

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION: SPECIAL USE PERMIT FOR WASTE CONNECTIONS OF**  
**NEBRASKA, INC. FOR A TRANSFER STATION**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, Rebecca Horner, Planning Director has reviewed the Transfer Station Special Use Permit application of Waste Connections of Nebraska, Inc. for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Tax Lots 4, 5, and 6 in Section 15, T13N, R11E of the 6<sup>th</sup> prime meridian, Sarpy County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the amendment to the Special Use Permit Application was held before the Sarpy County Planning Commission on April 20, 2011 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the amendment to the Special Use Permit Application was held by this Board.

- III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 2007), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. The Planning Director has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report and the site plan.
- V. The Special Use Permit Application is in compliance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Special Use Permit for a Transfer Station on the above described property on the condition that Waste Connections of Nebraska, Inc. address the dust control issues.

Dated this 10<sup>th</sup> day of May, 2011.

Moved by Jim Warren seconded by Jim Thompson that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature]

none

none

[Signature]

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[Signature]

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ABSTAIN:

none

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[Signature]  
County Clerk

Sarpy County Board of Commissioners Report  
 Staff Report Prepared: May 2, 2011  
 County Board Meeting Date: May 10, 2011

Subject	Type	By
Waste Connections of Nebraska, Inc. requests approval of a Special Use Permit for a Transfer Station on property legally described as Tax Lots 4, 5 and 6 in Section 15, T13N, R11E of the 6 <sup>th</sup> Prime Meridian, Sarpy County Nebraska.	Resolution and Public Hearing	Rebecca Horner, AICP Planning Director

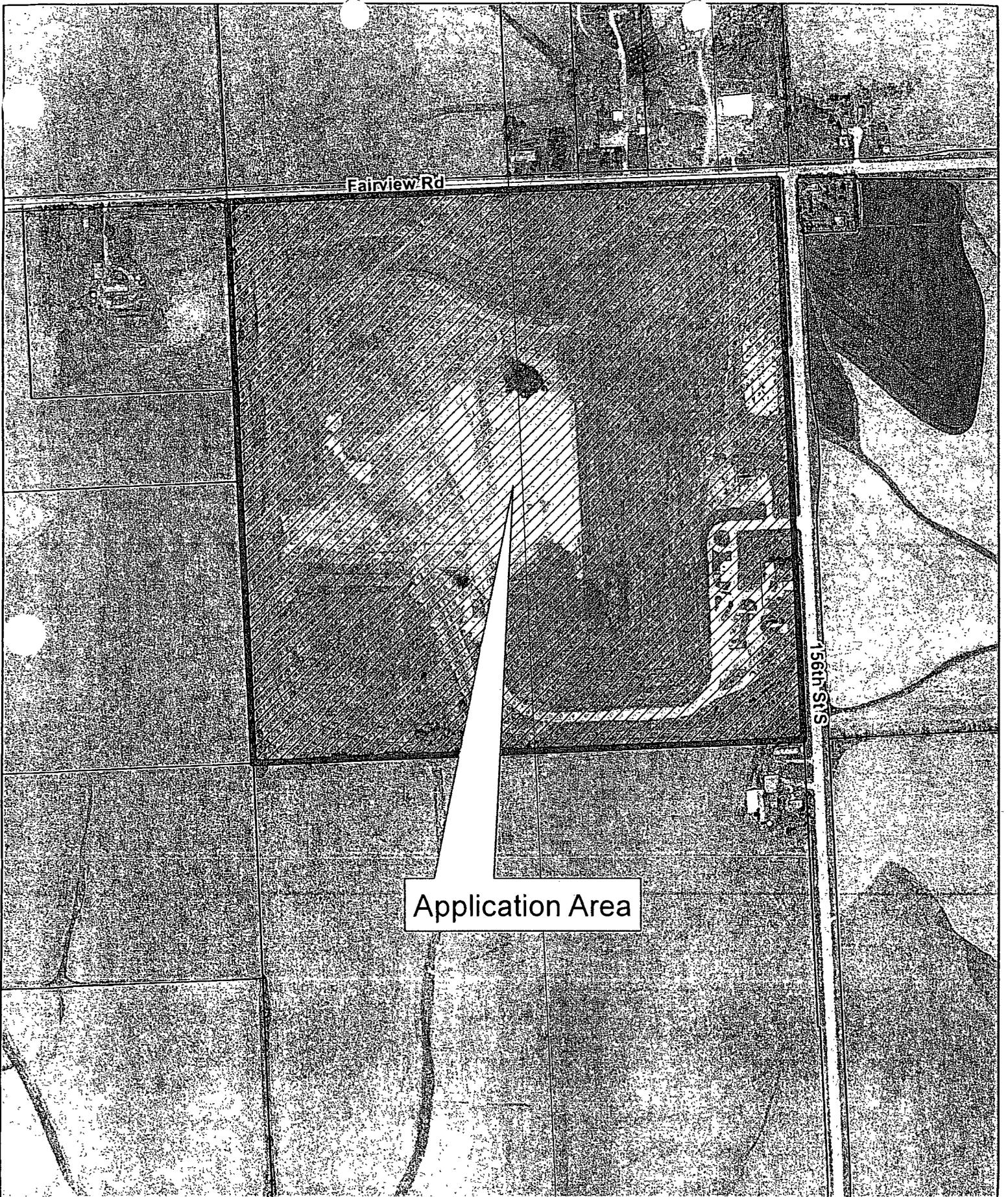
- Comprehensive Development Plan
  - The Amended Comprehensive Plan indicates this area as Industrial (Figure 5 1)
- History
  - Planning Commission heard the request on April 20, 2011 and recommended approval to the request 10-0.
    - *Lichter moved, seconded by Labart to recommend approval of a the Special Use Permit as it is of benefit the Sarpy County and is in conformance with the Amended Comprehensive Plan with the stipulation that dust control be addressed for the houses adjacent to this property. Ballot: Ayes – Bliss, Mohr, Lichter, Vanek, Thompson, Stuart, Torczon, Wear, Labart and Whitfield. Nays – none. Abstain – none. Absent – Fenster. Motion carried. (10 ayes, 0 nays)*
  - The site has operated as the Sarpy County Landfill for 30 years (verify with Scott) Recognizing the future property is limited to industrial-type uses, Sarpy County requests to rezone the property as IGM, General Manufacturing District. The IGM district is unique because it is the only district in the Sarpy County Zoning Regulations that requires a Special Use Permit for any use of the property. In that way, Sarpy County is able to review every request on a case by case basis for appropriateness.
  - Sarpy County determined the landfill will close in approximately three-four years. The Sarpy County Board negotiated a lease with Waste Connections of Nebraska for use of the site as a transfer station. Sarpy County signed the lease agreement on March 1 2011. Loads of trash will be hauled to the transfer station site, transferred into Waste Connection transfer trucks and hauled to the David City Landfill
- Analysis
  - Waste Connections provided an operations plan, which is attached. The use is proposed as follows:
    - Hours of Operation.
      - M-S 5am through 5pm (limited deliveries for select haulers from 5-8am)
      - Sunday Closed and select holidays.
  - The site will be staffed by 5-8 personnel with 6-20 additional transfer truck drivers. Parking stalls for staff are provided on site. The transfer station plans to share parking with Sarpy County Landfill staff that will remain on site to monitor the landfill.
  - The applicant plans to accept single stream and source separated recyclables in addition to waste. The site plan shows a potential growth for the recyclables portion of the use. If the applicant requests to add a recycling center at a later date, the special use permit must be amended to add the recycling center use, amend the operations plan as necessary as well as the site plan. All site plan amendments will be reviewed by Planning Commission and County Board.
  - The proposed site plan is attached. The facility is shown to be served with access to 156th Street.
  - The applicant indicates landscaping along 156th Street will fulfill the landscaping requirement and provides some screening of the proposed facilities. An existing berm on the south side of the transfer facility is to remain in order to provide screening and wind protection.
  - Waste Connections included contingency measures for emergency management and inclement weather in Table 3 of the Operations Plan.
  - The following regulations are applicable and must be addressed:
    - Screening/Landscaping

- Section 37.6 requires one tree and three shrubs per every 40' of lineal frontage along 156<sup>th</sup> Street.
- Parking
  - Section 39 2.12 Parking standards for Manufacturing, Wholesale, Warehouses and Similar Uses apply. This requires one off street parking stall for every two employees on the largest working shift.
- Grading
  - Section 38.15 requires a grading plan when the area of grading is greater than one acre. The grading permit will be applied for after the special use permit is approved.
- Hazardous Waste
  - Sections 24.2.2 (Fire Hazard) and 24.2.4 (Sewage and Liquid Wastes) apply of the IGM, General Manufacturing district. The county also must find that Sections 41.5 1(a) and (f) are met which finds the establishment, maintenance, or operation of the special use will not be detrimental to nor endanger the public health, safety, morals, comfort, or general welfare of the community and also that the special use shall not include any activity involving the storage of flammable or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material.
  - A Good Housekeeping Stormwater Pollution Prevention Plan will be required by the State of Nebraska and should address the above
- Noise
  - The hours of operation are very early The typical decibel range at 5am in this area is approximately 45-50 decibels. Staff requested the applicant to provide a noise study, which is attached. Findings and recommendations of the noise consultant are included.
- Traffic and dust control
  - Traffic on Fairview Road may create dust issues that can be mitigated by application of a dust suppressant.
- Recommendation
  - For the reasons stated above I recommend approval to the **Special Use Permit** as it conforms to the Sarpy County Comprehensive Plan and Zoning Regulations.

Respectfully submitted by:



Rebecca Horner, AICP  
Planning Director



Waste Connections of Nebraska, Inc. and Sarpy County Planning  
Tax Lots 4, 5, 6 NE1/4 of 15-13-11

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, April 20, 2011, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, 1210 Golden Gate Dr., Papillion, Nebraska 68046.

Terry & Carla Tighe, 14102 S. 108th St., request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Duane & Rose Ritter, 9211 Platteview Road, request a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential) and Preliminary Plat on property legally described as Tax Lots 5A and Tax Lot 10 in the NW 1/4 of S22, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

William Jones, 11501 Fairview Rd, requests a Special Use Permit for recreational vehicle storage on property legally described as NE 1/4 of NW 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Jody and JR Kingery, 16505 Aurora St, request a Special Use Permit for a home based salon on property legally described as Lot 66, Meridian Park, located NW 1/4 S22, T14 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Waste Connections of Nebraska, Inc. requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a Change of Zone from AG (Agricultural) to IGM (General Manufacturing) and a Comprehensive Plan amendment from Urban Residential to Industrial for property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a text change to Section 44 definitions of the Sarpy County Zoning Regulations and Section 3 of the Sarpy County Subdivision Regulations.

An agenda for the meeting kept continually current, is available for inspection at the Sarpy County Planning Department office.

**Proof of publication**

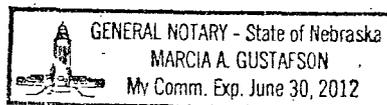
**AFFIDAVIT**

State of Nebraska, County of Douglas, ss:

Linda Shropshire, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 7<sup>th</sup> of April, 2011, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 153,944 Daily and 188,810 Sunday, in 2011.

(Signed) *Linda Shropshire* Title: Account Executive

Subscribed in my presence and sworn to before me this 4<sup>th</sup> day of May, 2011.



*Marcia A. Gustafson*  
Notary Public

Printer's Fee \$ \_\_\_\_\_  
Affidavit \_\_\_\_\_  
Paid By \_\_\_\_\_

MAY 5 2011

SARPY COUNTY  
PLANNING DEPARTMENT

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
} SS.
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, April 27, 2011

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Signature of Kirk Hoffman
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

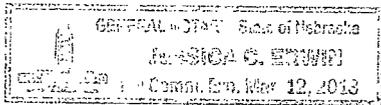
SARPY COUNTY DEPARTMENT OF PLANNING
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, AICP, Director

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, May 10, 2011, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.
Terry & Carla Tighe, 14102 S. 108th St. request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.
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Jody and JR Kingery, 16505 Aurora St., request a Special Use Permit for a home based salon on property legally described as Lot 66, Meridian Park, located NW 1/4 S22, T14 N, R11 E of the 6th P.M. Sarpy County, Nebraska.
Sarpy County Planning Department requests a text amendment to section 38 of the Sarpy County Zoning Regulations regarding stormwater regulations.
Sarpy County Planning Department requests a text amendment to section 12 of the Sarpy County Subdivision Regulations regarding stormwater regulations.
Waste Connections of Nebraska, Inc. requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, R11 E of the 6th P.M. Sarpy County, Nebraska.
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An agenda for the meeting kept continually current, is available for inspection at the Sarpy County Planning Department office.
1368676, 4/27

Today's Date 04-28-2011
Signed in my presence and sworn to before me:

Signature of Notary Public
Notary Public



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SARPY COUNTY PLANNING DEPARTMENT