; thence
N 70°41'24" E a distance of 431.8 feet; thence
S 64°48'49" E a distance of 205.9 feet; thence
S 30°00'56" E a distance of 144.5 feet; thence
N 66°00'13" E a distance of 199.6 feet; thence
N 39°38'06" E a distance of 461.9 feet; thence
N 47°28'40" E a distance of 200.2 feet; thence
N 64°36'35" E a distance of 208.0 feet to a point, which point is the point of termination of said existing North bank line, and which point on the existing North bank of the Platte River channel bears N 04°35'45" E a distance of 168.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel.

d. Existing South Bank Line

A line located in Platte River accretion lands lying south of (a) Government Lots 6, 7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly, S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest Corner of said Section 7, which Corner is located in Phelps County, Nebraska; thence proceeding northerly, N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel enters said Section 7 from the west, and on the West line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of Sixth Principal Meridian, a distance of 3072.93 feet to a point, which point is on the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACTUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing South bank of such Platte River channel for the following seventeen (17) courses and distances, respectively:

S 76°08'21" E a distance of 292.7 feet; thence
S 63°11'58" E a distance of 276.9 feet; thence
S 88°36'57" E a distance of 468.9 feet; thence
S 53°02'42" E a distance of 421.0 feet; thence
N 79°41'31" E a distance of 545.41 feet; thence
N 82°23'36" E a distance of 422.6 feet; thence
S 66°35'58" E a distance of 278.7 feet; thence
S 81°52'56" E a distance of 87.0 feet; thence
S 81°52'56" E a distance of 215.0 feet; thence

N 82°43'58" E a distance of 394.3 feet; thence
N 58°52'37" E a distance of 443.6 feet; thence
N 40°01'32" E a distance of 429.0 feet; thence
S 74°31'33" E a distance of 492.4 feet; thence
N 75°52'25" E a distance of 340.9 feet; thence
N 40°57'37" E a distance of 303.9 feet; thence
N 43°54'52" E a distance of 149.9 feet; thence
N 56°08'48" E a distance of 232.8 feet to a point, which point is the point of termination of said existing South bank line, and which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 120.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel;

Thence proceeding southerly leaving the approximate thread of the stream of the Platte River, Main Channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6 Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, S 04°35'45" W a distance of 120.8 feet, more or less, to the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 289.6 feet, more or less, from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding southerly from said existing South bank of the Platte River channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1' iron pipe with a 1-1/4" O.D. pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963, S 04°35'45" W a distance of 1981.72 feet to said Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963; thence proceeding southerly on the extension of the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in Section 8, Township 8 North, Range 18 West of the Sixth Principal Meridian, S 00°23'19" W a distance of 239.86 feet; thence proceeding westerly, N 89°33'59" W a distance of 64.95 feet; thence proceeding southerly, S 10°04'21" E a distance of 356.2 feet to a point, which point is on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8; thence proceeding southerly on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8, S 00°23'19" W a distance of 1542.43 feet to the place of beginning, containing 382.06 acres, more or less with the following conditions:

1. Excavation of soils shall be a minimum of 150' from north end
2. Excavation of soils shall be a minimum of 100' on other sides
3. Use west end to haul gravel
4. Place scale on west end
5. Duration of pit is 10 years

Voting yes were Skelton, Heiden, Brady and Wolfe. Voting no: Vacek and Vest. Abstain: Keep. Absent: Jeffs. Motion carried.

Old Business: Moved by Heiden, seconded by Skelton to approve the minutes of the December 15, 2016 as mailed. Voting yes: Heiden, Skelton, Brady, Keep, Vacek, Vest and Wolfe. Voting no: none. Absent: Jeffs. Motion carried.

Hoffmeister led the discussion of a change in the administrative subdivisions.

After discussion a motion was made by Skelton, seconded by Vest to forward the following to the County Commissioners:

Sec. 3.02 ADMINISTRATIVE SUBDIVISION The Planning and Zoning Administrator or his/her authorized representative is hereby authorized to approve subdivisions as preliminary subdivision and submit the same to the Board as a final plat, under the following conditions:

A. No additional Access Requirements. Public road/street access: The property to be administratively subdivided, prior to being subdivided, shall abut a No public highway, road or street and no public highway, road or street is needed to be constructed to access the property or needs to be accepted, within the area of the new lot(s), other than right-of-way additions to the previously abutting and existing or laid-out highway(s), road(s), or street(s). Private road or street access is allowed if done in compliance with Chapters 4 and 5.

B. Limit on Number of Lots Created No more than three (3) additional lots shall be created from any lot, tract or parcel of land. If the remainder of any one parcel of land is ten (10) acres or less net of all street and road easements, reservations, and/or occupations, it shall be considered one of the additional three-(3) lots.

C. Limitations on use of Administrative Subdivision process to develop land: The administrative subdivision provision is not intended to allow for incremental division of larger tracts. The administrative subdivision process will not be allowed where the total area under single ownership would result in more than four (4) parcels, including any remainder of the original parcel or any previous divisions that existed as one parcel anytime within the last five years as of date of the application for the administrative subdivision.

(AND RENUMBER REMAINING ITEMS)

€. D. Information Required The subdivider shall submit such information as set forth in this resolution when specified by the Planning and Zoning Administrator.

Voting yes were Skelton, Vest, Brady, Heiden, Keep, Vacek and Wolfe. Voting no: none. Absent: Jeffs. Motion carried.

Klein presented her report for the year 2016.

A letter was received from the City of Gibbon concerning the Dorothy Miller Subdivision. It was noted there needed to be an additional 7' right-of-way taken from the east side of the road right-of-way and dedicated to the public right-of-way. A motion was made by Wolfe, seconded by Heiden to recommend an additional 7' right-of-way be dedicated on the east side of this subdivision to comply with Buffalo County requirements. We would like a dedication of 40' right-of-way adjoining Gibbon Road along section line roads.

Voting yes were Wolfe, Heiden, Brady, Keep, Skelton, Vacek and Vest. Voting no: none. Absent: Jeffs. Motion carried.

The next meeting of the Planning & Zoning Commission will be held April 20, 2017 at 7:00 P.M. if needed.

Chairperson Brady adjourned the meeting at 10:30 P.M.