

**AGENDA**  
**DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, January 21, 2020 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M. – Roll Call – Declaration of Open Meeting
2. Legality of Meeting – Approval of Agenda
3. Declaration of Exparte
4. Approval of Minutes of November 19, 2019 Meeting
  
5. **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.

Testimony:

For:

Against:

Possible Action:

6. **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.

Testimony:

For:

Against:

Possible Action:

7. **Continued item:** Consider amending Zoning Regulation Fees to become effective March 1, 2020, Fee Schedule attached and possible action
  
8. Reorganization of Board – Election of Officers
  
9. Other business brought to the board (by published Addendum)
  
10. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON JANUARY 10, 2020. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE  
PUBLIC MEETING AND HEARINGS  
DODGE COUNTY PLANNING COMMISSION  
AND  
DODGE COUNTY BOARD OF SUPERVISORS**

**NOTICE IS HEREBY GIVEN**, that public hearing of the Dodge County Planning Commission will be held during their regularly scheduled meeting, January 21, 2020 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, January 29, 2020 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3<sup>rd</sup> floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following item:

1. 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.
2. 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.
3. **Continued Item:** Consider amending Zoning Regulation Fees to become effective March 1, 2020, Fee Schedule attached and possible action
4. Reorganization of Board – Election of Officers

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.

DODGE COUNTY PLANNING COMMISSION - CONDITIONAL USE PERMIT

Based on the record in this case of the application of Domaxco, LLC for a conditional use permit, the Dodge County Planning Commission finds as follows (check as many as apply):

DISAPPROVAL - FACTUAL FINDINGS:

- 1. Does not protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will be injurious to the health, safety, morals and general welfare of the area.
- 3. Conditional use does not conform to the intent and purpose of the regulations and the comprehensive plan.
  - a. Use does not conform to regulations of the district in which it is located.
  - b. Ingress and egress are not designed to minimize congestion in the public street, road or highway.
  - c. Use is not in harmony with the character of the area and most appropriate use of the land.
  - d. Use does not conserve and stabilize the value of the property.
  - e. Use does not provide adequate open space for light and air.
  - f. Use adversely affects concentration of population.
  - g. Use congests public streets.
  - h. Use does not promote public safety, health, convenience and comfort.
  - i. Other: \_\_\_\_\_  
\_\_\_\_\_

APPROVAL - FACTUAL FINDINGS:

- 1. Conditional use protects the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area.

- \_\_\_\_\_ 3. Conditional use conforms to the intent and purpose of the regulations and the comprehensive plan.
- \_\_\_\_\_ a. Use conforms to regulations of the district in which it is located.
  - \_\_\_\_\_ b. Ingress and egress are designed to minimize congestion in the public street, road or highway.
  - \_\_\_\_\_ c. Use is in harmony with the character of the area and most appropriate use of the land.
  - \_\_\_\_\_ d. Use conserves and stabilizes the value of the property.
  - \_\_\_\_\_ e. Use provides adequate open space for light and air.
  - \_\_\_\_\_ f. Use does not adversely affect concentration of population.
  - \_\_\_\_\_ g. Use does not congest public streets.
  - \_\_\_\_\_ h. Use promotes public safety, health, convenience and comfort.
  - \_\_\_\_\_ i. Other: \_\_\_\_\_  
\_\_\_\_\_

DATED this 21 day of January, 2020.

BY: \_\_\_\_\_



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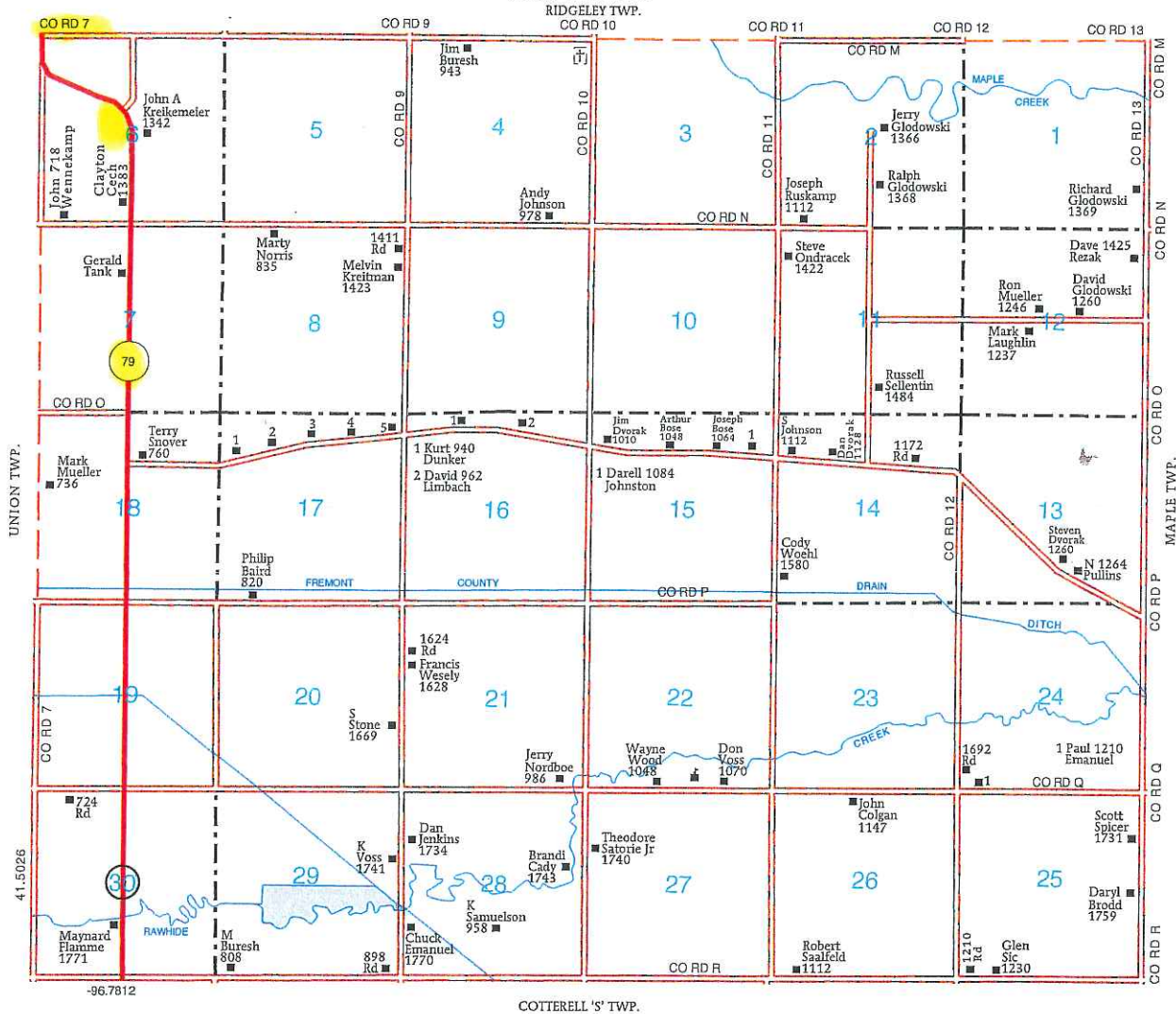


524 River Ave. North • Belmond, IA 50421  
641-444-3508

T-18-N

## COTTERELL 'N' DIRECTORY

R-6-E



- COTTERELL 'N'**  
TOWNSHIP  
SECTION 17
- 1 Mitties, I 810
  - 2 Mullally, John 832
  - 3 850
  - 4 Flamme, Vernon 870
  - 5 Witthuhn, J 858

APPLICATION FOR CONDITIONAL USE  
Dodge County, Nebraska

Date 12/17/2019  
Property Owner's Name DOMAXCO, 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 30 FOR NEBRASKA DEPARTMENT OF TRANSPORTATION

Section 6 Township 18 Range 6E Lot No. 270092041 <sup>GIS PARCEL #</sup>

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.

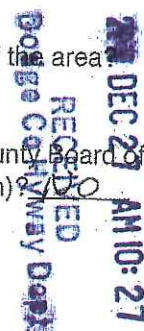
1. What is the general character of the area? Describe.

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)?



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 \$ 150<sup>00</sup> 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 \_\_\_\_\_  
Disapproved \_\_\_\_\_ Chair, Dodge County Planning Comm

Date 1-29-20 Approved \_\_\_\_\_  
Approved with Added Conditions \_\_\_\_\_  
Disapproved \_\_\_\_\_ Chair, Dodge County Board of Comm

\_\_\_\_ See attachment for added conditions.

ATTEST \_\_\_\_\_  
Dodge County Clerk

Dated this 29 day of January 2020

# GRADING / SITE PLAN



EXISTING DRIVEWAY FOR ACCESS TO HWY 30. USE FOR CONSTRUCTION ENTRANCE

AREA TO BE EXCAVATED

PROPOSED ELEVATION AFTER EXCAVATION IS COMPLETE: 1356

EXISTING ELEVATION: 1366

79

7-BI Wd

1 516 st



**FILL EXTRACTION PERMIT  
Dodge County, Nebraska**

Date 12/17/2019

Property Owner's Name (print) DOMAXCO, LLC

Address: P.O. BOX 542016 OMAHA, NE 68154-8016

Section 6 Township 18-N Range 6E Lot No. 270092841 <sup>GIS PARCEL #</sup>

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 Consulting

RECEIVED  
Dodge County Highway Dept  
DEC 27 AM 10:26

**OFFICE USE ONLY**

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Permit No. 2020-001

Date \_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_  
Date

\_\_\_\_\_  
Dodge County Zoning Administrator

**DODGE COUNTY**  
**BUILDING INSPECTION & ZONING DEPARTMENT**

JEAN ANDREWS, Zoning Administrator

Courthouse - 435 N. Park, Room 204  
Fremont, Nebraska 68025  
Phone: (402) 727-2724

January 10, 2020


Domaxco, LLC  
16811 Burdett St. #12S  
Omaha, NE 68116

Good Day!

Enclosed please find a copy of the agenda for the Planning Commission meeting to be held January 21, 2020 at 4:30 P.M. on third floor of the Courthouse, Fremont, NE. You or your representative should make an effort to attend this meeting to answer any questions the board may have. Please come to the east door of the Courthouse for admittance and go directly up to third floor. In addition, please plan to attend the Dodge County Board of Supervisors meeting on January 29, 2020 where your application will be heard at 9:30 A.M.

If you have any questions, please feel free to contact my office.

Thank you,

  
\_\_\_\_\_  
Jean Andrews,  
Dodge County Zoning Administrator

Enclosure

Cc: Kevin Mack, Hawkins Construction Co.

**DODGE COUNTY  
BUILDING INSPECTION & ZONING DEPARTMENT**

JEAN ANDREWS, Zoning Administrator

Courthouse - 435 N. Park, Room 204  
Fremont, Nebraska 68025  
Phone: (402) 727-2724

January 10, 2020

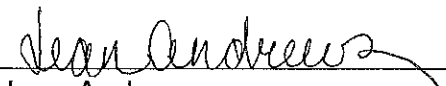
Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a public hearing on Tuesday, January 21, 2020 at 4:30 P.M. in the Dodge County Board of Supervisors Room, 3<sup>rd</sup> Floor, Dodge County Courthouse, Fremont, NE 68025 to 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.

The Dodge County Planning Commission will hold a public hearing on this matter at 4:30 P.M., Tuesday, January 21, 2020 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, NE. Since your property adjoins the property that is requesting the Conditional Use Permit, it is a requirement that we notify you of such hearing.

If you have any objections or comments of this proposal, please send them in writing to this office or appear at the meeting and express them verbally.

Thank you,



Jean Andrews,  
Dodge County Zoning Administrator

DODGE COUNTY TITLE & ESCROW CO., LLC  
549 NORTH MAIN STREET,  
FREMONT, NE 68025  
402-721-5833

RECEIVED  
Dodge Co Highway Dept  
DEC 27 AM 9:08

### NAME AND ADDRESS SEARCH

Request Made By: **Hawkins Construction**

We, **DODGE COUNTY TITLE & ESCROW CO., L.L.C.**, hereby certify that we have checked the records of the County Assessor of Dodge County, Nebraska, for the purpose of presenting a list to the Zoning Administrator of said County and find the following named persons are shown as property owners of land adjoining the property described as:

**The Northeast Quarter of the Northwest Quarter and Tax Lots 5, 6, 7 and 8 in Section 6, Township 18 North, Range 6 East of the 6th P.M., Dodge County, Nebraska.**

The list of names and addresses include all property owners within 300 feet of said property:

<b>Maple Valley Farms, LLC 1215 County Rd 11 Scribner, NE 68057-2127</b>	<b>NW1/4NE1/4 &amp; TL 1</b>	<b>1 - 18 - 5</b>
<b>Cecilia O. Powers, Trustee 7925 Sycamore Dr Lincoln, NE 68506-1858</b>	<b>PT TL 2</b>	<b>1 - 18 - 5</b>
<b>Kavan Vlasta PO Box 295 North Bend, NE 68649-0295</b>	<b>TL 9 &amp; 10</b>	<b>6 - 18 - 6</b>
<b>Kirk E. Kavan 654 County Road Q North Bend, NE 68649-4037</b>	<b>NW1/4SW1/4</b>	<b>6 - 18 - 6</b>
<b>Ruzicka Brothers PO Box 495 North Bend, NE 68649</b>	<b>TL 15</b>	<b>6 - 18 - 6</b>
<b>John A. Kreikemeier 1342 HWY 79 North Bend, NE 68649</b>	<b>TL 11</b>	<b>6 - 18 - 6</b>

Scott Lickteig  
12238 Woolworth Ave  
Omaha, NE 68144-1451

NE1/4

6 - 18 - 6

LMN Enterprises LTD  
%Linda Emanuel  
1340 County Rd 7  
North Bend, NE 68649

SW1/4SE1/4 & TL 8

31 - 19 - 6

LMN Enterprises LTD  
%Linda Emanuel  
1340 County Rd 7  
North Bend, NE 68649

E1/2SW1/4

31 - 19 - 6

Vincent L. Ortmeier, ETAL Trust  
347 N Linden St  
Dodge, NE 68633

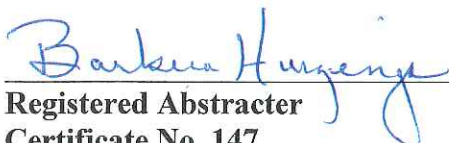
TL 3

36 - 19 - 5

The liability of Dodge County Title & Escrow Co. is limited to the information available in the office of the County Assessor and in no way extends to the correctness of the fee simple title to subject property. A certified search of the records or a Title Insurance Policy would be required to assure the fee simple ownership and any existing liens.

**Dated: December 19, 2019**

**DODGE COUNTY TITLE & ESCROW CO., L.L.C.**

  
\_\_\_\_\_  
Registered Abstractor  
Certificate No. 147  
Order No. 191386