

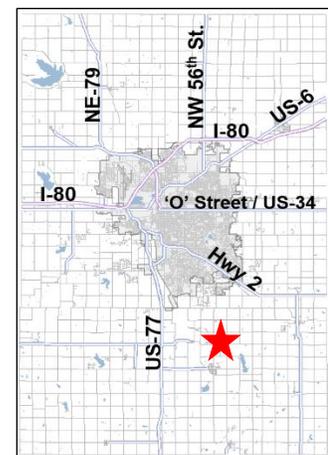
**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**  
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|   |                              |   |
|---|------------------------------|---|
| APPLICATION NUMBER<br>Special Permit #16004A          | FINAL ACTION?<br>Yes         | DEVELOPER/OWNER<br>Triple S&L Developers                            |
| PLANNING COMMISSION HEARING DATE<br>November 28, 2018 | RELATED APPLICATIONS<br>None | PROPERTY ADDRESS/LOCATION<br>S. 68 <sup>th</sup> St. & Saltillo Rd. |

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. This application is to renew an existing special permit for excavation. The boundary of the special permit is 153 acres and the area of excavation is 97 acres.



**JUSTIFICATION FOR RECOMMENDATION**

This application with the conditions of approval, meet the requirements for an Excavation special permit.

**APPLICATION CONTACT**  
Mike Eckert, Civil Design Group  
402-434-8494

**STAFF CONTACT**  
Tom Cajka, (402) 441-5662or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for excavation of soil is in conformance with the 2040 Comprehensive Plan. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 12.3 - this site is shown as future Agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.9 - **this site is in Tier III of the Growth Tiers. Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential—beyond 50 years.** Little active planning of utilities is likely to occur in the near term in Tier III.

**ANALYSIS**

1. This request is for soil excavation on approximately 153 acres with 97 acres being disturbed with the requested soil mining activities, under the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation. Approximately

550,000 cubic yards of soil is planned to be excavated.

2. This site was granted a special permit in May 2016 for excavation. The site plan submitted with this application is similar to the site plan submitted for the previous special permit, except the area of dirt work has expanded.
3. Hours of operation shall be limited to daylight hours Monday through Saturday.
4. The land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
5. There have been no complaints filed with the Health Department on this operation.
6. Public Works Watershed Management notes that this site has an active Erosion and Sediment Control Permit.
7. The County Engineer notes that access will be limited to the existing drive to S. 68<sup>th</sup> Street. A Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street is required.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture                      Farm ground and soil excavation

SURROUNDING LAND USE & ZONING

|        |                              |                                   |
|--------|------------------------------|-----------------------------------|
| North: | AG-Agriculture               | Farm ground and smaller acreages. |
|        | AGR-Agricultural Residential | Single family houses on acreages. |
| South: | AG-Agriculture               | Farm ground                       |
| East:  | AG-Agriculture               | Farm ground                       |
| West:  | AG-Agriculture               | Farm ground                       |
|        | AGR-Agricultural Residential | Single family houses on acreages  |

APPLICATION HISTORY

May 25, 2016    Special Permit #16004 for soil excavation was approved.

APPROXIMATE LAND AREA:    153 acres, more or less

LEGAL DESCRIPTION:

Lots 23 and 25 Irregular Tracts and the Northwest Quarter of the Northeast Quarter all located in the Northeast Quarter of Section 4, Township 8 North, Range 7 East, Lancaster County, NE.

Prepared by

\_\_\_\_\_  
Tom Cajka, Planner

Date:                      November 9, 2018

Applicant:              Gana Trucking and Excavating  
                                 2200 W. Panama Rd.  
                                 Martell, NE 68404  
                                 402-794-5000  
                                 jakew@ganatrucking.com

Contact:                Mike Eckert  
                                 Civil Design Group  
                                 8535 Executive Woods Drive, Suite 200

Lincoln, NE 68512  
402-434-8494  
[meckert@civildg.com](mailto:meckert@civildg.com)  
Owner: Triple S&L Developers, LLC  
7460 San Mateo Lane  
Lincoln, NE 68516

F:\DevReview\SP\16000\SP16004A Cottonwood excavation.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #16004A

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

### Site Specific Conditions:

1. Before initiating excavation operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1 **In Note #7 add “feet” after 2,000.**
  - 1.2 Remove the Planning Commission approval block.
  - 1.3 **Add to the General Notes that the “A Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street shall be completed prior to beginning excavation operations.”**
  - 1.4 Add to the General Notes that access is limited to one access onto S. 68<sup>th</sup> Street as shown.
2. Before receiving building permits provide the following documents to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Before beginning the excavation operations,
  - 3.1 The Permittee shall have
    - 3.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.
    - 3.1.2 Post performance bond in the amount of \$50,925.00(\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
    - 3.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
    - 3.1.4 Applicant to submit traffic impact information regarding anticipated use of County roads along with proposed/anticipates hauling routes.
    - 3.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for S. 68<sup>th</sup> Street throughout the operation of the permit.
    - 3.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
      - 3.1.1.1 Clearly visible from the adjacent road;
      - 3.1.1.2 At least 32 square feet in area;

3.1.1.3 Lettering shall be at least two inches in heights, black on a white background;

3.1.1.4 The shall list:

- (a) The approved Special Permit Number;
- (b) The name, contact phone and email address for the land owner;
- (c) The name, contact phone and email address for the operator/contractor;
- (d) The Building and Safety Department contact number.

3.2 After beginning the excavation operations, the Permittee shall have

- 3.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- 3.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- 3.3.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 3.3.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 3.3.5 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 3.3.6 **The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.**
- 3.3.7 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 3.3.8 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 3.3.9 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 3.3.10 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 3.3.11 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the **Department of Building and Safety’s hourly rate in effect on the date of the application.** Building and Safety shall:

- 3.3.11.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
    - 3.3.11.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
  - 3.3.12 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
  - 3.3.13 The construction plans shall generally comply with the approved plans.
- 4. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

Standard Conditions:

- 5. The following conditions are applicable to all requests:
  - 5.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 5.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 5.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



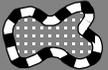
2018 aerial

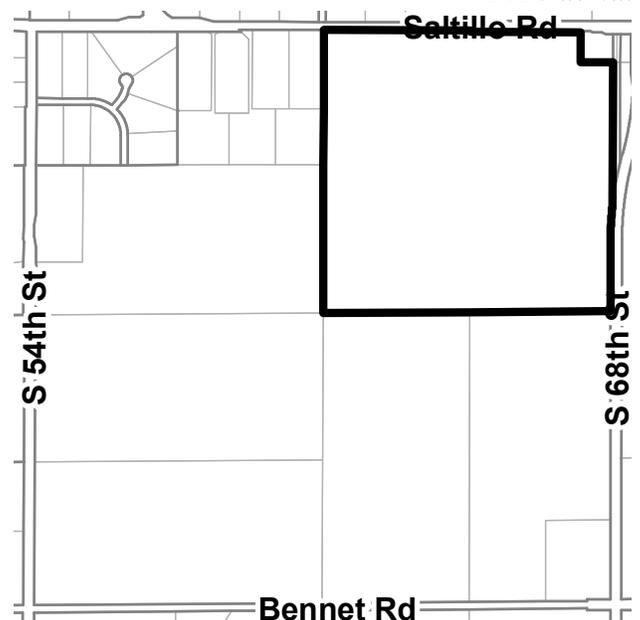
**Special Permit #: SP16004A  
Cottonwood Ridge Excavation  
S 68th St & Saltillo Rd**

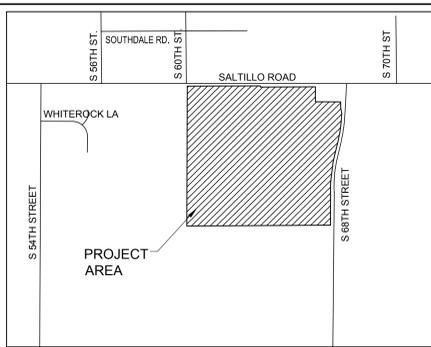
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
Sec.04 T08N R07E

|   |                               |
|---|-------------------------------|
|  | Area of Application           |
|  | Zoning Jurisdiction Lines     |
|  | Lancaster County Jurisdiction |



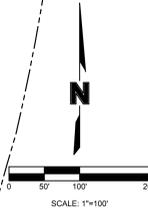


VICINITY MAP  
SCALE: NONE

**LEGAL DESCRIPTION - SPECIAL PERMIT**  
 LOTS 23 AND 25 IRREGULAR TRACT, AND THE NW 1/4 OF THE NE 1/4 LOCATED IN THE NE 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 7 EAST, OF THE 5TH P.M., LANCASTER COUNTY, NEBRASKA.

**GENERAL SITE NOTES**

- THE PROPERTY IS CURRENTLY ZONED 'AG'.
- THE OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
- ALL WIND AND WATER EROSION MUST BE CONTROLLED.
- DURING THE MINING PROCESS, THE LAND OWNER(S) WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 3 SECTION 32. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT LIMITED TO APPLICATION OF WATER TO ROADS, DRIVEWAYS, PARKING LOTS ON SITE, SITE FRONTAGE AND ANY ADJACENT BUSINESS OR RESIDENTIAL FRONTAGE. PLANTING AND MAINTENANCE OF GROUND COVER WILL ALSO BE INCORPORATED AS NECESSARY.
- MINING / EXCAVATION OPERATION SHALL CONSIST OF APPROXIMATELY 806,000 CY OF EXCAVATION.
- THE FOLLOWING EQUIPMENT SHALL BE USED ON SITE: SCAPER, DOZER, MOTOR GRADER, DUMP TRUCKS, EXCAVATOR, AND WATER TRUCK.
- THERE SHALL BE NO EXCAVATION OF DIRT WITHIN 1000' FEET OF AN ANY OFF-SITE PRIVATE WELL OR WITHIN 2,000' OF A COMMUNITY WELL AND THE EXCAVATED AREA SHALL DRAIN TO A LOWER AREA.
- NO MORE THAN 20 ACRES OF THE SITE SHALL BE OPEN FOR OPERATIONS AT ANY ONE TIME. THE SURFACE SHALL BE MAINTAINED IN SUCH A MANNER THAT SURFACE WATERS DO NOT COLLECT AND POND, UNLESS SPECIFICALLY APPROVED BY THE CITY. A MINIMUM SLOPE OF 2% WILL PROVIDE POSITIVE DRAINAGE.
- TOPSOIL SHALL BE STRIPPED AND KEPT ON SITE FOR REDISTRIBUTION AT THE CONCLUSION OF THE EXTRACTION PROCESS. COMPACTED SUBSOIL SHALL BE BROKEN UP PRIOR TO REAPPLYING TOPSOIL. REAPPLIED TOPSOIL SHALL MEET OR EXCEED THE DEPTH OF THAT REMOVED.
- OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY.
- A SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE OF THE SITE. THE SIGN SHALL BE:
  - CLEARLY VISIBLE FROM THE ADJACENT ROAD
  - AT LEAST 32 SQUARE FEET IN AREA
  - LETTERING SHALL BE AT LEAST TWO INCHES IN HEIGHT, BLACK ON WHITE BACKGROUND
- THE SIGN SHALL LIST:
  - THE APPROVED SPECIAL PERMIT NUMBER
  - THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE LAND OWNER
  - THE NAME, CONTACT PHONE, AND EMAIL ADDRESS FOR THE OPERATOR/CONTRACTOR
  - THE BUILDING AND SAFETY DEPARTMENT CONTACT NUMBER
- THE SPECIAL PERMIT IS APPROVED FOR THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED.
- THE CONSTRUCTION ENTRANCE SHALL BE CLOSED WHEN NOT IN OPERATION.
- SOILS AND TOPOGRAPHY SHALL CONFORM TO THE GRADING PLAN AND SEEDED AT THE FIRST OPPORTUNITY DURING THE FIRST GROWING SEASON AFTER EXTRACTION CEASES.
- TOPSOIL RANGING FROM 8 INCHES TO 12 INCHES SHALL BE STOCKPILED PRIOR TO PROCEEDING WITH MINING / EXCAVATION. ONCE AN AREA IS COMPLETED, TOPSOIL SHALL BE REDISTRIBUTED.
- LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE". PRIOR TO THE REDISTRIBUTION OF TOPSOIL, THE GROUND SHALL BE RIPPED WITH A MOTOR GRADER TO A MINIMUM DEPTH OF 18 INCHES.
- EXCAVATION AND GRADING SHALL NOT DISTURB SECTION CORNER MONUMENTS. CONTRACTOR TO PROTECT ALL BOUNDARY SURVEY MONUMENTS.
- ALL NPDES REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL SHALL BE MET AND NO EXCAVATION OPERATIONS WILL COMMENCE UNTIL APPROVAL FROM THE CITY OF LINCOLN AND STATE OF NEBRASKA HAS BEEN RECEIVED.



**APPROVAL:**  
 THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
 CHAIR

STAGING AREA FOR MINING / EXCAVATION OPERATION

DRIVEWAY ACCESS FOR MINING / EXCAVATION OPERATION

**LEGEND**

- PROPERTY LINE
- LIMITS OF DISTURBANCE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROP. CONSTRUCTION SITE ENTRANCE

**APPLICANT:**  
 GANA TRUCKING & EXCAVATING  
 2200 W. PANAMA ROAD  
 MARTELL, NE 68404

**OWNER:**  
 TRIPLE S & L DEVELOPERS, LLC  
 7460 SAN MATEO LANE  
 LINCOLN, NE 68516

**ENGINEER:**  
 CIVIL DESIGN GROUP, INC.  
 8535 EXECUTIVE WOODS DRIVE  
 SUITE 200  
 LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**  
 ALLIED SURVEYING & MAPPING  
 8535 EXECUTIVE WOODS DRIVE, SUITE 200  
 LINCOLN, NE 68512  
 (402)434-2686

| NO. | DATE       | DESCRIPTION                                   |
|-----|------------|---|
| 1   | 07/06/2016 | REVISIONS AS PER PLANNING COMMISSION COMMENTS |

COTTONWOOD RIDGE  
 SOIL EXTRACTION SPECIAL PERMIT #16004A  
 SITE PLAN

LINCOLN, NEBRASKA

drawn by: jds  
 checked by: -  
 approved by: -  
 project no.: 2006-0009  
 drawing no.: -  
 date: 10/18/2016

**SHEET 1 OF 1**

Civil Design Group, Inc.  
 SUITE 200  
 LINCOLN, NEBRASKA 68512  
 PH. 402-434-8494 FAX 866-216-8747  
 www.cdgroup.com



CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

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100'



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 30, 2018

Mr. David Cary, Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Application for Renewal of Excavation and Stone Milling (Soil Extraction) Special Permit #16004. CDG Project No. 2018-0248.**

Dear Mr. Cary:

On behalf of Gana Trucking & Excavating we submit the above mentioned application for the renewal of an Excavation and Stone Milling Special Permit for a soil mining operation. This application will update and renew the previously approved special permit on this site, generally located south of Saltillo Rd and west of S. 68<sup>th</sup> Street. Gana Trucking & Excavating desires to expand the area encompassed by the special permit in this renewal process as shown on the plans uploaded to ProjectDox. All other terms and conditions of the previously approve special permit will remain unchanged.

With this application we submit the following items:

Special Permit fee of \$988.00  
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the submitted plans assists you in reviewing this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Gana Trucking & Excavating

/Volumes/share/F/Projects/2018/20180248/Landplanning/Doc/submittal letter 10-31-2018.docx