

2

13357
LOT SPLIT APPLICATION
Dodge County, Nebraska

FILED
2002 PAGE 4247
BOOK

2002 JUN -3 AM 8:35

Date 3/28/02

Property Owner's Name MARVIN FUJIAN trust

Carol Aivona
DODGE COUNTY
REGISTER OF DEEDS
POSTER INDEX FEE \$

Address: 741 Cedar street, North Bend NE 68601

Phone No. 712-483-2385 - michael 402-652-8781 - Kandy

Legal Description of the Property to be split section 3 - T17N - R6E

Number of Acres being split off 6.47 Zoning District proposed split is in _____

Total Number of Acres the subdivision subdivided from 119 acres

Is a new access route needed or proposed? YES or NO?

Is a vacation of streets, alleys, setback lines, access control or easement required or proposed? YES or NO

Will a lot split result in significant increase in service requirements; e.g. Utilities, schools, traffic control, streets, county roads, etc. or will it interfere with maintaining existing service levels? YES or NO

Will this action result in a tract without direct access to a street or county road? YES or NO

Has the lot been previously split in accordance with these Regulations? YES or NO

Applicant's Name (print) Michael L FUJIAN - trustee

Applicant's Address 33431 Magnolia Rd, Minden IA 51553

Applicant's Signature *Michael Fujian*

OFFICE USE ONLY

Permit No. 02-09

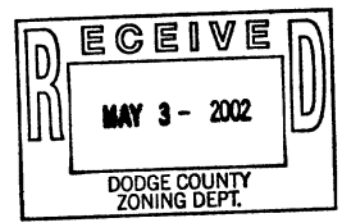
Date 5-21-02 Approved
Disapproved _____

Robert Taylor
Chairman, Dodge County Planning Commission

Date 5-29-02 Approved
Disapproved _____

Dean Tapp
Chairman, Dodge County Board of Supervisors

Dodge County Planning and Zoning Administrator
435 N. Park, Fremont, NE 68025 402/727-2724



MINUTES
DODGE COUNTY PLANNING COMMISSION

13358

Meeting of the Dodge County Planning Commission was called to order by Secretary, Jean Andrews at 7:30 P.M., Tuesday, May 21, 2002 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, Nebraska. The meeting was declared in recess in order to reach a quorum. The meeting was declared back in session at 7:37 P.M. with the following members present: Cooper, Garber, Gifford, Johnson and Reynolds. Absent: Taylor, Benes, Brabec and Rolf.

The Meeting was declared legally convened, due to Public Notice given.

Motion was made by Johnson to accept the Minutes of the April 16, 2002 meeting as mailed. Seconded by Cooper. Motion carried with the following members voting yes: Cooper, Garber, Gifford, Johnson and Reynolds. Absent: Taylor, Benes, Brabec and Rolf.

Item #4. Public Hearing: Consideration of a request of Marvin Fujan Trust c/o Michael L. Fujan, Trustee of 33431 Magnolia Rd., Minden, IA 51553 to subdivide a tract of land containing 6.47 acres and obtain a Conditional Use Permit for an existing dwelling as per Article 13, Section 4.2 Exemptions B.1 located in the NW 1/4 NW 1/4 Section 3, Township 17 North, Range 6 East in Cotterell Township, Zoning District A-2, General Ag.

Motion to open the hearing was made by Cooper and seconded by Gifford. Motion carried by voice vote. Those voting yes: Garber, Gifford, Johnson, Reynolds and Cooper. Absent: Taylor, Benes, Brabec and Rolf.

a. Testimony

For: Michael Fujan, Trustee was present to explain his dad passed away and the homestead and farm had been in the family for 70 years. His dad's plan was to sell off the acreage to one of the kids in order to keep it in the family. His brother would be the one living on the acreage and would be responsible for the liability of the property. When his mother passes away, they would sell the remainder of the ground.

Against: No one was present in opposition and no communication either written or oral was received.

Motion to close the hearing was made by Garber and seconded by Johnson. Motion carried by voice vote. Those voting yes: Gifford, Johnson, Reynolds, Cooper and Garber. Absent: Taylor, Benes, Brabec and Rolf.

b. Possible Action:

Motion to approve the request for a subdivision and conditional use permit was made by Garber and seconded by Cooper. Motion carried by roll call vote. Those voting yes were: Johnson, Reynolds, Cooper, Garber and Gifford. Absent: Taylor, Benes, Brabec and Rolf. Mr. Fujan was advised the county board would hear this request at 9:30 A.M. on Wednesday, May 29, 2002. Since the requests were approved unanimously, he need not be present at the meeting unless he wishes to do so.

SN

5. **Public Hearing:** Consideration of a request of Lavern Larsen, Agt. for Don Peterson & Assoc. of P.O. Box 1268, Fremont, NE 68025 representing Lyman & Mary Larsen to obtain a Conditional Use Permit to develop a hunting club as per Article 12, Section 2 Conditional Uses 2.3 located in the W 1/2 SW 1/4 & SW 1/4 NW1/4 Section 4, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by Gifford and seconded by Johnson. Motion carried by voice vote. Those voting yes: Reynolds, Cooper, Garber, Gifford and Johnson. Absent: Taylor, Benes, Brabec and Rolf.

a. Testimony:

SN

For: Lavern Larsen, agt for Don Peterson & Assoc. representing Lyman & Mary Larsen was present as well as Jeff Leyton, purchaser. Lavern stated he didn't know a lot about the request as Mr. Leyton approached the Larsens inquiring if they would be willing to sell the property. Mr. Leyton stated he had just become incorporated as UP and Fields Hunt Club, Inc. He stated he had managed the Sporting Clays on old Hwy 275. He went on to say his proposal would be to have 23 clients and a small shooting facility. He stated there would be no deer hunting, no rifles would be allowed and the hunts would be guided. He plans on releasing some turkeys in addition to the other game birds. He stated there would be no hunting in summer only the clay shoots. The hunts would be from October thru February. No other persons spoke in favor of the proposal.

Against: The following people were in attendance as opposition to the proposal:

Jack Luther: stated he was the landowner to the east. He said there was not enough ground for this type of shooting. He was concerned that the traveling public on Road 20 would present a danger. He stated if this were granted, the area would no longer have peace and quiet due to the shooting.

Merrill Snover: lives a mile north on the west side of Road 20 and stated that Road 20 was very busy for an unpaved road. He said this would make an increase in the danger. He stated he liked to fish at Jack Luther's and the shooting would disrupt the deer with the increased noise. He said he wanted the property to remain quiet. He said no people hunt on the property and the noise is very limited.

Nancy O'Connor: stated she wrote a letter and added this is our neighborhood and she likes it the way it is now.

Mary Reynolds stated the area is an environmentally sound neighborhood and the Maple Creek is a blessing.

Mrs. Andrews stated she had received two more letters, one from Lynn & Jeannine Moeller and the other from Keith & Marcia Johnson in opposition to the request. Motion was made by Johnson to receive the letters and place them in the file. Seconded by Garber. Motion carried by voice vote. Those voting yes: Cooper, Garber, Gifford, Johnson and Reynolds. Absent: Taylor, Benes, Brabec and Rolf.

Wayne Jacobson: stated the traffic on Road 20 is heavy now and the traffic into the Moeller property to look after their cattle would pose a danger to them what with the shooting across the creek. He asked if anyone thought of the clay pigeons landing in the creek and what impact that would make on the creek as well as the lead shot.

Leyton responded to Jacobson by stating the clay pigeons are bio-degradable and the shot is not lead, but rather steel which disipate. He stated they would be shooting towards the north into the trees which would act as a sound buffer rather than an open area.

Jacobson: stated he still feels this would pose a safety factor. He farms running a tractor without a cab and someone stands on the bridge shooting a 9 mm. automatic.

Leyton: He stated they would be shooting into the trees. He stated no rifles as they carry a long ways. The shot they would use will only carry 85 yards. The larger the shot the farther it will carry. He stated his

plan would be to have a buffer zone along the east side of Road 20. They would have 1 1/2 hour hunts one in the morning and one in the afternoon.

Duane McKenzie: said he farms the Lighty farm ground. He asked if this area was Intensive Ag. Andrews stated yes. McKenzie stated then why do we want something like this in the intensive ag area? There are 3 natural gas lines running under this property. Why are we messing with intensive ag? This is farm ground and there is private property all around here. You all know what intensive ag is. Once this passes, it is over and done with and how do you control it. This ground is private hunting ground, no one really hunts here, so the deer and pheasants aren't disturbed. I am against the proposal.

Gene Jacob: said he lives across the road a 1/4 of mile or so south. He is concerned with hurting the value of his property. If he should want to sell the property, no one would buy it with a gun range that close. He is concerned with the safety and the noise.

No one wished to speak.

Gifford asked Leyton how many clients. Leyton stated his goal was 23. They would take 4 people out at one time with a guide and dogs. He stated each member was entitled to 30 hunts. Gifford asked if the limits of the birds was the same. Leyton stated no. He said there would be no quail shooting for safety of the dogs. There would be periodic release of birds on as need basis. Gifford asked about the sporting clays and how often this would be. Leyton stated in summer months, the only people allowed to shoot clays would be the 23 clients. McKenzie asked if he was raising the pheasants. He stated he didn't mind the birds just the hunters coming on the property. Johnson asked if they would release turkeys. Leyton stated yes only to feed not to shoot. He said they are neat to watch. Nancy O'Connor stated this was all about money. We are talking about our community. Leyton stated he wasn't getting rich on this. He said you have to love the sport and that is what he does. He said the only thing he was requesting the conditional use permit for was the sporting clays. He said this board can not regulate the hunting aspect only the State Game & Parks.

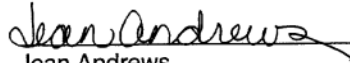
Motion to close the hearing was made by Cooper and seconded by Garber. Motion carried by voice vote. Those voting yes: Cooper, Garber, Gifford, Johnson and Reynolds. Absent: Taylor, Benes, Brabec and Rolf.

b. Possible Action:

Motion to continue this request to the next Planning Commission meeting, June 18th for the entire board to consider was made by Cooper and seconded by Johnson. Motion carried by roll call vote. Those voting yes: Garber, Gifford, Johnson, Reynolds and Cooper. Absent: Taylor, Benes, Brabec and Rolf. Mr. Larsen and Leyton were advised their requests would not be heard at the Board of Supervisors meeting on the 29th of May but would be the first item on the agenda for June 18, 2002 Planning Commission meeting.

With no further business, motion was made by Gifford to adjourn at 8:15 P.M.
Seconded by Cooper. Motion carried by voice vote. The next scheduled meeting
will be **June 18, 2002**.

Respectfully submitted,

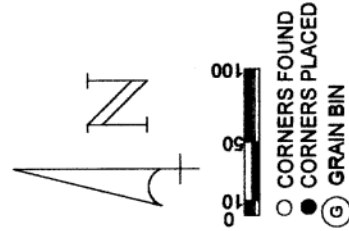
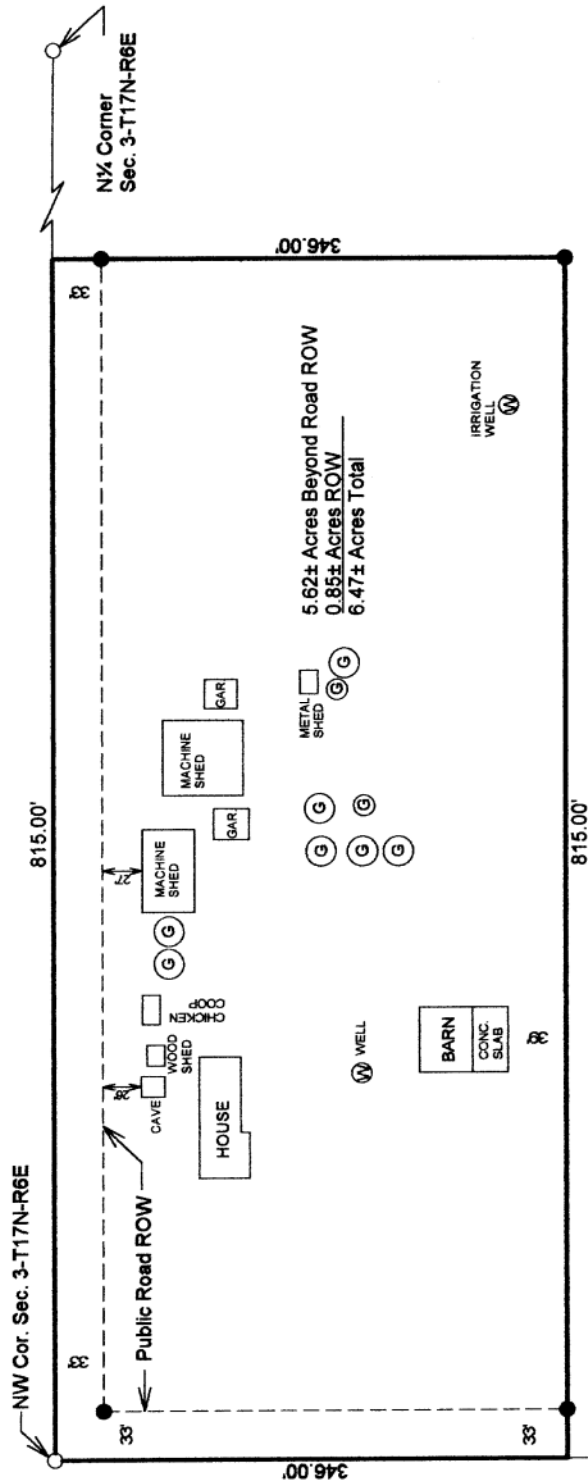


Jean Andrews,
Secretary, Dodge County
Planning & Zoning Commission

Dodge County
Planning & Zoning Commission

Approved Date

FUJAN TOPOGRAPHY PLAT in the Northwest Quarter of the Northwest Quarter of Section 3, Township 17 North, Range 6 East of the 6th P.M., Dodge County, Nebraska.



This plat is hereby approved this 29th day of May, 2002.

John Carlstrom
 John Carlstrom
 Vice-Chairman, Board of Supervisors

Fred Myky
 ATTEST: Fred Myky
 Dodge County Clerk



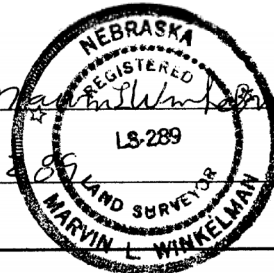
I, the undersigned licensed land surveyor, do hereby certify that I have supervised the surveying of the above and that all information shown is true and correct, to the best of my knowledge.

PROJECT Fujan Topography Plat
Sec. 3-T17N-R6E

DATE January 2002

BY *Marvin L. Winkelmann*

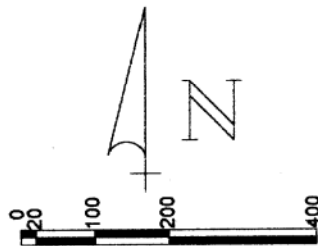
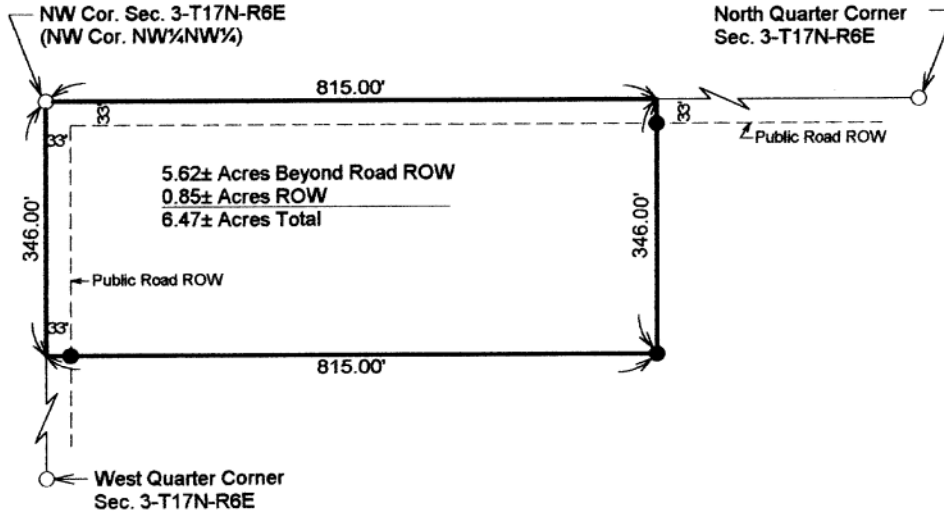
L.S. No. *LS-289*



LEGAL DESCRIPTION

The North 346.00 feet of the East 815.00 feet of the Northwest Quarter of the Northwest Quarter of Section 3, Township 17 North, Range 6 East of the 6th P.M., Dodge County, Nebraska containing 6.47 Acres more or less and being more particularly described as follows:

Commencing at the Northwest Corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, said point being the point of beginning, and going thence East along the North Margin of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 815.00 feet; thence South parallel to the West Margin of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 346.00 feet; thence West parallel to the North Margin of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 815.00 feet to a point on the West Margin of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North along said West Margin for a distance of 346.00 feet to the point of beginning. Said tract being subject to Public Road Right of Way along the North and West Margins.



○ CORNERS FOUND
● CORNERS PLACED
(5/8"x24" Rebar)

CORNER TIES

North Quarter Corner Section 3-T17N-R6E
Found 3/4" Pipe
40.76' SW to 5/8" Iron Rod
39.40' SE to 5/8" Iron Rod
8' South to Physical Centerline Road
19' West to Physical Field Division Line

Northwest Corner Section 3-T17N-R6E
(Northwest Corner NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Found Dodge County Monument Cap
28.74' NW to SW Corner Bridge Deck
28.76' NE to SE Corner Bridge Deck
62.68' SSE to Nail & Disc on Power Pole
43.31' WSW to NW Corner Square Stop Sign Post

West Quarter Corner Section 3-T17N-R6E
Found Dodge County Monument Cap
33.00' WNW to Nail & Disc on top Fence Post
33.00' East to 3/4" Pipe
53.96' SW to Nail & Disc on Power Pole
72.92' SSW to Star Bit Hole South End Conc. Culvert

I, the undersigned licensed land surveyor, do hereby certify that I have surveyed the above described tract and that all information is true and correct to the best of my knowledge.

PROJECT Fujan Survey in
Sec. 3-T17N-R6E

DATE January 2002

BY

L.S. No.

