



RESOLUTION NO. PC- 01624

SPECIAL PERMIT NO. 16004A

1 WHEREAS, Gana Trucking and Excavating has submitted an application
2 designated as Special Permit No. 16004A to renew the soil, sand, and gravel excavation operation
3 for a period of three (3) years, on property generally located at South 68th Street and Saltillo Road,
4 and legally described as:

5 Lot 23 and 25 Irregular Tracts and the Northwest Quarter of the
6 Northeast Quarter, all located in the Northeast Quarter of Section 4,
7 Township 8 North, Range 7 East of the 6th P.M., Lincoln, Lancaster
8 County, Nebraska;

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
10 public hearing on said application; and

11 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
12 property adjacent to the area included within the site plan for this soil mining excavation operation
13 will not be adversely affected by granting such a permit; and

14 WHEREAS, said site plan together with the terms and conditions hereinafter set
15 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and
16 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general
17 welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
19 Planning Commission of Lincoln, Nebraska:

Return to:
Teresa @ City Clerk

City Clerk #58.00

1 That the application of Gana Trucking and Excavating, hereinafter referred to as
2 "Permittee," designated as Special Permit No. 16004A to renew the soil, sand, and gravel
3 excavation operation for a period of three (3) years be and the same is hereby granted under the
4 provisions of Section 27.63.160 of the Lincoln Municipal Code upon condition that said operation
5 be conducted in substantial compliance with said application, the site plan, and the following
6 additional express terms, conditions, and requirements:

7 1. This permit approves mining for a soil, sand, and gravel excavation operation for a
8 period of three (3) years from the date of approval of this special permit.

9 2. Before initiating excavation operations, the permittee shall cause to be prepared and
10 submitted to the Planning Department a revised and reproducible final plot plan including 3 copies
11 with all required revisions and documents as listed below:

12 a. In Note #7, add "feet" after 2,000.

13 b. Remove the Planning Commission approval block.

14 c. Add to the General Notes that "A Road Maintenance Agreement with the
15 Lancaster County for South 68th Street shall be completed prior to beginning
16 excavating operations."

17 d. Add to the General Notes that access is limited to one access onto South
18 68th Street as shown.

19 3. Before receiving building permits the Permittee shall provide to the Planning
20 Department verification from the Register of Deeds that the letter of acceptance as required by the
21 approval of the special permit has been recorded.

22 4. Before beginning the excavation operations, the Permittee shall comply with the
23 following conditions:

- 1 a. Received review and permits, in required for the Federal NPDES and 404
2 Permits.
- 3 b. Post a performance bond in the amount of \$50,925.00 (\$525.00 per acre)
4 intended to be disturbed to assure compliance with the final reclamation
5 plan, including but not limited to regrading, topsoil conditioning, and re-
6 vegetation. A registered professional engineer must certify at closure of
7 operations that grading and final reclamation has been completed in
8 accordance with the approved plans before the bond may be released.
- 9 c. Upon completion of all terms, conditions and requirements of the special
10 permit that are to be completed before beginning operations, the Permittee
11 shall request the Director of Building and Safety to issue a certificate of
12 operation. Permittee shall not begin operation until it has received said
13 certificate of operation.
- 14 d. Applicant shall submit traffic impact information regarding anticipated use
15 of County roads along with proposed/anticipates hauling routes to the
16 County Engineer for review.
- 17 e. Applicant shall enter into a Road Maintenance Agreement with Lancaster
18 County for South 68th Street throughout the operation of the permit.
- 19 f. A sign shall be posted and maintained at the entrance to the site. The sign
20 shall be:
- 21 i. Clearly visible from the adjacent road;
- 22 ii. At least 32 square feet in area;
- 23 iii. Lettering shall be at least two (2) inches in height, black on a white
24 background and shall list:

- (a) The approved Special Permit Number;
- (b) The name, contact phone, and email address for the land owner;
- (c) The name, contact phone, and email address for the operator/contractor;
- (d) The Building and Safety Department contact number.

5. After beginning the excavation operations, the Permittee shall comply with the following conditions:

- a. Erosion controls, including retention and sediment basins, shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- b. No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- c. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- d. Excavation shall be conducted in such a way as not to constitute a hazard to any person or the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control Program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.

- 1 e. Operating hours shall be limited to daylight hours, Monday through
2 Saturday.
- 3 f. The applicant will take appropriate measures, such as street sweeping or
4 “rumble bars” as specified by the County or City Engineer to minimize mud
5 or dirt tracking onto streets and roads on a continuing (daily) basis during
6 operation.
- 7 g. Operations shall commence within one year from the date the special permit
8 is approved, or the special permit will automatically terminate and be
9 considered null and void. All existing certificates of operation shall
10 automatically terminate on the same date.
- 11 h. Within nine (9) months after the completion of excavation on any portion
12 of the site, all cuts shall be returned to a slope of less than three to one. The
13 topography and soils shall be restored and stabilized. Finally, the land shall
14 be graded, seeded, and sodded so as to prevent erosion and siltation, and to
15 protect the health, safety, and general welfare of the public.
- 16 i. Permittee shall prepare and submit an annual report to the Director of
17 Building and Safety addressing the status and extent of operations and each
18 condition of the special permit. Failure to submit the annual report shall
19 constitute just cause for the City Council to revoke the special permit.
- 20 j. Permittee shall be subject to an annual site inspection by the Director of
21 Building and Safety. The cost of such inspection shall be paid for by the
22 applicant. Cost shall be based upon the Department of Building and Safety’s
23 hourly rate in effect on the date of the application. Building and Safety shall:

- 1 i. Inspect the site to determine whether terms, special conditions, and
2 requirements imposed by the City in the approval of this special
3 permit have been met and complied with;
- 4 ii. Review all complaints from the public and other
5 departments/agencies and report to the Planning Director;
- 6 k. The County or City Engineer may require installation of traffic signs to
7 warn motorists of excavation or stone milling operations and truck traffic;
- 8 l. The construction plans shall generally comply with the approved plans;
- 9 6. At the conclusion of the operation, the Permittee shall provide to the Building and
10 Safety Department, a certificate from an engineer stating that the final grading substantially
11 reflects the finish contours shown on the approved site plan and request a release of the
12 performance bond.
- 13 7. Before starting the operation, all development and construction shall substantially
14 comply with the approved plans.
- 15 8. The physical location of all setbacks, yards, buildings, parking and circulation
16 elements, and similar matters shall be in substantial compliance with the location of said items as
17 shown on the approved site plan.
- 18 9. The terms, conditions, and requirements of this resolution shall run with the land
19 and be binding upon the Permittee, its successors, and assigns.
- 20 10. The Permittee shall sign and return the letter of acceptance to the City Clerk. This
21 step should be completed within 60 days following the approval of the special permit. The City
22 Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance
23 with the Register of Deeds, filing fees therefore to be paid in advance by the Permittee. Building
24 permits will not be issued unless the letter of acceptance has been filed.

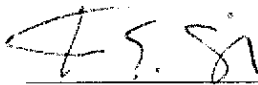
1 11. The site plan as approved with this resolution voids and supersedes all previously
2 approved site plans, however all prior resolutions approving this permit remain in full force and
3 effect as specifically amended by this resolution.

4 The foregoing Resolution was approved by the Lincoln City-Lancaster County
5 Planning Commission on this 12th day of December, 2018.

ATTEST:


Chair

Approved as to Form & Legality:


Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 16004A** - Renewal of special permit for a soil mining operation
(So. 68th Street and Saltillo Road)

TO THE CITY CLERK:

The undersigned, "Permittee" under Special Permit 16004A, granted by **Resolution No. PC-01624**, adopted by the Lincoln City-Lancaster County Planning Commission on December 12, 2018, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

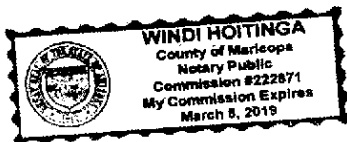
DATED the 22 day of January, 2019

Triple S&L Developers, LLC, Permittee

By Robert E. Schultz
Title: owner

STATE OF Arizona)
COUNTY OF Maricopa) ss.

The foregoing Instrument was acknowledged before me this 22nd day of Jan, 2019, by Robert E Schultz, the President of Triple S&L Developers, LLC, as permittee.



Windi Hoitiga
Notary Public

CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS:
CITY OF LINCOLN)

I, Teresa J. Meier, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit 16004A** as adopted and approved by **Resolution No. PC-01624** of the Lincoln City-Lancaster County Planning Commission at its meeting held **December 12, 2018** as the original appears of record in my office, and is now in my charge remaining as City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 17th day of December, 2018.

Teresa J Meier
City Clerk

