

SECTION 504 AG - WP WELLHEAD PROTECTION OVERLAY DISTRICT

504.01 INTENT: The intent of this district is that it is to overlay any of the primary zoning districts as described in Sections 501, 502 or 503 of this Resolution, to assist municipalities which maintain and operate public water wells in the County which serve municipalities within or adjoining the County and to assist any rural water districts which may maintain and operate water wells in the County serving rural areas and municipalities within Valley County and neighboring counties in providing protection for such wells through the regulation of land uses which have the potential for contamination of the groundwater source(s) from which said wells derive water. The intent of this district is also to protect existing agricultural uses and facilitate other agricultural production uses which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public and semi-public water wells located within this district.

504.02 PREREQUISITE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT: Prior to the application of this district to any lands in Valley County, the municipality or rural water district which maintains and operates water supply wells within the County shall make application to the County seeking application of this overlay district to specified lands within the County. Prior to making such application and prior to approval of any application of this district to any lands within the County by the County Board of Supervisors, the municipality or rural water district making such application shall have first complied with all other requirements of the Wellhead Protection Areas Act (Neb. Rev. Stat. 46-1501 through 46-1509). These requirements include, but are not limited to the following:

1. Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,
2. Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Quality,
3. Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,
4. Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,
5. Formulation of and ability to implement an on-going Public Involvement / Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,
6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,
7. Willingness to execute an interlocal agreement with Valley County for the administration and enforcement of the regulations of this Wellhead Protection Agricultural District, willingness to accept the regulations set forth in this District, willingness to pay any administrative fees to the County which the parties involved agree, willingness to provide legal council to address any legal question or legal challenge to the Wellhead Protection Agricultural District regulations, together with other terms and conditions which are acceptable to the parties involved in such agreement.

504.03 LIMITATION ON APPLICATION OF THIS DISTRICT: This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environmental Quality. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries.

- 504.04 AMENDMENT OF OFFICIAL ZONING MAP:** Whenever the requirements of Section 506.02 of this Resolution have been complied with and the County Board of Supervisors has approved the application of this overlay zoning district on land with the County, in accordance with the procedures for amendment of the Official Zoning Map set forth in this Resolution, the boundaries of such overlay district shall be indicated on said Official Zoning Map.
- 504.05 ALLOWABLE, PERMITTED AND ACCESSORY USES AND STRUCTURES:** Any use or structure indicated as an allowable use, a permitted use, or an accessory use in the primary zoning district on which this well protection district is overlain, shall be allowed or permitted in accordance with the zoning permit requirements of the primary zoning district, except when specifically prohibited in Section 506.07 of this Resolution, and provided all such uses comply with the additional well head protection restrictions set forth in Section 506.08 of this Resolution.
- 504.06 CONDITIONAL USES:** Any use listed as a conditional use in the primary zoning district over which this district is overlain, except those uses specifically prohibited in Section 506.07 of this Resolution, may be authorized as a conditional use by the County Board of Supervisors in accordance with the requirements and procedures specified in this Resolution, provided all uses comply with the additional well head protection restrictions set forth in Section 506.08 of this Resolution.
- 504.07 PROHIBITED USES AND STRUCTURES:** Uses, which are listed as prohibited uses and structures according to the location of each primary zoning district, shall be as prohibited in each such primary zoning district. In addition, the following uses are specifically prohibited in any area on which this well protection overlay district is applied:
1. Confined or intensive animal feeding uses and associated waste handling facilities.
 2. Other types of waste handling facilities and landfills.
 3. Commercial and industrial uses, which utilize or produce any hazardous materials, as determined by United States Environmental Protection Agency, including commercial uses which maintain anhydrous ammonia, agricultural chemicals, other fertilizers, or bulk storage of gasoline, kerosene, or diesel fuel for resale.
- 504.08 WELL HEAD PROTECTION RESTRICTIONS:** The following restrictions shall apply to uses within any area of land on which this Well Head Protection Overlay District is applied:
1. On farm storage of gasoline or diesel fuel in excess of one thousand one hundred (1,100) gallons shall be prohibited.
 2. Fuel storage associated with irrigation well motors shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30.
 3. No fuel storage, except when associated with Item 3 (above), shall be permitted within one thousand (1,000) feet of any well protected under this zoning district:
 4. No septic tank or tile field associated with any residential, commercial, industrial or other type of use shall be permitted within one thousand (1,000) feet of any well protected under this overlay district.
 5. Domestic, irrigation and any other water wells shall not be located closer than one thousand (1,000) feet to any water well protected in under this overlay district.

- 504.69 **MINIMUM LOT AREA REQUIREMENTS:** The minimum lot area shall be as set forth in each primary zoning district according to the location of each such primary zoning district.
- 504.10 **MINIMUM LOT WIDTH AND FRONTAGE:** The minimum lot width and frontage shall be as set forth in each primary zoning district according to the location of each such primary zoning district.
- 504.11 **MINIMUM SETBACK REQUIREMENTS:** The minimum setback requirements shall be as set forth in each primary zoning district according to the location of each such primary zoning district.
- 504.12 **HEIGHT RESTRICTIONS:** The maximum height of any building or structure shall be as set forth in each primary zoning district on which this district is overlain.