

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 30, 2008, 11:45 a.m.
Room 113, County-City Building, 555 S. 10th Street,
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Jim Partington, Lynn Sunderman and Tommy Taylor. Roger Larson absent

OTHERS IN ATTENDANCE: Mike Merwick and Dale Stertz of Building & Safety; Marvin Krout, Steve Henrichsen, Mike DeKalb, Sara Hartzell, and Michele Abendroth of the Planning Department; and other interested parties.

STATED PURPOSE OF MEETING: **Soil Mining Standards and Policies**

The meeting was called to order at 11:47 a.m. The Nebraska Open Meetings Act was acknowledged.

Mike DeKalb stated that staff has some suggested amendments to the soil mining standards for the Planning Commission to consider. The possible improvements to the standards and procedures were then reviewed.

DeKalb noted that the first improvement is to have reasonable operating hours. Staff is suggesting to codify the standard operating hours of Monday through Saturday during daylight hours and no Sundays. The Planning Commission or elected board is also able to establish more or less restrictive conditions. Mike Merwick added that Building & Safety would like to see a condition added stating that prior to beginning mining operations, the applicant must send a letter to Building & Safety stating that they have met all the conditions of the special permit.

In response to a question regarding enforcement, DeKalb stated that if the regulations are not followed, the special permit could be revoked. They could be in violation of the zoning ordinance and the case sent to the Law Department.

The next improvement is to avoid traffic-related issues. Staff's suggestion is to codify that the County or City Engineer may require installation of traffic signs to warn motorists of mining operations and to codify that the applicant will take appropriate measures to minimize mud tracking onto roads. Merwick suggested adding language to include that measures must be taken daily to minimize tracking during operations.

The third improvement is related to aesthetic concerns. In addition to the potential need for screening for safety purposes and adjacent to residential or park uses for aesthetic

purposes, it is important to express the broader concern for protection of important entryways to the City in consideration of applications.

The next improvement is to protect groundwater and restore the site to a productive use. Staff is suggesting to modify the condition currently in the City code which calls for the applicant to "... identify the effect of the extraction on the groundwater table of the adjoining properties ..." to require a report from a groundwater hydrologist be submitted with the special permit in cases where the proposed operations are: a) within 1000 feet of any off-site private well; b) within 2000 feet of a community well; or c) designed to result in an excavated area that does not drain to a lower area. The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by drawdown or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact.

Lastly, DeKalb noted that the final change is to improve enforcement. Staff is proposing to clarify, by definition, that soil mining means and permits are required for any excavation over one acre in extent where material is being hauled off the site for compensation by another party, unless in conjunction with grading in accordance with an approved preliminary plat or building permit or accessory to normal farming practices.

It is also suggested to develop an information page that clarifies the roles and responsibilities of different departments and agencies, for Building & Safety and for the public.

Sign posting requirements would be codified to include minimum sign size and letter size, location at entrance drive, and to identify Building & Safety as the government contact as well as the contractor including phone numbers and approved Special Permit number.

Staff other than Building & Safety would be trained to observe and report to Building & Safety on violations of the special permit conditions outside their own jurisdiction.

Multi-year approvals would be subject to an annual administrative review and renewal requirement.

The 20-acre limit on each phase of mining operations would be codified.

A private engineer would be required to certify at the closure of operations and before bonds are released that grading and final reclamation has been completed in accordance with the approved plans.

A bond would be required prior to operations to assure compliance with the final reclamation plan, including adequate funds for regrading, topsoil conditioning, and revegetation.

Enforcement of the NPDES requirements in the County's jurisdiction has been and continues to be the responsibility of the State NDEQ.

DeKalb stated that staff will take these improvements to the Commons meeting in September or October. He asked the Commissioners to provide any input to staff. In addition, a web page has been set up to allow anyone to make comment.

Esseks asked if it would be prudent to have a preamble to this ordinance to provide some type of justification that this is needed, especially to the immediate neighbors. DeKalb stated that staff will discuss this request.

Commissioners expressed their appreciation to staff for their work on this issue and generally agreed that staff should go forward with these recommendations.

The meeting ended at 12:42 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department

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