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Carol Givens
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Register of Deeds
DODGE COUNTY, NE

Filed:
January 31, 2020 9:07:00 AM
Fee \$0

APPLICATION FOR CONDITIONAL USE Dodge County, Nebraska

Date 12/17/2019
Property Owner's Name DAMAXCO, LLC

Address: 16811 BURDESTE STREET #125, OMAHA NE 68116

Phone No. 402-421-1933 (Home) (Work)

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: 15 OF 22.91 ACRES OF PROPERTY WILL BE EXCAVATED FOR BORROW MATERIAL TO CONSTRUCT NEW HIGHWAY 30B FOR NEBRASKA DEPARTMENT OF TRANSPORTATION

Section 6 Township 18 Range 6E Lot No. 270092041 ^{G15 PARCEL #}

Location within Section NW 1/4 Lot Size 22.91 (Sq.Ft./Acres)

Estimated Cost of Structure/Use \$ N/A Zoning District A-1

Will use in all other respects conform to the applicable regulations of the district in which it is located? YES

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? YES

How are Adjoining Properties Used (Actual Use)

North AGRICULTURE South AGRICULTURE
East AGRICULTURE West AGRICULTURE

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe.
AGRICULTURE
2. Can soil conditions support the proposed development? What is the soil classification of the area?
YES
3. Will use have adequate water, sewer and drainage facilities (approved by the Dodge County Board of Health, Dodge County Board of Supervisors, and the State of Nebraska Department of Health)?

Dodge County Planning & Zoning Administrator
435 N. Park, Rm. 204, Fremont, NE 68025
(402)727-2724

DEC 27 AM 10:27
RECORDED
Dodge County Highway Dept

4. Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads?
YES How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be?

Enclosed:

Site Plan X Soil Suitably Map N/A Easements N/A
Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency N/A

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

Application Fee of \$ 150⁰⁰ is Non-Refundable.

The Zoning Administrator or Building Inspector, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

In consideration of the issuance of this Certificate, the applicant hereby certifies that the information in this application is true and correct, and hereby certifies that compliance with the zoning, subdivision and floodplain regulations which are in effect have been met.

Applicant's Signature HAWKINS CONSTRUCTION
[Signature] Mailing Address 2516 DEER PARK BLVD
OMAHA, NE 68145

OFFICE USE ONLY

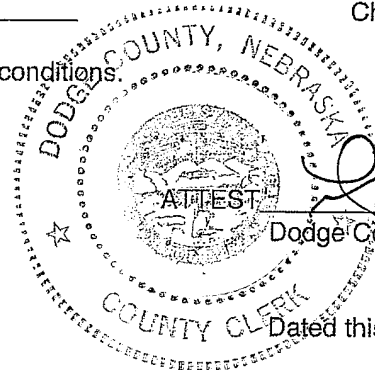
PERMIT NO. 2020-001

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 1-21-20 Approved
Approved with Added Conditions _____ Maule Brabe
Disapproved _____ Chair, Dodge County Planning Comm

Date 1-29-20 Approved
Approved with Added Conditions _____ Bob M...
Disapproved _____ Chair, Dodge County Board of Comm

See attachment for added conditions.



[Signature]
Dodge County Clerk

Dated this 29 day of January 2020

FILL EXTRACTION PERMIT
Dodge County, Nebraska

Date 12/17/2019

Property Owner's Name (print) DOMARCO, LLC

Address: P.O. BOX 542016 OMAHA, NE 68154-2016

Section 6 Township 18-N Range 6E Lot No. 27009281 ^{GIS PARCEL #}

Is a grading map attached showing existing contours, proposed excavation contours and the proposed final grade contours? YES or NO

Is a statement attached identifying the effect of the groundwater table of adjoining properties?
YES or NO WE ARE NOT EXCAVATING BELOW GROUND WATER TABLE

Is location identified of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character of runoff onto adjacent land? YES or NO

It shall be the responsibility of the owner of the land which the soil is being removed to meet the following conditions:

- The character of runoff from and onto adjacent land shall not be changed.
- Before this permit is issued, the applicant/owner must confer with the current county highway superintendent as to what routes or roads the trucks will use and the method of maintaining the routes or roads.
- There shall be no excavation closer than one hundred feet (100) of any abutting property not involved in the operation. All cuts shall be no less than four to one.
- The topsoil shall be collected, stockpiled and redistributed over the exposed soil area of the operation. The soils in the excavation area shall then be stabilized, the land graded, seeded or sodded to prevent erosion and siltation.
- The owner of the property from which the fill material is being removed shall be responsible for costs for any damage to county roads or bridges used for access to the site, which requires additional maintenance or repair from normal county maintenance or repair as a result of additional traffic generated.
- The protection of the public health and safety shall be the responsibility of the owner of the property from which the fill material is being removed. Upon observing a problem or verifying a complaint, the Zoning Administrator may order the operation to cease until the problem is resolved.

All extraction of material within a designated floodway must conform to the Floodplain Regulations.

Applicant's Signature Kevin G. Mack Kevin G. Mack Hawkins Coils

RECEIVED
Dodge County Highway Dept
DEC 27 AM 10:26

OFFICE USE ONLY

Permit No. 2020-001

Date January 29, 2020

Hawkins Const. Co. has been granted a Fill Extraction Permit, under the conditions and/or limitations, all of which must be complied with by the applicant or owner for said permit to continue valid.

This permit is valid until January 29, 2022
Date

Sean Andrews
Dodge County Zoning Administrator

**MINUTES
DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Marlin Brabec at 4:30 P.M., Tuesday, January 21, 2020 in the Board of Supervisors Room on 3rd Floor of the Courthouse, Fremont, Nebraska. The following members were present: Brabec, Giesselmann, Hansen, Rolf, Schole, Taylor and Wagner. Absent: Fooker and Ruzicka,

The meeting was declared legally convened, due to Public Notice given and is considered to be an Open Meeting.

Chairman Brabec asked if there was any communication with the applicants and the board. None were reported.

Motion was made by **Rolf** to accept the Minutes of the November 19, 2019 meeting as mailed. Seconded by **Giesselmann**. Motion carried by voice vote with the following voting yes: Giesselmann, Hansen, Rolf, Schole, Taylor, Wagner and Brabec. Absent: Fooker and Ruzicka.

Public Hearing: Consider request of Domaxco, LLC of 16811 Burdette St. #12S, Omaha, NE 68116 to obtain a Conditional Use and Fill Extraction Permits to excavate a borrow pit for the construction of new Highway 30 as per Article 12, Section 2.5 Conditional Uses located in NW ¼ Section 6, Township 18 North, Range 6 East in North Cotterell Township, Zoning District A-1, Intensive Ag.

Chairman Brabec declared the Public Hearing open.

Testimony:

For: Kevin Mack with Hawkins Construction Co. was present representing Domaxco, LLC. He stated that approximately 200,000 cubic yards of dirt would be extracted starting in either April or May for the new Highway 30. Rolf asked how deep they would go. Mack stated approximately 10 feet deep out of the area. Rolf asked if it would drain. Mack stated yes, but most likely it will not be farmed anymore.

Andrews was asked if any communication had been received either for or against the request. She stated none except the address for Domaxco was not correct. It had

been sent to the applicant twice and was returned. Mack will get another address before the county board meeting.

Against: No one was in attendance to speak against the matter.

Motion to close the public hearing was made by **Rolf** and seconded by **Hansen**. Motion carried by voice vote. Those voting yes: Hansen, Rolf, Schole, Taylor, Wagner, Brabec and Giesselmann. Absent: Fooker and Ruzicka.

Possible Action:

Motion was made by **Taylor** to recommend approval of the Conditional Use Permit based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located. Seconded by **Giesselmann**. Motion carried by roll call vote. Those voting yes: Rolf, Schole, Taylor, Wagner, Brabec, Giesselmann and Hansen. Absent: Fooker and Ruzicka. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, January 29, 2020 at 9:30 A.M.

Public Hearing: Consider request of Western Integrated Seed Inc. of 1755 Hoegemeyer Rd., Hooper, NE 68031-2125 to obtain a Conditional Use Permit to construct an Electricity Regulation substation or Solar Farm as per Article 12, Section 2. Conditional Uses (Land Use Matrix) located in the SE Corner SE ¼ Section 17, Township 19 North, Range 6 East in Ridgeley Township, Zoning District A-1, Intensive Ag.

Chairman Brabec declared the Public Hearing open.

Testimony:

For: Matt Robinette with Bluestem Energy Solutions of 950 S. 10th St., Omaha, NE 68108 was present representing Western Integrated Seed Inc. He stated that the solar farm would produce energy for Burt County Public Power as a power storage component. It would be located approximately 6 miles south of Snyder, NE and would connect to Burt County Public Power. Wagner asked if this would lower his electrical rates as they are higher than OPPD. John Dorfmeier, General Manager of Burt County Public Power was also present and replied that it was uncertain. Question was raised as to the life expectancy of the farm. Robinette stated 30 years and then it would be decommissioned. Question was asked if the equipment would end up in a landfill. Robinette stated no, that most all of the material would be recycled, but that 30 years from now, the material could be disposed of in a different manner. Rolf asked if everything would be taken down. Robinette stated they would remove everything at the time that it is decommissioned. Question was asked as to what the farm would produce. Robinette stated it would have 664 KW solar; 739 KW battery and would inject 1 meg of power to light 150 homes. No further questions were asked by the

board. Brabec asked if any communication had been received. Andrews stated she received 2 phone calls where one of the adjoining landowners wanted a copy of the minutes and Andrews will oblige.

Against: No one was present to testify against the matter.

Motion to close the public hearing was made by **Hansen** and seconded by **Schole**. Motion carried by voice vote. Those voting yes: Schole, Taylor, Wagner, Brabec, Giesselmann, Hansen and Rolf. Absent: Fooker and Ruzicka.

Possible Action:

Motion was made by **Giesselmann** to recommend approval of the Conditional Use Permit and seconded by **Rolf** based on the Conditional Use conforms to the intent and purpose of the regulations and the use conforms to regulations of the district which it is located. Motion carried by roll call vote. Those voting yes: Taylor, Wagner, Brabec, Giesselmann, Hansen, Rolf and Schole. Absent: Fooker and Ruzicka. The applicant was advised the County Board of Supervisors would hear the request on Wednesday, January 29, 2020 at 9:40 A.M.

Item #7. Continued Item. Consider amending Zoning Regulation Fees to become effective March 1, 2020 Fee Schedule. Andrews presented the board with adjoining counties' fees or proposed fee schedules. Brabec stated that the proposed fees generally raised the current fees up \$50.00. Andrews stated that some of the adjoining counties had fees for items that Dodge County does not. She stated no fees had been raised since 2012 and the cost of doing business had, of course, risen. She added that at this time, the building permit fees would remain the same as in 2012. Motion was made by **Giesselmann** and seconded by **Hansen** to recommend approval of the proposed fees regarding zoning applications. Motion carried by roll call vote. Those voting yes: Wagner, Brabec, Giesselmann, Hansen, Rolf, Schole and Taylor. Absent: Fooker and Ruzicka.

Item #8. Consider Reorganization of the Board with election of officers: Motion to retain the current officers was made by **Giesselmann** and seconded by **Wagner** for the chairman: Marlin Brabec and Secretary: Allen Rolf. Motion carried by voice vote by all members present. Vice Chairman had been held by Jeff Wacker. Motion to elect Brad Fooker as Vice-Chairman was made by **Rolf** and seconded by **Wagner**. Motion Carried by all members present.

With no further business **Hansen** moved to adjourn at 4:55 P.M. and seconded by **Taylor**. Motion carried: Brabec, Giesselmann, Hansen, Rolf, Schole, Taylor and Wagner. Absent: Fooker and Ruzicka. The next scheduled meeting will be February 18, 2020 at 4:30 P.M. if business arises.

Respectfully submitted,

Allen Rolf
Secretary, Dodge County
Planning Commission

Dodge County
Planning & Zoning Commission

Approval Date