

MINUTES OF PLANNING & ZONING COMMISSION
APRIL 19, 2012
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Erickson opened the meeting at 7:00 P.M. at the Buffalo County Courthouse in Kearney, NE on April 19, 2012.

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

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.

Chairperson Erickson 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 is posted on the easel and we do abide by the Open Meetings Act.

The public forum was opened at 7:05 P.M. There was no one 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 Dave Hervert on behalf of DDH Properties, L.L.C. for property described as part of the North Half of the Southwest Quarter of Section Nine (9), Township Twelve (12) North, Range Thirteen (13) West of the 6th p.m. Buffalo County, Nebraska for a truck and trailer wash facility, sewage treatment plant and commercial truck repair.

Craig Bennett with Miller & Associates of Kearney, NE was present to represent Dave Hervert. Mr. Hervert was also present. Bennett showed the Commission the location of the proposed project on aerial maps. The property is located east of Ravenna and north of Hwy 2 and south of the railroad tracks. There is an existing building at this site. He said the area drains from west to east. They would have a retention pond where they would separate the solids from the liquid and the liquid would go into a holding pond. The Nebraska Department of Environmental Quality requires either a clay liner or geo synthetic liner. The clay would be compacted to allow for a 1/8" of drainage per day. The solids would be stockpiled. The zoning is Agricultural and they are asking for a truck wash under Section 5.14 #14. They would have a machine shop where they would be working on trucks.

Hoffmeister asked how many acres were at this site. Bennett replied the property is just less than 23 acres.

Stengel commented on the application it was listed as a truck wash, treatment plant and commercial truck repair.

Hervert told the Commission they presently are working on truck repair. About 90% of their business is semi trucks.

Hoffmeister asked if they have a sales tax permit number. Hervert replied not at this time.

Erickson asked how long Hervert had owned this property. Hervert replied since last summer. He said 2/3 of the shop is storage and 1/3 is used for working on trucks. Brad Campbell owned it previously and was washing trucks and Hervert has now hired an engineer to do work on this project.

Hoffmeister also asked how close the nearest residences are located from this site. Bennett showed the Commission the closest residence on the map which is approximately 1400'.

Brady asked what the use of the land application is. Hervert replied it is rangeland but there might be a little cropland.

Hoffmeister asked what kind of trucks they would be washing out. Hervert said about 90% of the trucks would be livestock trucks and the other 10% would be washing out gluten from the trucks. Hoffmeister also asked what direction the trucks will be using. Hervert said the majority of the trucks would be coming off Highway 2. Area farmers have also indicated a desire to wash out farm trucks.

Hoffmeister also asked what the uses of the land surrounding this property. Hervert replied it is rangeland to the east, irrigated to north and west and wetlands to the northeast.

Skelton asked what type of liner they would be using. Bennett replied they have not decided what type of liner would be used but it would need to meet DEQ requirements.

Bennett told the Commission this property is not in the floodplain and it is a sandy soil.

Hoffmeister asked if they would want any additional structures. Bennett replied they would not have a residence but might have a building over the wash pad.

Brady questioned how big the lagoon was. Bennett said it is about 200'x150'. Bennett said they would be washing out about five trucks per day, 7 days a week. They would have an 8' berm around the lagoon.

Heiden asked what happens if there are more trucks. They would have to come back and ask for an expansion as well as get DEQ approval.

Wolfe questioned the land application area. Bennett replied they look at soil type and evaporation rate. They also look at annual rain fall. The solids would be land applied. The manure would be stock piled on a concrete pad. Hervert said they would be giving the manure

away to area farmers. They figure on about ½ cubic yard of waste per truck. Hervert doesn't foresee any problem with excess water.

Brady asked how long they would have to store the solid material. They would store monthly and would not land apply any material during the winter months.

Bennett said the concrete pad is approximately 45' x 45' and would be designed to handle the solid material. The liquid would be piped out to the lagoon using gravity.

Brady asked how deep the lagoon was. Bennett replied the lagoon would be 6' deep with an 8' berm and it would be sized for a 25 year storm. The wastewater would be land applied using sprinklers.

Brady asked if the land would ever have complete saturation of the land. Hervert replied he didn't think it would be a problem.

Heiden asked if there are walls on the concrete pad. Bennett replied you don't want walls because that delays the drying process.

Stengel asked what he washes out of the trucks. Hervert replied they wash out manure, wood chips and sawdust. There is high moisture content.

Bennett said another thing they look at is prevailing winds. It is approximately 1400' from nearest house and the nearest home is to the northwest.

Wolfe questioned if they would have a pipe from the concrete pad to the lagoon. Bennett said it is an underground pipe that would carry the liquid to the lagoon.

Brady asked how many gallons of water they use for one truck. Bennett replied they use about 1500 gallons of water per truck.

Wolfe asked if the lagoon would require any testing. Bennett said the microbiology would work to break down the solids.

Heiden asked who does the inspecting of the facilities. Bennett said the environmental engineer would construct the site and eventually DEQ would do the inspections. Heiden also questioned if they would have to have their well checked. Bennett said they would have a 100' separation from the well.

Brady also questioned if there would be an odor problem. The closest residence is about 1400' away. Odor is hard to judge what one person smells.

Wolfe asked if they had a list of farmers who would take the solids. She said that would be great if they could get a list of area farmers.

Hoffmeister told the audience the function of a special use permit.

Ron Urwiller owns property to the south and lives about ½ mile from this site. He has watched 8-10 trucks being washed per day since January. There has been a history of washing trucks at 1:00 A.M. He has a hard time believing they only will be washing 5 trucks each day. History has shown they have been washing trucks for a long time at this location. He has concerns on what will happen to his well which is located close to this property.

Chris Graczyk also has a huge concern of trucks currently being washed. She also has concerns with the number of trucks that have been washed in the past. She said they had told DEQ the power source had been cut to the well but they have seen many trucks being washed. This land is also high and all of this water would run onto their pasture. They also have observed dead cattle being dumped on this property as well as other items that have been dumped in the past.

Heiden asked what the berm is. Bennett told him the berm would be clay with either a clay or geo synthetic liner.

Skelton asked if they would limit the washing to 5 trucks per day. Hervert replied during peak season, there would be more than 5 trucks per day. That is the average for the entire year.

Ron Urwiller said the only time trucks were not being washed is after a blizzard.

Bea Urwiller has lived in this area for 50 years. They have put up with cattle being dumped, dumping of tires and beer cans.

Brady asked if new management will take responsibility. Brady questioned how dead cattle would be handled.

Hervert replied he would have a rendering company pick up the dead cattle.

Heiden asked if they would have drivers wash their own trucks. Heiden is also concerned with the five trucks per day.

Brady also asked if the previous owner would be working for Hervert. Brad Campbell is his mechanic.

Hervert said when he has been there, they have turned trucks away. Twice the door was kicked in and trucks were being washed without his knowledge.

Chris Graczyk questioned if it is zoned AG how can you can operate a truck wash.

Hoffmeister explained the process of a special use permit.

John Graczyk asked about flies and who would want to live within ½ mile of a lagoon.

Chris Graczyk asked why are there many truck washes being closed?

Erickson replied he didn't know either.

Brady asked if the people in opposition have concerns with the science or is their concern more the management.

Ron Urwiller said the science is there.

Chris Graczyk agreed the science is there but she has concerns of disease and how will it affect their cattle.

Heiden said we have learned a lot tonight.

Erickson agreed that management is the critical thing for how well a truck wash is being run.

Bea Urwiller doesn't have a problem if it is done correctly.

Bennett told the Commission Mr. Hervert wants to do the right thing. He has hired an engineer and he asked the Commission to consider that in making their decision. DEQ will evaluate this site to make sure it meets all of the regulations.

Erickson closed the public hearing at 8:40 PM.

Brady said he has a concern about carcass disposal, regular hours and not operating 24/7.

Hervert doesn't want dead animals dumped either. This is the first step in getting this done correctly.

Stengel said the science will work but this is a sensitive soil and the water table is very high.

Brady also has concerns of road truck traffic and the condition of the road.

Heiden questioned the time limit to review the permit.

Hoffmeister said the Commission can place conditions on the permit such as dead animal disposal and hours of operation. Hoffmeister referred to Section 6.6.

Wolfe has concerns of the high water table. Why are other truck washes being closed? This board has a responsibility to the citizens for their safety and health and to protect the water and air quality. We don't know the names of the people who will take the waste and she has some real concerns.

Stengel agreed and the only thing she would support is the commercial truck repair.

A motion was made by Heiden, seconded by Wolfe to approve the special use permit on the commercial truck repair facility and that portion only and forward to the County Board with approval on the following legal description: a tract of land comprising a part of the North Half

of the Southwest Quarter (N ½ SW ¼) of Section Nine (9), Township Twelve (12) North, Range Thirteen (13) West of the 6th P.M. in Buffalo County, Nebraska more particularly described as follows: Beginning at the Southwest corner of said North Half of the Southwest Quarter (N ½ SW ¼); thence running Northerly on the West line of said North Half of the Southwest Quarter (N ½ SW ¼), on assumed bearing of N 00° 39' 29" W, a distance of One Thousand Twenty and Nine Hundredths (1020.09) feet, thence running N 89° 58' 15" E, a distance of Nine Hundred Seventy Nine and Ninety Eight Hundredths (979.98) feet; thence running S 00° 39' 14" E, distance of One Thousand Twenty and Eight Hundredths (1020.08) feet; to a point on the South line of said North Half of the Southwest Quarter (N ½ SW ¼); thence running S 89° 58' 14" W, on the South line of said North Half of the Southwest Quarter (N ½ SW ¼); a distance at Nine Hundred Seventy Nine and Ninety Hundredths (979.90) feet, to the point of beginning. Voting yes were Heiden, Wolfe, Brady, Erickson, Keep, Skelton, Steinbrink and Stengel. Voting no: none. Absent: Skov. Motion carried.

Wolfe stated we need more research and asked the Zoning Administrator do some research of truck washes throughout the state and also other states and table until the month of June.

Keep commented 2,000 head of cattle wouldn't even need a permit in the Agriculture zone.

Hours of operation would be a concern, as would disposal of carcasses and disposal of the solid waste.

A motion was made by Wolfe, seconded by Heiden to table the livestock truck wash for two months (until June) until further information is gathered by the Zoning Administrator concerning truck washes. Voting yes were Wolfe, Heiden, Brady, Erickson, Keep, Skelton, Steinbrink and Stengel. Voting no: none. Absent: Skov. Motion carried.

Chairperson Erickson opened up the public hearing at 9:25 P.M. for the review of the Comprehensive Plan update 2022. Lonnie Dickson, Regional Planner with Hanna Keelan Associates, was present. He reviewed the proposed changes of the updated Comprehensive Plan. Dickson went over the proposed changes in population in both the entire County including cities and villages and also the predicted population increase in just the County in the next years. According to this information, there will be an increase of 280 households in the County in the next ten years. The required energy element was also added to the Comprehensive Plan. The future land use map was also reviewed.

Hoffmeister told the Commission the County does not have the rural school component as shown in the previous plan. The livestock numbers has drastically dropped from the previous plan. The City of Kearney jurisdiction line has also expanded. According to table 4.1, farm size has also changed. After further discussion there was one change that needed to be made.

The public hearing closed at 9:48 P.M.

It was moved by Brady, seconded by Skelton to approve the updated Comprehensive Plan 2022 and forward to the County Board with approval. Voting yes were Brady, Skelton, Erickson, Heiden, Keep, Steinbrink, Stengel and Wolfe. Voting no: none. Absent: Skov. Motion carried.

Old Business: Moved by Steinbrink, seconded by Heiden to approve the minutes of the March 15, 2012 as mailed. Voting yes: Steinbrink, Heiden, Brady, Erickson, Keep, Skelton, Stengel and Wolfe. Voting no: none. Absent: Skov. Motion passed.

The report on previous hearings was also given by Klein.

The next meeting of the Planning & Zoning Commission will be May 17, 2012 at 7:00 P.M. at the Buffalo County Courthouse.

Stengel moved to adjourn at 10:15 P.M.