

City of Norfolk

Paged General / Indexed /

0414

STATE OF NEBRASKA ss
MADISON COUNTY

This instrument filed for ord this
8 day of March 2010 at

8:30 o'clock A. M., and recorded in 2010-03 page 0414-0417 incl.

Nancy J. Moore

Register of Deeds

Deputy

CONDITIONAL PERMIT
RESOLUTION NO. 2010PC-2

WHEREAS, Lyman-Richey Corporation 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:

All of the E1/2 of the NE ¼ located South of the Elkhorn River in Section 3, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska; and the NE1/4 of the SE1/4 of Section 3, Township 23 North, Range 1 West of the 6th P.M. Madison County, Nebraska; and the NE1/4 of the SE1/4 of the SE1/4 of Section 3, Township 23 North, Range 1 West of the 6th P.M. Madison County, Nebraska.

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 conducted a public hearing on February 2, 2010 receiving input and data from Lyman-Richey Corporation and the general public concerning the Conditional Use Permit; and

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) Lyman-Richey Corporation must conform to the floodplain requirements as outlined in the Norfolk City Code;
- (2) A) Lyman-Richey Corporation shall provide the City Engineer with a grading map showing existing conditions. The map shall be in enough detail so that existing conditions can be replicated from the map. The information shall include X, Y, and Z elevations on at least a grid of 100 feet by 100 feet and at any other points required to show special features. The plan shall provide detailed benchmark information tied into the benchmark used by FEMA to develop the floodplain maps. The information shall be depicted on a plan to a scale so that the information is readily legible. The information shall also be depicted in grid format, contour format and cross-section format;
B) Lyman-Richey Corporation shall also provide proposed final grades on the map depicting the existing contours and final cross-sections outside the water's edge;

123

0415

- (3) Lyman-Richey Corporation 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. Lyman-Richey Corporation shall provide the City Engineer with a copy of any required NPDES permits;
- (4) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation as shown in 2(A) above;
- (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 on 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. Final grading plans shall include the same detail as Condition 2;
- (7) Noise levels created from the mining operation shall comply with the Final Rule (Part II, Section C) of the Current Standards of the Mine Safety Health Administration as published in the Federal Register, Volume 64, No. 176, as the same may from time to time be amended. The maximum level allowed by this rule is 85 decibels at the property line;
- (8) The Conditional Use Permit shall be for a period of fifteen (15) years and, pursuant to the Norfolk City Code, shall be a personal privilege granted to Lyman-Richey Corporation and shall not be subject to transfer;
- (9) Operation of the mining and excavation operation shall abide by a 100-foot setback from South 1st Street;
- (10) Hours of operation, other than routine maintenance, shall be from 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 12:00 p.m. on Saturday with no operations on Sunday; provided, however, in the event an emergency arises, the operation may run twenty-four hours a day provided Lyman-Richey contacts the City of Norfolk Fire Division (402) 844-2050 with notice of the emergency.
- (11) Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of The Code of the City of Norfolk, Nebraska subject to penalty as provided herein and may be grounds for review of the permit;
- (12) There shall be compliance with applicable City, County, State or Federal regulations that may apply;
- (13) Lyman-Richey Corporation shall use best management practices to manage wind-blown debris and provide erosion control;

(14) This Conditional Use Permit as modified 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 17th day of February, 2010.

ATTEST:

Brian Lundy
Planning Commission Co-Chair

Faythe Petersen
Planning Commission Secretary

Approved as to form: Christ Edmunds
City Attorney

The foregoing instrument was acknowledged before me this 17 day of February 2010 by Brian Lundy, Planning Commission Co-Chair of the City of Norfolk.

Faythe Petersen
Faythe Petersen, Notary Public

