

CONDITIONAL USE PERMIT
RESOLUTION NO. PC2004-9

WHEREAS, Lyman-Richey Corporation, dba Central Sand and Gravel, has filed an application for a Conditional Use Permit seeking a permit for excavation, extraction and removal (mining) of dirt, sand and gravel on property which is legally described as follows:

The West One Half (1/2) of the Southeast Quarter of Section 3, Township 23 North, Range 1 West of the 6th P.M. in Madison County, Nebraska, which includes Lot 1 Medelman's Subdivision of part of the SW ¼ SE ¼ of Section 3, Township 23 North Range 1 West of the 6th P.M., Madison County, Nebraska

WHEREAS, the property described above is presently included in Zoning District I-1; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on November 16, 2004 receiving input and data from the applicant and the general public concerning the Conditional Use Permit;

NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

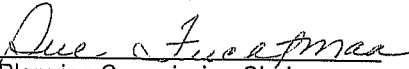
BE IT RESOLVED by the Norfolk Planning Commission of the City of Norfolk, Nebraska that Lyman-Richey Corporation, is hereby granted a Conditional Use Permit for the purpose of excavation, extraction and removal (mining) of dirt, sand and gravel on the property described above subject to the following terms and conditions:

- (1) Application must conform to the floodplain requirements as outlined in the Norfolk City Code;
- (2) Prior to commencing operations, the applicant shall provide the City Engineer with a grading map showing existing contours, the proposed final grade contours, along with a proposed future land use plan;
- (3) The applicant shall identify the location of proposed vehicle and equipment storage areas, proposed structures; erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land. The applicant shall provide the City Engineer with a copy of the NPDES permit required for construction projects;
- (4) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation, and the location of storage areas defined;
- (5) Excavation shall be conducted in such a way as not to constitute a hazard to any person, or to the adjoining property. All cuts and fill shall be constructed with a slope not greater than three to one (3-1);
- (6) Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public. Prior to seeding or sodding, a grading map showing final contours should be provided to the City Engineer for review for compliance with proposed final grade contours and flood plain regulations;


- (7) The Conditional Use Permit shall be for a period of ten (10) years and, pursuant to the Norfolk City Code, shall be a personal privilege granted to the applicant and shall not be subject to transfer;
- (8) There shall be compliance with any other applicable city, county or state regulations that may apply;
- (9) The Conditional Use Permit granted herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission.

PASSED AND APPROVED this 7th day of December 2004.

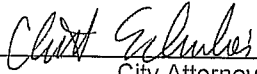
ATTEST:



Planning Commission Chairman



Planning Commission Secretary

Approved as to form: 

City Attorney