



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

RECOMMENDATION REPORT

SPECIAL USE PERMIT AMENDMENT APPLICATION (SUP 16-009) WESTERN SAND AND GRAVEL COMPANY

TO ALLOW FOR THE EXTRACTION AND PROCESSING OF ROCK, GRAVEL, SAND, CLAY
AND DIRT IN THE AG (AGRICULTURAL) DISTRICT

PLANNING COMMISSION HEARING OF: October 18, 2016

I. GENERAL INFORMATION

A. APPLICANT:

Western Sand and Gravel Company
330 County Rd B, P O Box 28
Ashland, NE 68003

B. PROPERTY OWNER:

Western sand and Gravel Company
330 County Rd B, P O Box 28
Ashland, NE 68003

C. SUBJECT PROPERTY LOCATION: Subject property is located southwest of West Highway 31 at 188th Street.

D. LEGAL DESCRIPTION: Four Parcels 1) Tax Lot 1A2 exc pt for Mopac Trail & Tax Lot 1B; and 2) Tax Lot A, Tax Lot B, Gov Lot 5 S of RR, & pt of SE1/2 SE1/2, both in Sec 18, Twp 12N, Rng 11E; and 3) Tax Lot A, N of RR; and 4) Gov Lot 1, Tax Lot A, S of RR & Tax Lot 1, both in Sec 19, Twp 12N, Rng 11E, and all in Sarpy County, NE.

E. SUBJECT PROPERTY SIZE: approximately 193.5 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:

- Future Land Use Designation: Greenway
- Zoning: AG/FP (Agricultural/Flood Plain) District

G. REQUESTED ACTION(S):

To approve an amendment to an existing Special Use Permit (SUP) allowing for the extraction and processing of sand and gravel on additional land to the west of their current operation.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: This is an undeveloped site currently farmed.

B. GENERAL VICINITY ZONING AND LAND USE

The land surrounding the subject property is located within the Flood Plain of the Platte River and is zoned Agricultural, with farming to the north and west, east is the current mining operation and south is the Platte River.

C. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations: Section 9, AG – (Agricultural District)
- Sarpy County Zoning Regulations: Section 41 – Special Use Permits

III. ANALYSIS / STAFF COMMENTS

A. **COMPREHENSIVE PLAN:**

- The Comprehensive Plan shows the area as Greenway (Figure 5.1). The proposed use would be consistent with this land use designation.

B. **TRAFFIC AND ACCESS:**

- Access to the subject property will be from the existing access at Highway 31 and 188th Street.

C. **OTHER AGENCY REVIEW/COMMENTS:**

The application was sent to area jurisdictional agencies or departments within Sarpy County that may have an interest in the proposed project. Papio Missouri NRD has provided comments regarding the AE Flood Zone and the MoPac Trail along the south side of Hwy 31 (please see attached). All other responses received indicated no comments or objections to the application.

D. **GENERAL COMMENTS:**

- Applicant is requesting approval to amend the existing SUP to extend the current mining operation that is located just east of the subject property.
- The proposed new area will allow the applicant to continue their operations for an additional 15-20 years.
- The site is actively mined from April 1 to December 1 of each year, with year around maintenance activities and approximately 50 truck trips per day.
- The plant has eight employees, but provides employment for many more on an indirect basis.
- The overall site will remain unchanged except for the relocation of the dredge.
- Sarpy County Planning and Building have no record of complaints from the existing operation on file.
- The site is located within the AE Flood Zone of the Platte River and must follow Section 30, Flood Plain Regulation of the Sarpy County Zoning Regulations.
- In addition to the request to amend the SUP the applicant has requested approval of a Flood Plain Development Permit (FPD 16-020) to place the waste material (fill) from the new area within the area that is currently being mined resulting in a net reduction to elevation of areas located in the floodway. That submittal is awaiting a No Rise Certification from the Engineer of record.
- Access to the MoPac Trail and parking lot will need to remain open during all operations on the site.

IV. STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of the Amended Special Use Permit application allowing for the extension of an existing mining operation extracting and processing sand and gravel in the AG/FP (Agricultural/Flood Plain) District contingent upon the Flood Plain Development Permit being approved prior to going to County Board as the request is in compliance with the Sarpy County Comprehensive Plan and Zoning Regulations.

V. PLANNING COMMISSION RECOMMENDATION

MOTION: Amended Special Use Permit

VI. ATTACHMENTS TO REPORT

1. SUP Application and submittal documents
2. Current SUP Approvals granted in 1988 and 1999
3. Comments from various jurisdictional agencies and departments within Sarpy County.

4. Sarpy County Current Zoning Map
5. Current Development Structure Plan – Figure 5.1 of Sarpy Co. Comprehensive Plan
(Future Land Use Map)
6. Flood Zone Map

VII. COPIES OF REPORT PROVIDED TO

1. Western Sand and Gravel Company (applicant)
2. NEBCO, Inc. (Property Owner)
3. Public Upon Request



SARPY COUNTY PLANNING & BUILDING DEPT.

1210 GOLDEN GATE DRIVE, #1240

PAPILLION, NE 68046

PHONE: 402-593-1555 FAX: 402-593-1558 E-MAIL: PLANNING@SARPY.COM

SPECIAL USE PERMIT APPLICATION

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Completed Special Use Permit Application
2. Non-Refundable Fee of **\$150** made payable to Sarpy County (an additional fee of **\$25.00** is also be required to cover cost of mailing of public notifications)
3. Mailing list labels certified by a Title Company of all property owners within 300 ft. of the subject property.
4. Two (2) site plan drawings and/or other such plans and data showing the dimensions, arrangements, description, data, and other material which shall constitute a record essential to the understanding of the proposed use.
5. One (1) reduced size site plan drawing or other material provided above (8.5 x 11)
6. One (1) electronic copy of site plan drawing or other material provided above (in PDF form)
7. A detailed operational plan for propose use
8. Other information as deemed necessary by Sarpy County Planning Department
9. **Please review Section 41 of the Sarpy County Zoning Regulations for complete information, processes and submittal requirements for Special Use Permits.**

PLANNING STAFF USE ONLY:

APPLICATION #: 54P 16-009

DATE RECEIVED: 7-26-16

CP DESIGNATION: Carreenway

CURRENT ZONING DESIGNATION: AG *with some overlay*

PROPOSED ZONING DESIGNATION: AG *with some overlay*

APPLICATION FEE: \$ 150 RECEIPT NO. 2326

PUBLIC NOTIFICATION PROCESSING FEE: \$ 25.00 RECEIPT NO. 2326

RECEIVED BY: Lisa Smith

NOTES: _____

APPLICATION FILING FEES -- see Sarpy County Master Fee Schedule for the Planning and Building Department

APPLICANT INFORMATION:

NAME: Western Sand & Gravel Company E-MAIL: tjh@westernsand.com

ADDRESS: 330 County Rd B CITY/STATE/ZIP: Ashland, NE 68003

MAILING ADDRESS: PO Box 28 CITY/STATE/ZIP: Ashland, NE 68003
(IF DIFFERENT)

PHONE: 402-944-3331 FAX: 402-944-2039

PROPERTY OWNER INFORMATION: (If multiple owners, please attach separate sheet)

NAME: NEBCO, Inc. E-MAIL: tjh@westernsand.com

ADDRESS: 1815 Y Street CITY/STATE/ZIP: Lincoln, NE 68508

MAILING ADDRESS: PO Box 80268 CITY/STATE/ZIP: Lincoln, NE 68508
(IF DIFFERENT)

PHONE: 402-434-1212 FAX: 402-434-1799

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: N/A E-MAIL: _____

ADDRESS: _____ CITY/STATE/ZIP: _____

MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
(IF DIFFERENT)

PHONE: _____ FAX: _____

OPERATION PLAN / PROJECT DESCRIPTION: Describe the project in detail, including proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, other operational details, etc. – Attach as separate document entitled "Operation Plan." **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

SUBDIVISION NAME (if applicable): N/A

ASSESSOR'S PARCEL NUMBER: 010410813 ADDITIONAL PARCEL NUMBERS 010410821, 011040734, 011100591

GENERAL LOCATION: South 188th Street & Hwy 31
(example 189th & Giles Rd)

LEGAL DESCRIPTION: (Describe property to wit:) See attached information from Sarpy County property database

SIZE OF PROPERTY: 193.5 acres CURRENT ZONING: AG (FP) REQUESTED ZONING (if applicable): _____

ADDITIONAL INFORMATION: Please use this space to provide any other information you feel is appropriate for Sarpy County to consider during review of your application. Attach extra sheets if necessary.

Attached: Cover Letter, Conceptual Future Conditions Site Map, Plant Site Location Map, Sarpy County Property Reports, Certified Mailing List

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
3. The County Board will hold a public hearing and make a final decision on the Special Use Permit application.
4. Any necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Tim A. Lund
Property Owner/Applicant Signature

7/26/16
Date

I, the undersigned, understand the Special Use Permit process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

Property Owner Signature

Date

Owner Signature

Date



July 26, 2016

Mr. Bruce Fountain, Director
Sarpy County Planning Department
1210 Golden Gate Dr.
Papillion, NE 68046

**Western Sand &
Gravel Company**

P.O. Box 28
Ashland, Nebraska 68003
Telephone: 402-944-3331
FAX: 1-944-2039

RE: Special Use Permit & Floodplain Development Permit Application

Dear Mr. Fountain:

On behalf of Western Sand & Gravel Company, I respectfully request the county's approval of an amendment to a special use permit originally issued to Western Sand on May 10, 1988 and amended on June 11, 1999 for its sand pit mining operation near Louisville. The current permit authorizes the extraction and processing of sand and gravel on approximately 400 acres in the S 1/2 of section 17 and a portion of section 20, T12N, R11E. As we extract sand and gravel from these two sections in an east to west direction, we will soon be nearing a point where we will need to cross over into sections 18 and 19 in order to maintain existing operations at the site, which we refer to as our Louisville Plant. Therefore, I am submitting this letter and accompanying materials to request that the existing permit be amended to include sections 18 and 19, T12N, R11E.

In addition to the special use permit amendment, I am concurrently requesting approval of a floodplain development permit for all property described above, as this site is located in a floodplain area. Work applied for under this permit is limited to the extraction of sand and gravel and associated stripping, grading, and return of fill sand to previously excavated areas. No new building or other improvements are planned at this time. For your reference, I've attached a conceptual future conditions site map for the area that shows approximate boundaries of excavation and areas where fill would be returned. It should be noted that all fill material, typically consisting of fine sand, would originate from the site, and that the project would result in a net reduction to elevation of areas located in the floodway.

With an approved amendment and floodplain development permit, we hope to continue our operations at this site for an additional 15 – 20 years. The overall operations include active mining from approximately April 1st to December 1st, with year round maintenance activities and approximately 50 trucks per day that haul material from the site. This plant directly employs around eight individuals and many more on an indirect basis. It also provides Sarpy and surrounding counties a source for locally produced road gravel and other aggregate products. Please note that, with the exception of the location of our dredge, it is intended that the overall operations at this site will remain unchanged.

Please review the permit applications and associated materials and let me know if I can answer any questions or provide any additional details that will help in the decision making process. Should you need additional information, feel free to contact me directly at (402)-944-3088 or at the email address listed on the applications. Thank you for your time and consideration.

Sincerely,

T.J. Hyland
Project Coordinator, Western Sand & Gravel Co.



Property Detail Report

from maps.sarpy.com

Western Sand & Gravel - Special Use Permit Amendment
Parcel 1 of 4

Parcel Information

PIN: 010410821
Property Address: W HWY 31

Owner: NEBCO INC

C/O:
Mailing Address: PO BOX 80268

Legal Description: LINCOLN, NE 68501
TAX LOT A, N OF RR,
19-12-11 (9.52 AC)

Approximate Acreage: 9.5198612
Tax District: 46016



Jurisdiction Information

PLSS: NW 1/4 Section 19 T12N R11E



Zoning Information

Zoning Classification: AG
Zoning Jurisdiction: Sarpy County

Future Land Use(s): Greenway

Flood Zone Information

Drainage Basin: Platte River
Floodway: FW
Flood Zone(s): 0.2 PCT ANNUAL CHANCE
FLOOD HAZARD, AE

Service Area Information

School District: Springfield Platteview
Police District: SARPY CO SHERIFF
Fire District: DUAL FIRE SPR LOU
OPPD District: Subdivision 4

This report was dynamically assembled from various layers of geographical information, some of which is not maintained by Sarpy County. This report may or may not accurately represent the source parcel completely and correctly and is dependant on where the user clicked on the map to create it. Any reliance on this data is at the sole risk of the user.

Printed on Jul 5, 2016

Page 1

Property Detail Report

from maps.sarpy.com

Western Sand & Gravel - Special Use Permit Amendment
Parcel 2 of 4

Parcel Information

PIN: 011040734
Property Address: 19811 W HWY 31

Owner: NEBCO INC

C/O:
Mailing Address: PO BOX 80268

Legal Description: LINCOLN, NE 68501
TAX LOT 1A2 EXC PT FOR
MOPAC TRAIL & TAX LOT
1B 18-12-11 (78.35 AC)
Approximate Acreage: 78.36498731
Tax District: 46016



Jurisdiction Information

PLSS: SW 1/4 Section 18 T12N R11E



Zoning Information

Zoning Classification: AG
Zoning Jurisdiction: Sarpy County
Zoning Overlay: CD, HC
Overlay Description: Conservation Development
District, Highway Corridor
Future Land Use(s): Greenway

Flood Zone Information

Drainage Basin: Platte River
Floodway: FW
Flood Zone(s): AE, X

Service Area Information

School District: Springfield Platteview
Police District: SARPY CO SHERIFF
Fire District: DUAL FIRE SPR LOU
OPPD District: Subdivision 4

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Page 1

Property Detail Report

from maps.sarpy.com

Western Sand & Gravel - Special Use Permit Amendment
Parcel 3 of 4

Parcel Information

PIN: 010410813
Property Address: S 189TH ST

Owner: NEBCO INTERMODAL INC

C/O: ARMON W NIELSEN
Mailing Address: PO BOX 80268

Legal Description: LINCOLN, NE 68501
GOV LOT 1, TAX LOT A, S
OF RR & TAX LOT 1
19-12-11 (75.68 AC)

Approximate Acreage: 89.18122034
Tax District: 46016



Jurisdiction Information

PLSS: NE 1/4 Section 19 T12N R11E



Zoning Information

Zoning Classification: AG
Zoning Jurisdiction: Sarpy County

Future Land Use(s): Greenway

Flood Zone Information

Drainage Basin: Platte River
Floodway: FW
Flood Zone(s): 0.2 PCT ANNUAL CHANCE
FLOOD HAZARD, AE

Service Area Information

School District: Springfield Platteview
Police District: SARPY CO SHERIFF
Fire District: DUAL FIRE SPR LOU
OPPD District: Subdivision 4

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Page 1

Property Detail Report

from maps.sarpy.com

Western Sand & Gravel - Special Use Permit Amendment
Parcel 4 of 4

Parcel Information

PIN: 011100591
Property Address: S 189TH ST

Owner: NEBCO INTERMODAL INC

C/O: ARMON W NIELSEN
Mailing Address: PO BOX 80268

Legal Description: LINCOLN, NE 68501
TAX LOT A, TAX LOT B, GOV
LOT 5 S OF RR, & PT OF
SE1/2 SE1/2 18-12-11

Approximate Acreage: 16.43209367
Tax District: 46016



Jurisdiction Information

PLSS: SE 1/4 Section 18 T12N R11E



Zoning Information

Zoning Classification: AG
Zoning Jurisdiction: Sarpy County

Future Land Use(s): Greenway

Flood Zone Information

Drainage Basin: Platte River
Floodway:
Flood Zone(s): 0.2 PCT ANNUAL CHANCE
FLOOD HAZARD, AE

Service Area Information

School District: Springfield Platteview
Police District: SARPY CO SHERIFF
Fire District: DUAL FIRE SPR LOU
OPPD District: Subdivision 4

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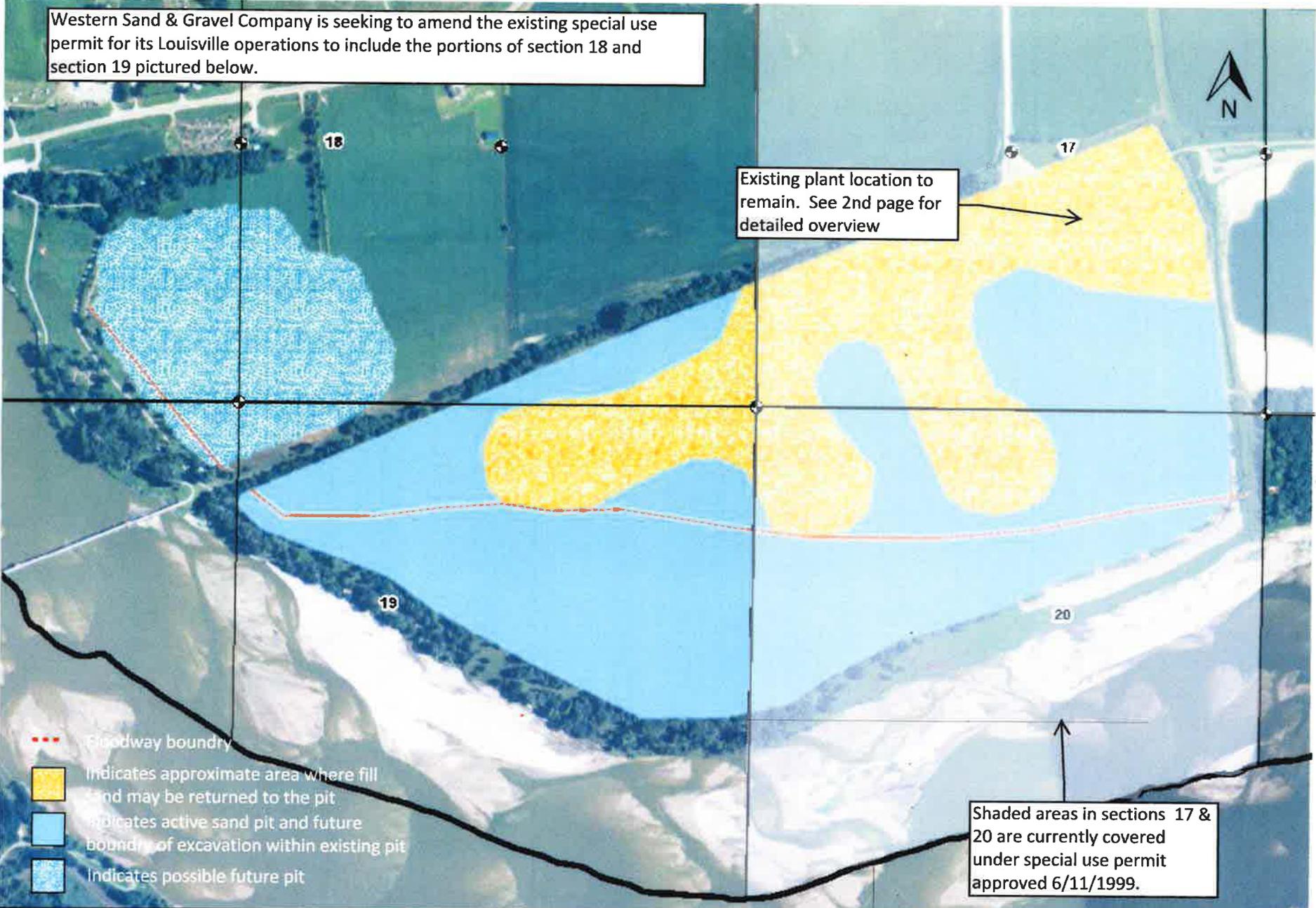
Printed on Jul 5, 2016

Page 1

Western Sand & Gravel Company is seeking to amend the existing special use permit for its Louisville operations to include the portions of section 18 and section 19 pictured below.

Existing plant location to remain. See 2nd page for detailed overview

Shaded areas in sections 17 & 20 are currently covered under special use permit approved 6/11/1999.



- Floodway boundary
- Indicates approximate area where fill sand may be returned to the pit
- Indicates active sand pit and future boundary of excavation within existing pit
- Indicates possible future pit



WESTERN SAND & GRAVEL – LOUISVILLE PLANT

18805 HWY 31 • SPRINGFIELD, NE 68059
CONCEPTUAL FUTURE CONDITIONS SITE MAP



Exiting plant location covered under special use permit dated 6/11/1999 to remain. Dredging operations to expand to sections 18 & 19 with amended special use permit.



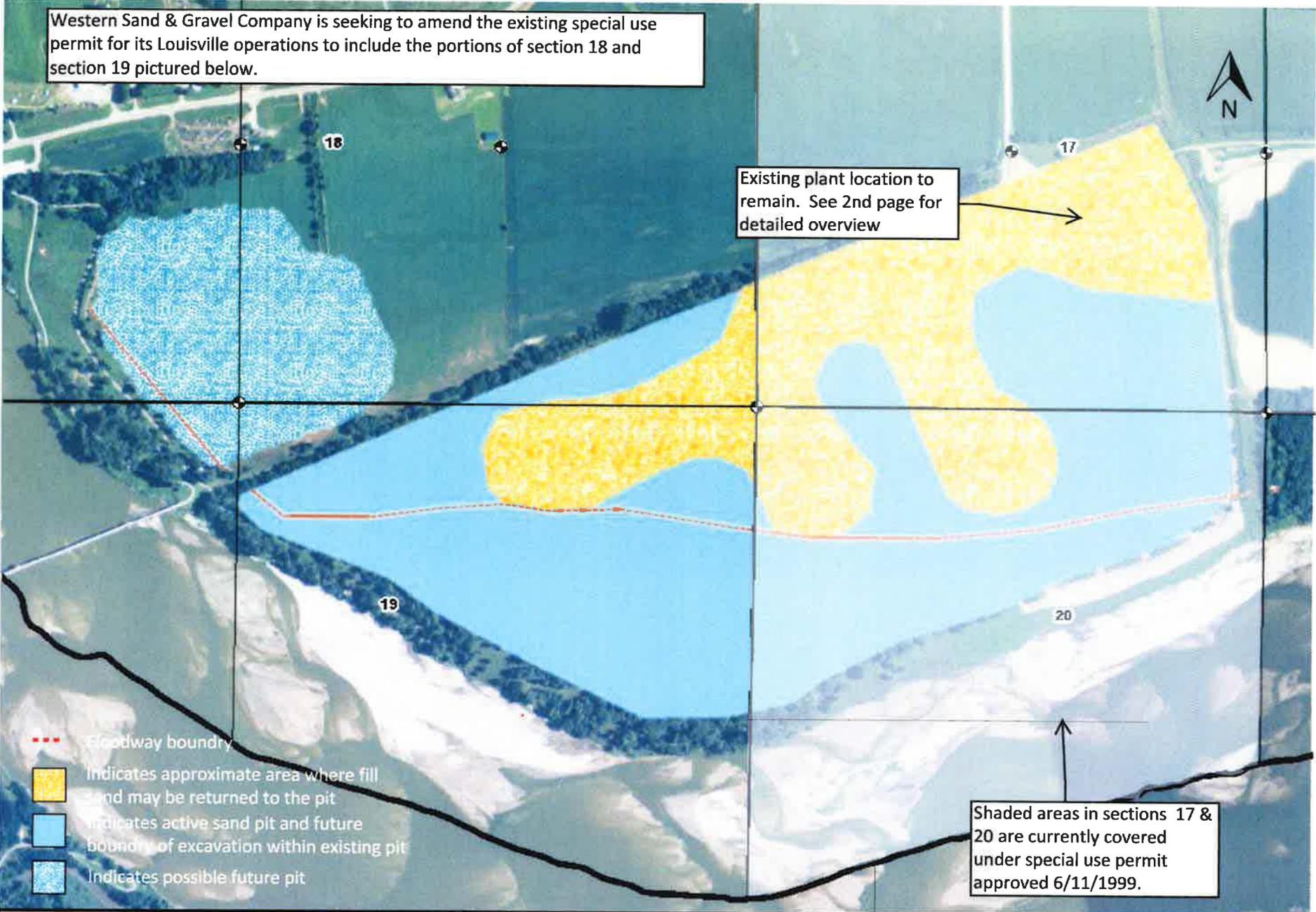
WESTERN SAND & GRAVEL - LOUISVILLE PLANT

18805 HWY 31 • SPRINGFIELD, NE 68059
EXISTING PLANT SITE LOCATION MAP

Western Sand & Gravel Company is seeking to amend the existing special use permit for its Louisville operations to include the portions of section 18 and section 19 pictured below.

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WESTERN SAND & GRAVEL – LOUISVILLE PLANT

18805 HWY 31 • SPRINGFIELD, NE 68059

CONCEPTUAL FUTURE CONDITIONS SITE MAP



Exiting plant location covered under special use permit dated 6/11/1999 to remain. Dredging operations to expand to sections 18 & 19 with amended special use permit.



WESTERN SAND & GRAVEL – LOUISVILLE PLANT

18805 HWY 31 • SPRINGFIELD, NE 68059
EXISTING PLANT SITE LOCATION MAP

OFFICE OF THE SARPY COUNTY BUILDING INSPECTOR

Application for a SPECIAL USE PERMIT No. _____

Pursuant to Section _____ of the Sarpy County Zoning Regulations, application is hereby made to the Sarpy County Building Inspector for approval of a Special Use Permit to extract and process sand and gravel.

On the following described property, to-wit:

Approximately 87 acres in sec. 18 & 19, T12N, R11, Sarpy County, Nebraska, being that property lying North of the abandoned CRIP ROW and South of Highway 31, except for approximately 20 acres at the Northern end of said tract, immediately adjacent to & South of Highway 31, being Tax Lot 1B in Section 18 Twp 12 N., Rng 11 E and Tax Lot A in Section 19 Twp. 12N., Rng 11 E.

There is hereby deposited with the Sarpy County Building Inspector the sum of \$ 50⁰⁰ Pd MJS which I understand is a nonrefundable fee. I respectfully request the Sarpy County Planning Commission and the Sarpy County Commissioners to hold a hearing on this matter after giving prior notice of the time, place and purpose of said hearing, as provided by law.

Name Western Sand & Gravel Dean Busing, General Manager

Address P.O. Box 28 by: Charles A. Soukup P.E.

Ashland, Nebraska 68003 Charles A. Soukup

Phone 944-3331 Date March 25, 1988

An application for rezoning shall be accompanied by a certified copy of the deed or other instrument on file in the office of the Register of Deeds.

To the Sarpy County Board of County Commissioners:

We, the Sarpy County Planning Commission, recommend that the foregoing application be _____

approved

Harvey W. Banner
Chairman

Dated this 25 day of April, 19 88

Be it resolved by the Board of County Commissioners of Sarpy County that the foregoing application be

approved providing Western Sand & Gravel will negotiate with the State of NEBRASKA for paving and if any
Objection this resolution may arise. 10 May, 1988

Moved by Edward T. Albert and seconded by Nancy Thompson

Yeas: Blaine Koppice Edward T. Albert Ray Lind

Nancy Thompson

Nays: Bob Walman



J. Houghtaling
County Clerk

Ray Lind
Chairman, Board of County Commissioners

OFFICE OF THE SARPY COUNTY BUILDING INSPECTOR

Application for a permit to locate an artificial obstruction within the Flood Plain District of Sarpy County.

- 1 Name of applicant Western Sand & Gravel
 Address PO Box 28
Ashtland Ne
 Zip Code 68003 Telephone Number 944-3331
- 2 Proposed Project Extract and process sand and gravel
- 3. Location of Project Street W Hwy 31 Number _____
 Tax Lot 1B Subdivision Section 18-12-11
 Tax Lot A Section 19 Township 12 Range 11
- 4 Name of waterway Platte River
- 5 Ground elevation at this location is _____ feet above mean sea level.
- 6 The lowest floor elevation, including basement, is to be _____ feet above mean sea level.
- 7 I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.
- 8 Date 4-20-88 Charles Sporking Chief Engineer
 Signature of applicant or applicants agent.

Certification of the "as built" lowest floor elevation by a Registered Professional Engineer or Land Surveyor, shall be submitted prior to obtaining permanent electrical service.

The regulatory flood elevation, plus one foot, is _____ feet above mean sea level at this location.

Approved Denied _____ Date 5-10-88 Mario J. Schmidt
Sarpy County Building Inspector

Approved _____ Denied _____ Date _____ Ray Lind
Chairman
Sarpy County Board of Commissioners

OFFICE OF THE SARPY COUNTY BUILDING INSPECTOR

Application for a permit to locate an artificial obstruction within the Flood Plain District of Sarpy County.

- 1 Name of applicant Western Sand & Gravel
Address PO Box 28
Ashtland Ne
Zip Code 68003 Telephone Number 944-3331
- 2 Proposed Project Extract and process sand and gravel
- 3 Location of Project Street W Hwy 31 Number _____
^{Tax} Lot 1B Subdivision Section 18-12-11
^{Tax Lot A} Section 19 Township 12 Range 11
- 4 Name of waterway Platte River
- 5 Ground elevation at this location is _____ feet above mean sea level.
- 6 The lowest floor elevation, including basement, is to be _____ feet above mean sea level.
- 7 I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.
- 8 Date 4-20-88 Charles Spohn Chief Engineer
Signature of applicant or applicants agent.

Certification of the "as built" lowest floor elevation by a Registered Professional Engineer or Land Surveyor, shall be submitted prior to obtaining permanent electrical service.

The regulatory flood elevation, plus one foot, is _____ feet above mean sea level at this location.

Approved Denied _____ Date 5-10-88 Marilyn Schmidt
Sarpy County Building Inspector

Approved _____ Denied _____ Date _____ Ray Lind
Chairman
Sarpy County Board of Commissioners



**Western Sand &
Gravel Company**

March 29, 1988

P.O. Box 28
Ashland, Nebraska 68003
Telephone: 402-944-3331

Sarpy County Commissioners
Sarpy County Board

Gentlemen:

We request a special use permit to extract and process sand and gravel as per attached plan and as permitted by 9.2.8 of the Sarpy County zoning and subdivision regulations.

Western Sand and Gravel is an established company with many years experience in the extraction and processing of sand and gravel and the subsequent lake front property development. Western Sand currently has dredging operations in Ashland, Fremont, and South Bend with lake front property developed in Fremont and South Bend, Nebraska.

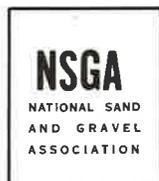
The attached plan contains approximately 60 acres of pumpable material. We plan stripping top soil in the plant site area and construction of a 100 foot protective dike at the edge of the flood way and construction of the initial access roadway starting September or October, 1988. A small diesel dredge, rotary screen and conveyor will be moved to the site the summer of 1989 to open up a small lake prior to establishment of a permanent plant site.

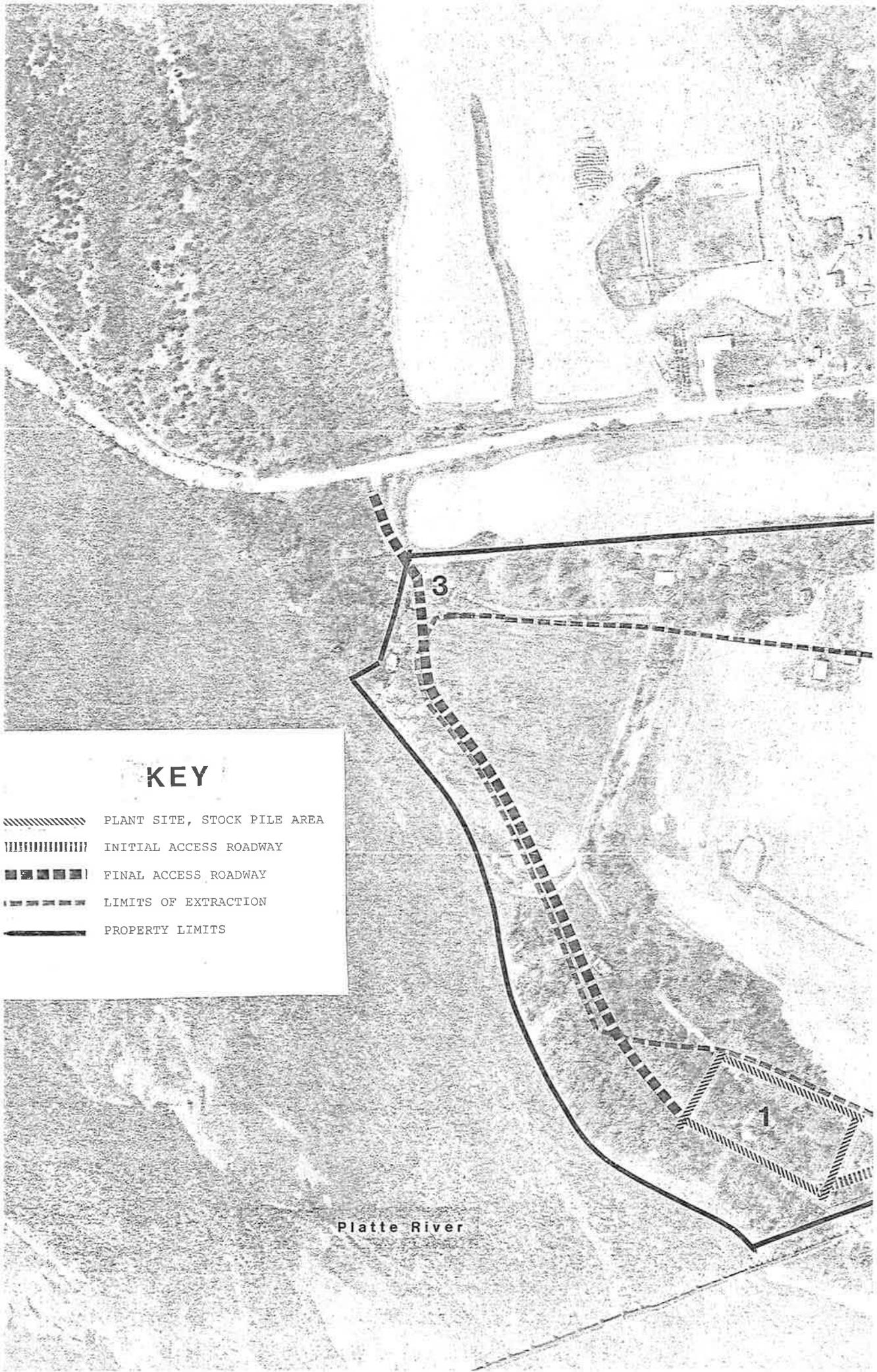
It is anticipated that our South Bend property will be depleted in the fall of 1989. This operation will then be relocated to the Sarpy County site. The operation consists of a diesel electric dredge, rotary screen, log washer, de-watering washer, stacking conveyor, slurry pump, scale house and truck scale.

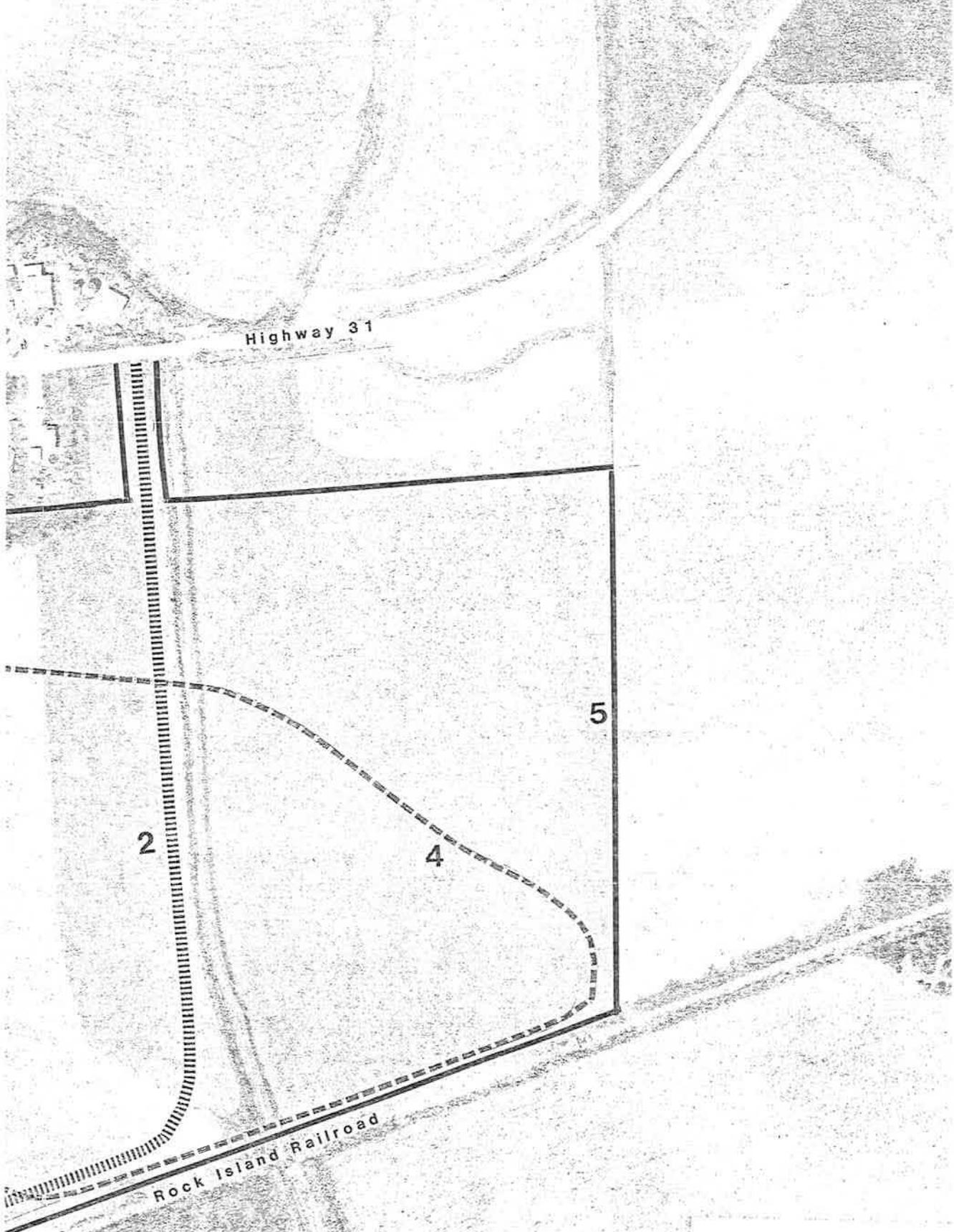
It will take approximately 10 years to deplete the site. A 40 acre lake will be left for lake front property development.

Sincerely,
Western Sand & Gravel

Charles A Soukup P.E.
Chief Engineer







PLAN

Scale 1" : 200'



North

WESTERN SAND & GRAVEL
SARPY COUNTY PLANT

Part of Section 18. &
19, T12N, R11E Sarpy
County, Nebraska

File Copy

OFFICE OF

SARPY COUNTY BUILDING INSPECTOR

MARVIN J. SCHMIDT

593-2155

Court House • Papillion, Nebraska

NOTICE OF HEARING

Notice is hereby given that Western Sand & Gravel, P.O. Box 28, Ashland,
Nebraska 68003

has (or have) made application to the Sarpy County Building Inspector for approval of
a Special Use Permit to extract and process sand and gravel.

on the following described property, to-wit: Approximately 87 acres in Sec. 18 & 19,
T 12N, R 11, Sarpy County, Nebr. being that property lying N of the abandoned
CRIP ROW and South of Hwy 31, except for approximately 20 acres at the Northern
end of said tract, immediately adjacent to & South of Hwy 31, being Tax Lot 1B
in Section 18 Twp 12N, Rng 11E and Tax Lot A in Sec. 19 Twp. 12N, Rng 11E.

A public hearing will be held before the Sarpy County Commissioners
at the Court House on the 10th day of May 1988 at 9:40 A.M.
on said application at which time all parties interested shall have opportunity to be heard.

Dated this 21st day of April 1988

Marvin J. Schmidt
Sarpy County Building Inspector

OFFICE OF
SARPY COUNTY BUILDING INSPECTOR

MARVIN J. SCHMIDT

593-2155

Court House ▪ Papillion, Nebraska

NOTICE OF HEARING

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Nebraska 68003

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on the following described property, to-wit: Approximately 87 acres in Sec. 18&19,
T 12N, R11, Sarpy County, Nebraska, being that property lying N of the abandoned
CRIP ROW and South of Hwy 31, except for approximately 20 acres at the Northern
end of said tract, immediately adjacent to & South of Hwy 31, being Tax Lot 1B
in Section 18 Twp 12N., Rng 11E and Tax Lot A in Section 19 Twp. 12N., Rng 11E.

A public hearing will be held before the Sarpy County Planning Commission
at the Court House on the 20th day of April 1988 at 7:30 P.M.
on said application at which time all parties interested shall have opportunity to be heard.

Dated this 29th day of March 1988

Marvin J. Schmidt

Sarpy County Building Inspector

Deb Houghtaling

Sarpy County Clerk

1210 Golden Gate Drive, Suite 1118
Papillion, Nebraska 68046-2895

Phone: (402) 593-2105
Fax: (402) 593-4360

Fred Uhe
Chief Deputy

June 11, 1999

Western Sand & Gravel Co.
P O Box 28
Ashland NE 68003

RE: Application for Special Use Permit
S1/2 of Sec. 17 & a portion of Sec. 20,, (approx. 400 ac.)
Sarpy County, Nebraska

Dear Applicant:

Action by the Sarpy County Board of Commissioners, at the meeting of June 8, 1999, is as follows:

- * Resolved by Gay, seconded by Schram, that the application of Western Sand & Gravel Company for a Special Use Permit to extract and process sand and gravel on the following described property: approximately 400 acres in the S 1/2 of Sec. 17 and a portion of Sec. 20, T12N, R11E of the 6th P.M., Sarpy County, Nebraska (approximately 180th & West Highway 31) be approved as an extension of the existing special use permit approved by this Board on 05/10/88, approval to include written comments from Tom Lynam, County Surveyor, and written comments #1, 3, and 4 from the Papio-Missouri River Natural Resources District's letter dated May 6, 1999. Ayes: Postlewait, Gay, O'Hara, Knott & Schram
Nays: None.

Sincerely,



Debra J. Houghtaling
Sarpy County Clerk

cc: Ken Tex, Planning Coordinator
Tamra Walz, Dep. County Attorney

**APPLICATION FOR A SPECIAL USE PERMIT
OFFICE OF THE SARPY COUNTY
CHIEF BUILDING INSPECTOR/PLANNING COORDINATOR**

Pursuant to Section 40 of the Sarpy County Zoning Regulations, application is hereby made to the Sarpy County Chief Building Inspector/Planning Coordinator requesting: approval of a special use permit to extract and process sand & gravel

On the following described property, to wit: South 1/2 of Section 17 & a portion of Section 20, approximately 400 acres.

Property Location: Township 12N, Range 11E, Sarpy County, Nebraska.

There is hereby deposited with the Sarpy County Planning and Building Director the sum of \$75.00 which I understand is a **nonrefundable** fee. I respectfully request the Sarpy County Planning Commission and the Sarpy County Board of Commissioner to hold a Public Hearing on this matter after giving prior notice of the time, place and purpose of said hearing, as provided by law.

*Pal
4-28-99
RECT#605*

Applicant's Information:

Name Western Sand & Gravel Co.
Address PO Box 28
City, St, Zip Ashland, NE 68003 Phone 402-944-3331

I/We, the undersigned, do hereby acknowledge that I/We do fully understand and agree to comply with the provisions of Section 38 of the Sarpy County Zoning Ordinance and Subdivision Regulations.

Donna A. O'Han April 28, 1999
Signature of Owner Date

To the Sarpy County Board of Commissioners:

We, the Sarpy County Planning Commission, recommend that the foregoing application be APPROVE TO INCLUDE COMMENTS FROM TOM LYNAM & NRD STATEMENTS 1, 3 & 4

Chairman, Sarpy County Planning Commission

Dated this 19th day of MAY, 19 99. *Donald E. Meyer*

Be it resolved by the Board of County Commissioners of Sarpy County that the foregoing application be a approved as an extension of the existing special use permit approved by this Board on 05/10/88, approval to include written comments from Tom Lynam, County Surveyor, and written comments #1,3,and 4 from the Papio-Missouri River Natural Resources District letter dated May 6, 1999.

Dated this 8 day of June, 19 99.

Moved by: *Timothy* Seconded by: *Tim Schram*

Yeas: *Donna A. O'Han, Tim Schram, Paul [unclear]*

Nays: *none*

Abstain: *none*

Absent: *none*

Attest: *Donna A. O'Han* *Donna A. O'Han*
Sarpy County Clerk Chairman Sarpy County Board of Commissioners





April 28, 1999

**Western Sand &
Gravel Company**

P.O. Box 28
Ashland, Nebraska 68003
Telephone: 402-944-3331
FAX: 1-944-2039

Sarpy County Commissioners
Sarpy County Board

Gentlemen:

Western Sand & Gravel Co. is presently operating a sand and gravel extraction and processing plant in Sections 18 & 19 in Sarpy County. A special use permit for this operation was granted to Western Sand & Gravel Co. on April 20, 1988.

The attached application for special use to extract and process sand and gravel in Sections 17 & 20 would allow this operation to expand to the west or up river from its present location. It will take approximately 25 years to deplete this area.

Secondary uses for the depleted areas in sections 17 & 20 are presently being considered but no decisions at this point have been made.

Sincerely,
Western Sand & Gravel Co.

Dean Busing
Sales & Production Manager



WESTERN SAND & GRAVEL

SPECIAL USE PERMIT

To extract and process sand and gravel

PROPERTY LOCATION

South ½ of Sec 17 and a portion of Sec 20, Twp 12N, Rng 11E

South of West Highway 31, west of 180th Street

AGENDA ITEM #4

Applicant: Western Sand & Gravel

Action Requested: Special use permit to extract and process sand & gravel

Legal: South ½ of Sec 17 and a portion of Sec 20, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska

Location: South of West Highway 31, west of 180th Street

Land Use:

Existing: AG

Proposed: Sand & gravel Extraction

Zoning:

Existing: AG

Proposed: AG

Land Use Map District: Conservation & Resources

Sarpy County Surveyor's Comments:

MAPA Comments: No recommendation requested.

Papio-Missouri NRD Comments:

Staff Comments: Western Sand & Gravel is presently mining the state school land east of Sec 17 & 20. They wish to expand their present operation to the west and mine Mr. Kennedy's property in Sec 17 & 20. They are presently on a special use permit and want to modify it to incorporate Sec 17 & 20 of the Kennedy property.

Staff Recommendation: Approval with NRD recommendation.



N

SITE
LOCATION

180th St

SARPY COUNTY PLANNING DEPARTMENT

REVIEW COMMENTS

Sarpy County Surveyors Office

Papio-Missouri Natural Resource District

Metropolitan Area Planning Agency

City Planning & Building Department

State of Nebraska Dept of Roads

Fire District

School District

File Copy

From: Ken Tex - Sarpy County Chief Building Inspector/Planning Coordinator

Date: May 3, 1999

Subj: *Western Sand & Gravel Company of Ashland, Nebraska 68003 requests approval of a special use permit to extract and process sand and gravel on the following described property, to wit: Approximately 400 acres in the south 1/2 of Sec 17 and a portion of Sec 20, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately 180th & West Highway 31)*

Please make any comments you may have on the above development proposal and return to the Sarpy County Planning Department no later than May 6, 1999. I can be reached at 593-2156 if there are any questions concerning the request. You may fax your comments to us at 593-4335. If you fail to make comments or return this form by the date requested, the Planning Department will assume you have no position in this matter and will therefore proceed accordingly.

Comments

No Comments

Ken A. Ly
Signature

5/6/99
Date

IF EXTENSIVE TRAVEL ON^{Country} GRAVEL RD. APPLICANT WILL PARTICIPATE IN DUST CONTROL ABATEMENT



May 6, 1999

Ms. Cindy Gilbert
Sarpy County Permits and Inspection
1257 Golden Gate Drive
Suite 10W
Papillion, Nebraska 68046

8901 S. 154TH ST.
OMAHA, NE 68138-3621
(402) 444-6222
FAX (402) 895-6543

RE: Comments on Special Use Permit for Western Sand & Gravel, Sections 17 and 20, T12N, R11E.

Dear Cindy:

According to the Flood Insurance Rate Map (FIRM), Panel 115 for Sarpy County, dated January 19, 1995, the above area is located in the floodway and floodplain of the Platte River.

It is requested by the District (Papio-Missouri River Natural Resources District), that the following provisions be included in the Special Use Permit (April 28, 1999 application date) to extract and process sand and gravel for Western Sand & Gravel.

1. Stockpiling and placing of fill in the floodway is not allowed (map attached).
2. That the levee/roadway along the Platte River bank in Section 16-12-11 (State School Land) be moved back (landward) behind the floodway boundary. The levee should be moved within a reasonable time frame. The District suggests within one (1) year after the permit is approved, as a reasonable period.
3. The construction of any buildings shall be in compliance with Sarpy County floodplain regulations (e.g. lowest floor a minimum of one foot above base flood elevations for the flood fringe area).
4. Any fill or excavation that will be performed in any waterway or wetland will require a Section 404 permit from the U.S. Army Corps of Engineers. Please contact their office at (402) 896-0723.

Papio-Missouri River Natural Resources District Board of Directors

Fred Conley
Kenneth Jansen

John H. Conley
Richard W. Jansen
Larry Peterson

Richard P. Connealy
Tim Krajicek
Wayne Rasmussen
Steven G. Oltmans, General Manager

Tim A. Heller
Joseph T. Neary
Peter Rubin

If there are any questions regarding our comments, please contact me at the letterhead address or phone number.

Sincerely,

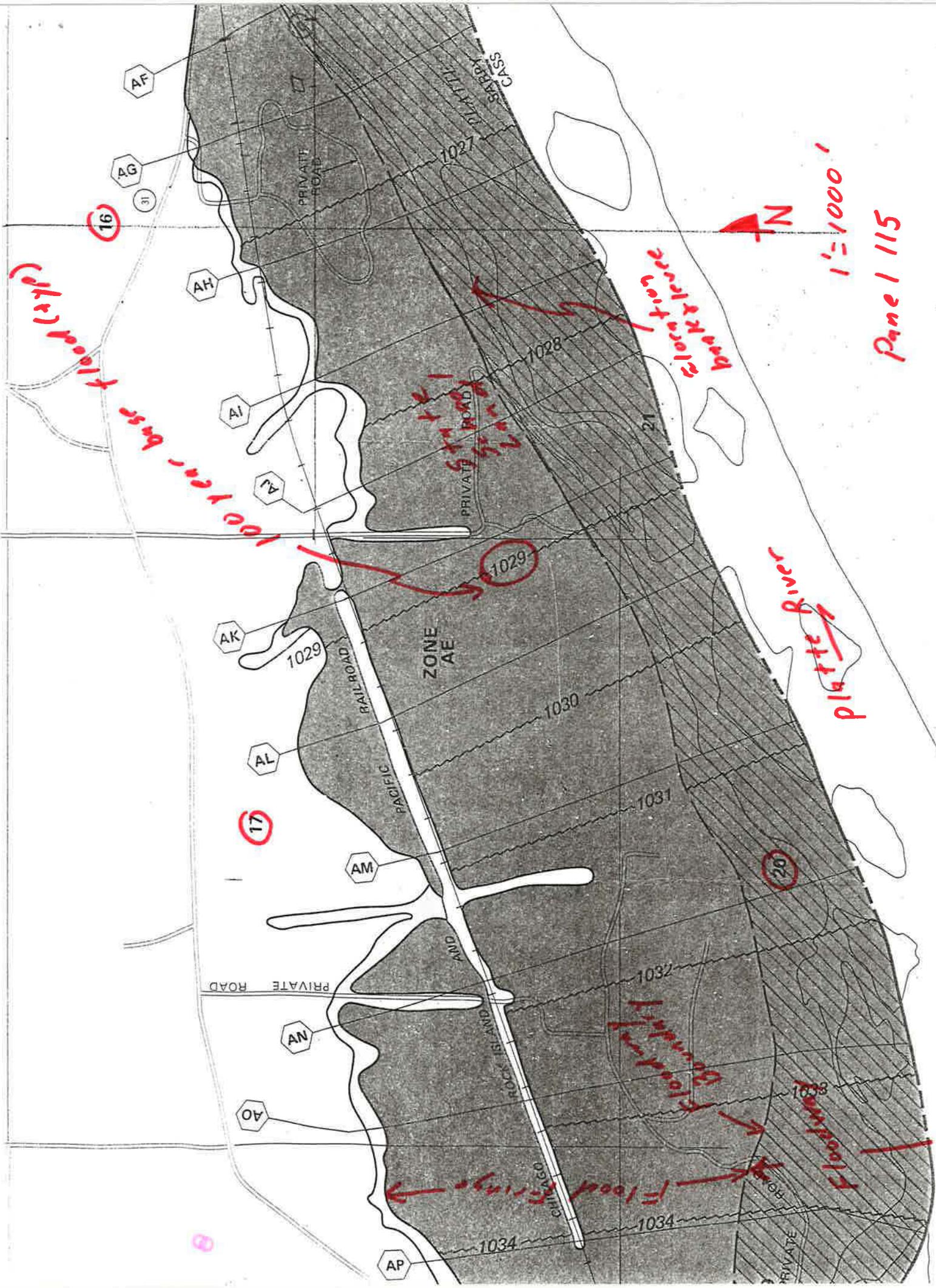
A handwritten signature in black ink that reads "Marlin J. Petermann". The signature is written in a cursive style with a large, stylized initial "M".

Marlin Petermann, P.E.
Assistant General Manager

Attachment

cc: Dean Busing, Western Sand & Gravel
Francis Kennedy, Property Owner
Ben Higgins and Steve Oltmans, P-MRNRD

Floodplain_public/western sand and gravel 050599.doc



Panel 115

1"=1000'



16

17

20

8

PO 99-

NOTICE OF HEARING

Sarpy County Board of Commissioners Public hearings for the following will be held on June 8, 1999, at 3 p.m. in the County Board Room at the Sarpy County Courthouse, Papillion, NE.

Tim and Paula Riewerts of 1001 Fifth Ave. SW, Altoona, IA 50009, request a Special Use Trailer Permit to park a single wide mobile home for recreational use only on the following described property, to wit: Lot 6E (Govt. Lot #2), Carl Schmid Park, Sec. 28, Twp. 13N, Rng. 12E of the 6th P.M., Sarpy County, Nebraska. (South 99th Street at the Platte River.)

Hearthstone Homes, Inc., of 8425 Madison St., Omaha, NE 68127, requests approval of a final plat of a subdivision to be known as Hickory Ridge (Lots 188-199, inclusive) on the following property, to wit: Being part of Tax lot 4 in the NW 1/4 of Sec 16, Twp. 14N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately 180th & Harrison)

Werner Enterprises Inc. of Omaha, NE, requests approval of a change of zone from IL to BG on the following described property, to wit: (All of Lots 2 through 9, inclusive), Prairie Corners II, a subdivision located in the NW 1/4 of Sec 25, Twp. 14N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately Cornhusker & Highway 50)

Western Sand & Gravel Co. of Ashland, NE 68003, requests approval of a special use permit to extract and process sand and gravel on the following described property, to wit: Approximately 400 acres in the south 1/2 of Sec 17 and a portion of Sec 20, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately 180th & W. Highway 31)

Jerry M. Slusky, Esquire, of 2120 S. 72nd St., Omaha, NE 68124, requests approval of a change of zone from RE to IL on the following described property, to wit: the south 1/2 of the SE 1/4 of Sec 25, Twp. 14N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (Northwest corner of Hwy 370 & 132nd St.)

Eric and Ellen Ernst of 15722 Buffalo Road, Springfield, NE 68059, request approval of a change of zone from AG to AGR and a preliminary/final plat of a subdivision to be known as River Ridge Addition on the following described property, to wit: Being a platting of part of the NW 1/4 of the SE 1/4 of Sec. 18, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (196th & W. Hwy 31, south side)

Tim Powers & JoAnn Powers of 304 LaPlatte Road, LaPlatte, NE 68123, request approval of a preliminary/final plat of a subdivision to be known as Powers Addition on the following described property, to wit, part of the south 1/2 of the SE 1/4 of Sec 23, Twp. 13N, Rng. 13E of the 6th P.M., Sarpy County, Nebraska. (304 LaPlatte Road)

An agenda for such meeting, kept continuously current, is available at the Department of Planning and Building of Sarpy County, NE, at the Sarpy County Courthouse, Papillion, NE, during normal business hours.

Dated this 28th day of May, 1999.

Ken Tex Sarpy County Chief Building Inspector/Planning Coordinator

Proof of Publication

State of Nebraska }
County of Sarpy } ss.

Dixie Cayner, being first duly sworn, deposes and says she is the

Publisher of Bellevue Leader Co. a weekly legal newspaper having a bona fide circulation of more than 300 copies published in Bellevue Nebraska;

and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published 1 time(s) on June 2, 1999

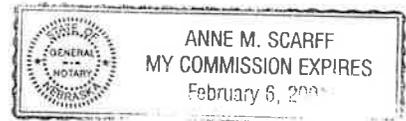
Signature of Dixie Cayner

Subscribed to in my presence and sworn to before me this

2 day of June, 1999

Signature of Notary Public

Publication Fee \$29.88



NOTICE OF HEARING

Sarpy County Planning Commission

Public hearings for the following will be held on May 19, 1999, at 7:30 p.m. in the County Board Room at the Sarpy County Courthouse, Papillion, NE.

An agenda for such meeting, kept continuously current, is available at the Department of Planning and Building of Sarpy County, NE; at the Sarpy County Courthouse, Papillion, NE, during normal business hours.

Tim and Paula Riewerts of 1001 Fifth Ave. SW, Altoona, IA 50009, request a special use trailer permit to park a single wide mobile home for recreational use only on the following described property, to wit: Lot 6E (Govt. Lot #2), Carl Schmid Park, Sec 28, Twp. 13N, Rng. 12E of the 6th P.M., Sarpy County, Nebraska. (South 99th Street at the Platte River)

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Western Sand & Gravel Co. of Ashland, NE 68003, requests approval of a special use permit to extract and process sand and gravel on the following described property, to wit: Approximately 400 acres in the south 1/2 of Sect 17 and a portion of Sec 20, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately 180th & West Hwy 31)

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Tim Powers & JoAnn Powers of 304 LaPlatte Road, LaPlatte, NE 68123, request approval of a change of zone from IL to RE1 and a preliminary/final plat of a subdivision to be known as Powers Addition on the following described property, to wit: part of the south 1/2 of the SE 1/4 of Sec 23, Twp. 13N Rng. 13E of the 6th P.M., Sarpy County, Nebraska. (304 LaPlatte Road)

Dated this 29th day of April, 1999

Ken Te Sarpy County Chief Building Inspector/Planning Coordinator

Proof of Publication

State of Nebraska }
County of Sarpy } ss.

Dixie Cavner, being first duly sworn, deposes and says she is the Publisher of Bellevue Leader Co. a weekly legal newspaper having a bona fide circulation of more than 300 copies published in Bellevue Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published May 5, 1999 time(s) on May 5, 1999

sworn, deposes and says she is the Publisher of Bellevue Leader Co. a weekly legal newspaper having a bona fide circulation of more than 300 copies published in Bellevue Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published May 5, 1999 time(s) on May 5, 1999

Bellevue Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice; that said publication is of general circulation; that attached notice was published May 5, 1999 time(s) on May 5, 1999

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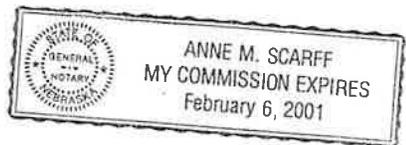
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Publication Fee \$ 30.28

SARPY COUNTY
DEPARTMENT OF PLANNING & BUILDING

Sarpy County Courthouse
1257 Golden Gate Drive, Suite 10W
Papillion, Nebraska 68046
Phone (402) 593-2156
Fax (402) 593-4335
Ken Tex, Chief Building Inspector/Planning Coordinator

April 30, 1999

Western Sand and Gravel Company
P. O. Box 28
Ashland, NE 68003

Dear Applicant:

Your request for approval of the following application is on the Agenda for the Sarpy County Planning Commission Public Hearing on May 19, 1999 at 7:30 pm and the Sarpy County Board of Commissioners Public Hearing on June 8, 1999 at 3:00 pm. Meetings are held in the Sarpy County Board Room at the Sarpy County Courthouse.

- ▶ Western Sand & Gravel Company of Ashland, Nebraska 68003 requests approval of a special use permit to extract and process sand and gravel on the following described property, to wit: Approximately 400 acres in the south ½ of Sec 17 and a portion of Sec 20, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (Approximately 180th & West Highway 31)

This application will be heard as stated above. Your presence is not required but should the board have any questions, it may be necessary to continue the application until the answer is obtained from you.

Should you need any further information, please contact our office at 593-2315.

Sincerely,



Cindy Gilbert
Sarpy County Planning & Zoning Department



October 5, 2016

Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

RE: Western Sand & Gravel, Special Use Permit W of Highway 31 at 188th Street

Mr. Bruce Fountain,

Staff from NRD have reviewed the documents delivered on September 28, 2016 for the Special Use Permit and have the following comments

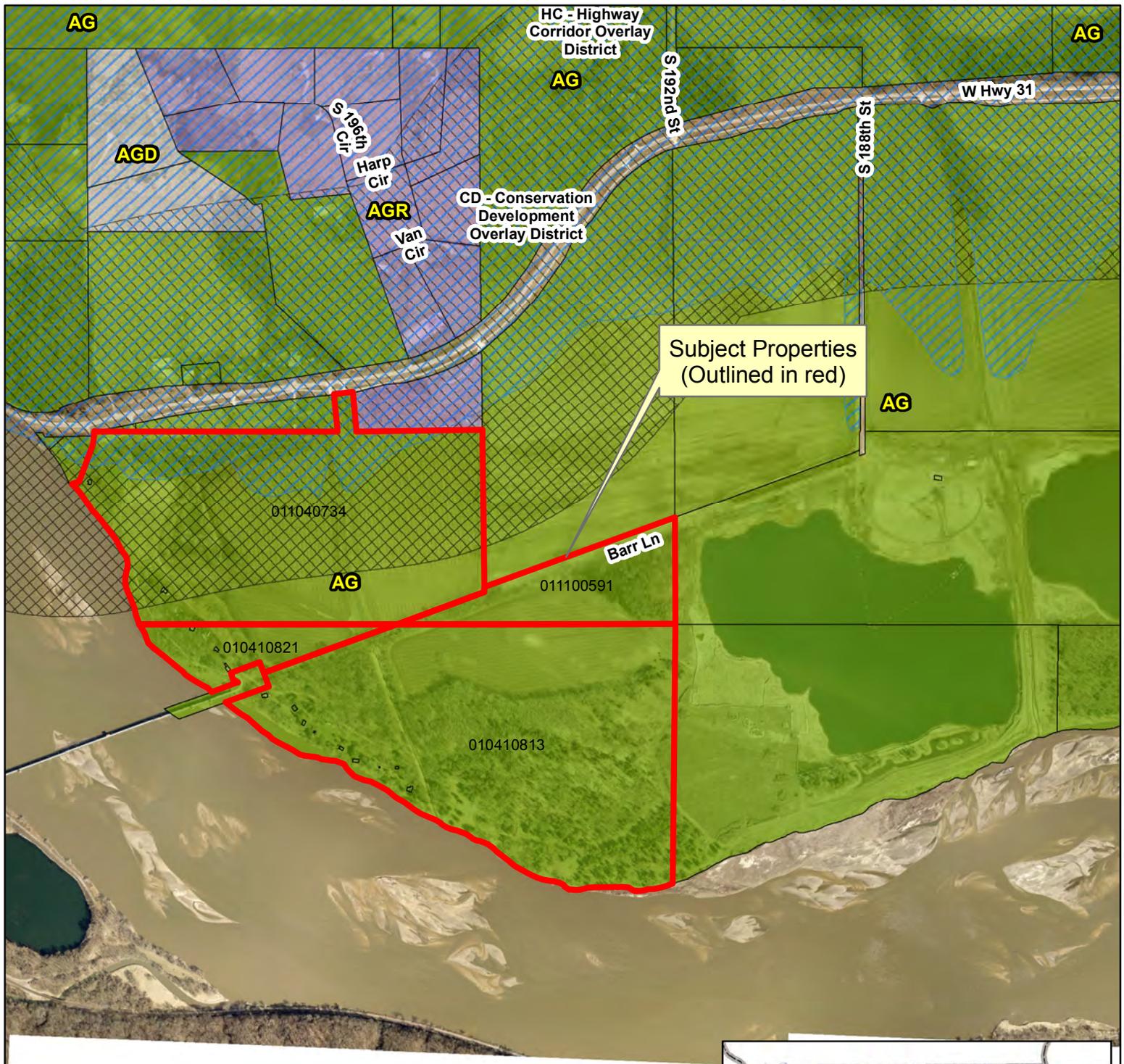
- A portion of this site is in the Zone AE flood fringe and floodway of the Platte River. Any new activities will require a floodplain development permit. If the new activities are in the floodway, a no-rise certification is required. Comments should be directed to Lori Laster, LLaster@PapioNRD.org (402) 315-1773.
- The MoPac Trail is located along the south side of Hwy 31, and follows from the parking lot on the south side of the highway at approximately 198th Street down to the Platte River at the Lied Bridge. Maintenance and operations are performed by the NRD and Nebraska Games and Parks Commission, and both agencies will need to review all specific plans for construction and ongoing operations in the area of the trail. Parking lot and trail access will need to remain open during any construction, as well as ongoing into the future. Comments should be directed to Eric Williams, EWilliams@PapioNRD.org (402) 315-1704.

Sincerely,

A handwritten signature in blue ink that reads "Eric Williams". The signature is fluid and cursive, with the first letter "E" being particularly large and stylized.

Eric Williams
Natural Resources Planner
Papio-Missouri River NRD

CC: Donna Lynam, Kelly Jeck – Sarpy County
Lori Laster – NRD
James Swenson – Nebraska Game and Parks Commission



Legend

 WesternSandGravelSUP

Zoning Overlay District

Zoning Classification

 HC - Highway Corridor Overlay District

 CD - Conservation Development Overlay District

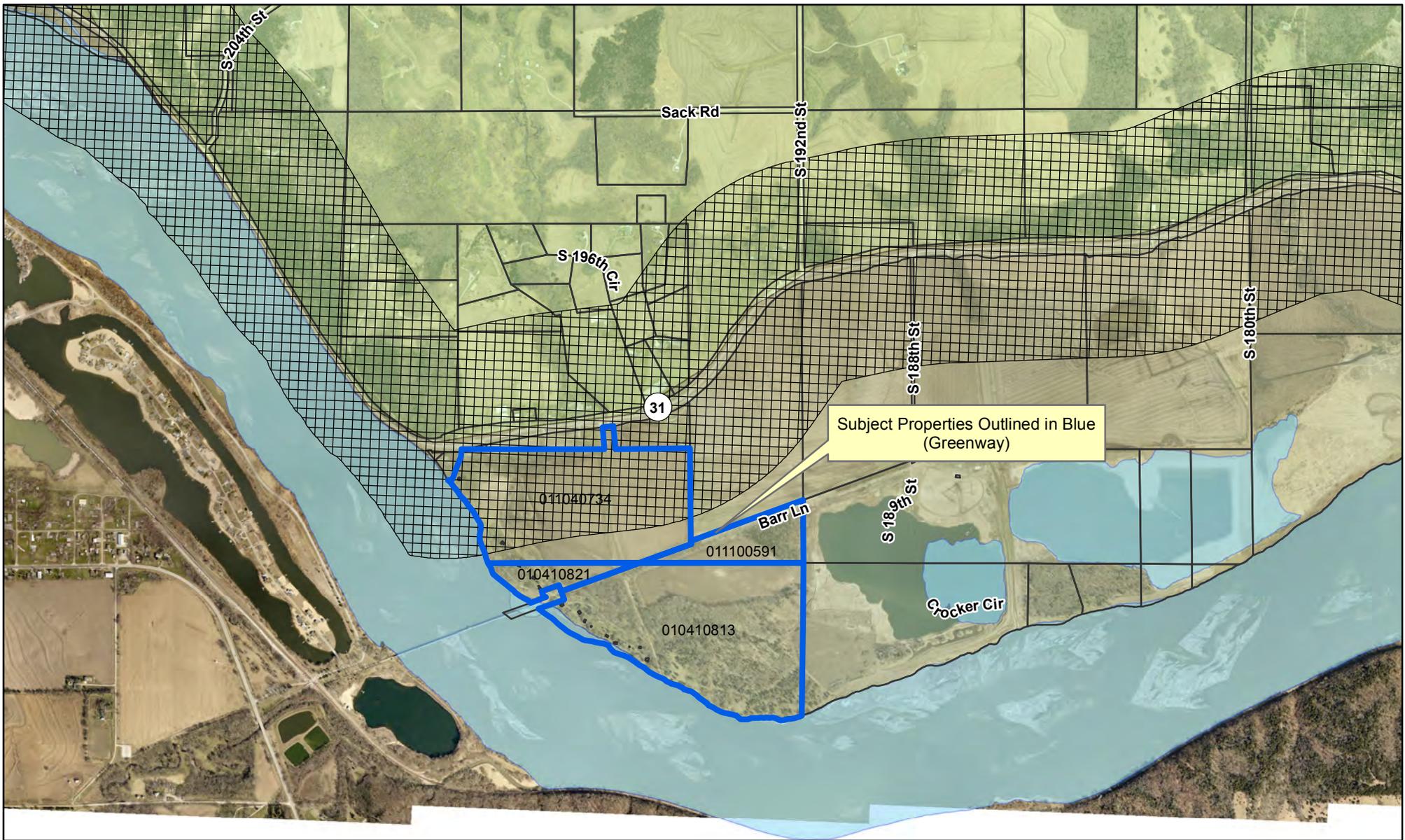


Vicinity Map - Current Zoning

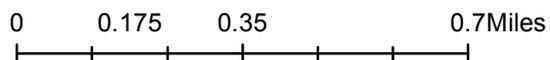
Four properties southwest of W Hwy 31 & 188th Street: 1) 010410821 2)011040734;
3) 010410813; 4) 011100591

Western Sand & Gravel - Special Use Permit





Current FLU - Sarpy Co

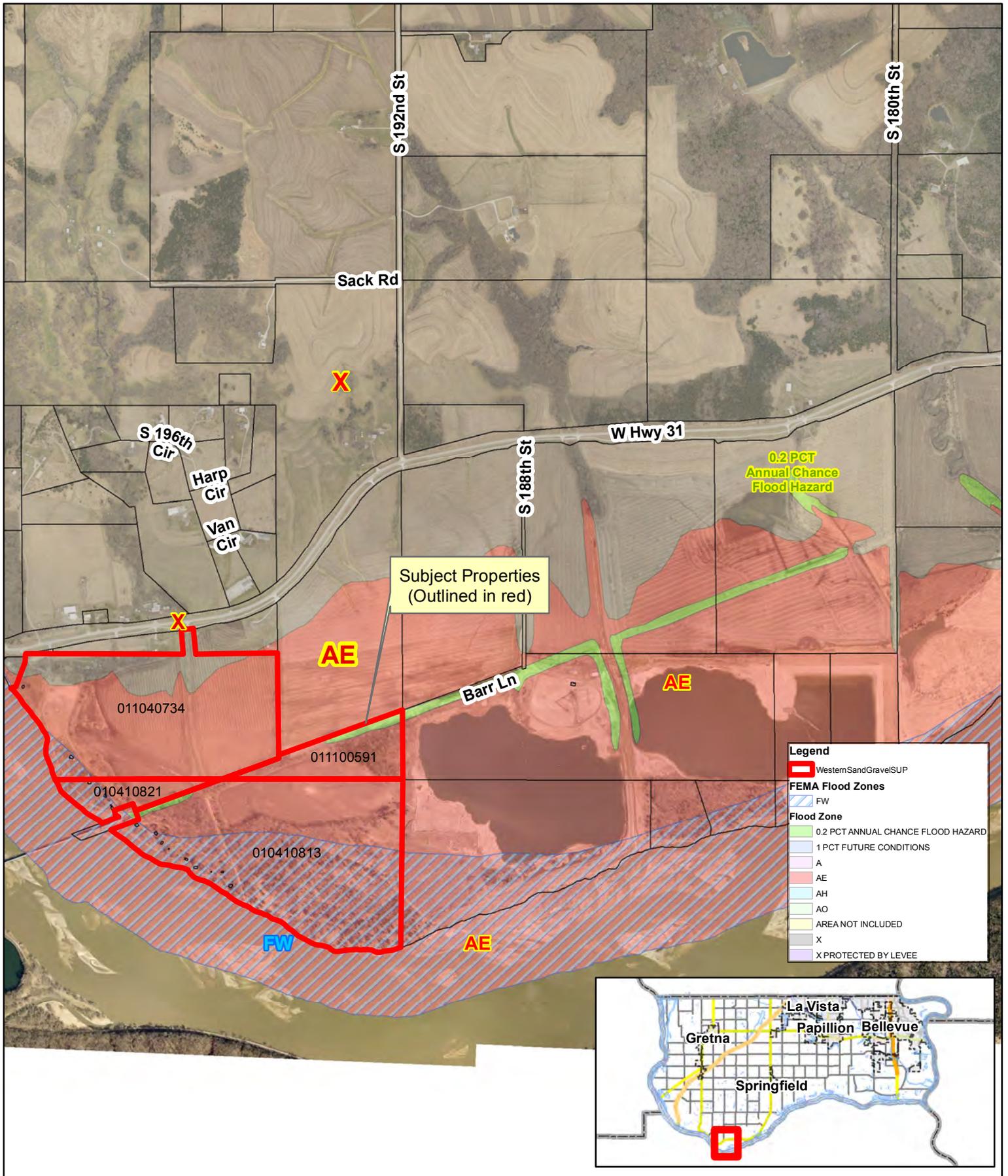


Four properties southwest of W Hwy 31 at 188th Street: 1) 010410821 2) 011040734;
 3) 010410813; 4) 011100591
 Western Sand & Gravel - Special Use Permit

Comprehensive Development Plan
Figure 5.1: Development Structure Plan
 Sarpy County, Nebraska

Legend

Highway Corridor Overlay	Long Term Residential Growth	Cross County Arterial
Land Use Proposed	Mixed Use	City Limit
Bellevue Future Growth	Mixed Use Center	City ETJ
Business Park	New Richfield Village	
Civic	Park/School Site	
Conservation Residential	Plug Interchange Development	
Estate Residential	Residential - Community Systems	
Greenway	Urban Residential	
Industrial	Urban Residential II	
Light Industrial/Storage		



Vicinity Map - Flood Zones

Four properties southwest of W Hwy 31 at 188th Street: 1) 010410821;
2) 011040734; 3) 010410813; 4) 011100591

Western Sand & Gravel - Special Use Permit

