

SARPY COUNTY
Department of Planning & Building
Sarpy County Courthouse Annex
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Ken Tex, Planning & Zoning Coordinator

June 1, 2005

Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held a special meeting on June 1, 2005 in the Administrative Conference Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:04 p.m. with the following members present: Mechele Burry, Don Fenster, Tom Hurley, Tom Wees, Doug Whitfield and Alan Wear. Absent was Courtney Dunbar, Don Meyer, Brenda Kunz, David Fanslau and Don Meyer. Lee Polikov, Sarpy County Attorney and Mike Smith, Deputy County Attorney were present. Also present were Ken Tex, Planning & Building Coordinator and Cindy Gilbert, Recording Secretary.

Ken Tex and Cindy Gilbert were introduced as Planning & Building Coordinator and Planning Secretary, respectively. Also introduced was Lee Polikov, Sarpy County Attorney and Mike Smith, Deputy County Attorney.

- ▶ *Chairman Wear asked for a motion to approve the agenda as submitted. Wees moved, seconded by Fenster to approve the agenda as submitted. Ballot: Ayes - Fenster, Hurley, Burry, Wees, Whitfield and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Kunz, Labart and Meyer.*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

1. **Amendments to the Sarpy County Zoning Ordinances and their definitions pertaining to solid waste, yard waste, household waste and composting.**

Chairman Wear stated this agenda item would be discussed in sections with definitions followed by performance standards for each district and then discuss where the uses would be placed.

Tom Wes asked if the meeting had been properly published.

Cindy Gilbert, recording secretary, responded with a "yes".

Ken Tex explained that we currently do not have any of these definitions listed in our zoning ordinances. He indicated the specific uses are not listed as well. The dilemma is where to put these uses. He noted the definitions are the same ones used by the Nebraska Department of Environmental Quality.

Duwayne Brigman, Environmental Control Officer of Sarpy County, stated these definitions come from Title 132. All these definitions are the same as what the NDEQ uses and he feels comfortable with all of them as they are listed.

Lee Polikov, County Attorney, also noted his office has no problem with the definitions.

After some minor discussion,

- *Fenster moved, seconded by Wees to recommend approval to add the list of definitions to the Sarpy County Zoning Ordinances (Section 44) as submitted. Ballot: Ayes - Fenster, Hurley, Burry, Wees, Whitfield and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Kunz, Labart and Meyer. Motion carried.*

Next on the list was the performance standards. Ken Tex noted that these standards have not been modified in any way. They already exist in the zoning ordinances as written and are to be used as information in helping determine where to place these uses. There are currently a couple of places in the County that have IGM (General Manufacturing) zoning already in place. One is in the LaPlatte area near the old "Arcadia" plant and the other is on the south side of Chandler in the Chalco area.

When asked, Mr. Tex also noted that Mr. Shukert does not actually place the zoning districts on the future land use map, but rather lists the areas on the map that he feels are best suited for commercial, industrial and residential.

When asked, Mr. Tex stated the County landfill is located in an AG (Agricultural) zoning district under a Special Use Permit.

Ken Tex went on to explain what a transfer station is and that it is nothing like a landfill. He explained the transfer station as being a fully enclosed building where regular trash trucks haul their loads and dump them. After approximately 3 truck loads have come in, it is loaded into a larger truck and then hauled off to a landfill, making a fewer number of trips to the landfill.

Don Fenster feels that these items would be best suited in an IGM zoning district.

Steve Mossman, Attorney representing Waste Connections, stated the company does business in this area as Papillion Sanitation. They feel this is a positive step for Sarpy County as the county has been pro-economic development. Mr. Mossman then handed an exhibit from Waste Connections to Chairman Wear and the recording secretary. He noted the letter he had written to Mr. Tex is March of 2004 and Mr. Tex's response in March of 2004 indicating the transfer station could be located at a specific address which was in a IL (Light Industrial) zoning. He went on to note the other correspondence between the company and the Sarpy County Attorney's office. In conclusion, it is his opinion that the zoning should not be changed in midstream since the company had already been told it was an allowable use in the IL (Light Industrial) zoning district.

Steve Reeder said he had chosen a lot for Waste Connections and they had agreed to certain building design criteria. He indicated that some of the other businesses probably have more truck traffic that this company will.

It was noted that Waste Connections operates transfer stations in Fremont and Nebraska City also. It was also noted that trash cannot be left on the floor overnight according to Title 132.

Ken Tex reminded the Planning Commission to not get site specific; that this use would have to be acceptable anywhere that zoning district is located.

Lee Polikov stated that Mr. Tex had made a call on this zoning that the County Attorney's office views differently. He explained that a specific use that is not listed in the zoning ordinances doesn't automatically allow the use. He does not want to set a precedence with that respect. He also feels the transfer station is closer in use to a landfill than it is a warehouse. Under a Special Use Permit, public input is as important as using the permit for control.

After further discussion between the Planning Commissioners,

- *Fenster moved, seconded by Burry to recommend approval of the five uses listed in the definitions (Solid Waste Compost Site, Solid Waste Disposal Area, Solid Waste Management Facility, Solid Waste Processing Facilities and Solid Waste Transfer Station) to be added to Permitted Special Uses in Section 30, IGM (General Manufacturing) District of the Sarpy County Zoning Ordinances. Ballot: Ayes - Fenster, Hurley, Burry, Wees, Whitfield and Wear. Nays - none. Abstain - none. Absent - none. Motion carried.*

III. CORRESPONDENCE:

IV. ADJOURNMENT:

- ▶ *Being no further discussion, Whitfield moved, seconded by Hurley to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 8:08 p.m.*

Respectfully Submitted,

Sarpy County Planning Commission
Alan Wear, Chairman
Cindy Gilbert, Recording Secretary