BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA
APPROVE CHANGE OF ZONE

APPLICANT: Alan Hans
CHANGE OF ZONE FROM AG, AGRICULTURAL DISTRICT TO RE2, RESIDENTIAL ESTATES 2
DISTRICT (River Ranch, Lots 1-9 and Outlot A)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat.§ 23-114; and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Change of Zone Applications; and,

WHEREAS, the Sarpy County Planning Department staff has reviewed Alan Hans’ application for a Change of Zone from AG, Agricultural District to RE2, Residential Estates 2 District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at the north side of Riha Road, just west of Highway 50 and legally described as follows, hereinafter “the Property”:

Tax Lot T2, a tax lot located in the NW1/4 of Section 11, together with Tax Lot P3A a tax lot located in the SW1/4 of said Section 11, also together with Tax Lot 13A, a tax lot located in the SE1/4 of Section 10, all located in Township 12 North, Range 11 East, of the 6th P.M., Sarpy County, NE.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

I. This Change of Zoning application has been submitted concurrently with an application for a Preliminary Plat at Resolution 2017-463.

II. A Preliminary Plat shall become void after 12 months from the date of such approval unless the County Board has approved either (1) all of, or a portion of the Preliminary Plat as a Final Plat, or (2) a 12 month extension of the Preliminary Plat approval. Final Plats and Extension requests for the Preliminary Plat approval must be acted upon by the County Board no later than 12 months from the date of the Resolution approving said Preliminary Plat.
III. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on November 21, 2017 and further, the Planning Commission gave their recommendation.

IV. A public hearing regarding the Change of Zone Application was held by this Board.

V. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Sarpy County Clerk.

VI. The Planning Department staff made a recommendation as noted in the attached Exhibit “A”, which includes the Planning Department Report.

VII. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from AG, Agricultural District to RE2, Residential Estates 2 District on the Property legally described above, consistent with the proposed lot designations described herein and in the Planning Department report and consistent with the following conditions:

1. The Change of Zone shall only take effect on the Property, or with approval of a phased development on a portion of the Property, upon:
   (A) the Sarpy County Board’s approval of a Final Plat of the Property or a Final Plat of a portion of the Property and
   (B) the subsequent timely filing of said Final Plat with the Sarpy County Register of Deeds.

2. If a Final Plat of the Property, or a Final Plat of a portion of the Property, is not timely filed with the Sarpy County Register of Deeds, Sarpy County’s approval of the Change of Zone application shall be considered withdrawn by the applicant without further action by Sarpy County and the approval for this Resolution 2017-462 shall be void.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 12th day of December, 2017.

Attest

Sarpy County Board Chairman

County Clerk
I. GENERAL INFORMATION

A. APPLICANT / PROPERTY OWNER:
   Alan R. Hans
   20310 Hwy. 50
   Springfield, NE 68059

B. SUBJECT PROPERTY LOCATION: Subject property is located on the north side of Riha Road, just west of Highway 50.

C. LEGAL DESCRIPTION: See attached Legal Description

D. SUBJECT PROPERTY SIZE: approximately 22.18 acres

E. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   • Future Land Use Designation: Agricultural
   • Zoning: AG (Agricultural Farming District)

F. REQUESTED ACTION(S): Approval of a Change of Zone from AG (Agricultural) to RE2 (Residential Estates – 2-acre minimum) and a Preliminary Plat of a Subdivision to be known as River Ranch.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Farm ground with accessory building of approximately 4,632 square feet.

B. GENERAL VICINITY – FUTURE LAND USE (FLU) AND CURRENT ZONING (CZ)

<table>
<thead>
<tr>
<th>DIRECTION FROM SUBJECT PROPERTY</th>
<th>FUTURE LAND USE DESIGNATION</th>
<th>CURRENT ZONING DESIGNATION</th>
<th>SURROUNDING DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Agricultural</td>
<td>RE1 &amp; RE2</td>
<td>Meadow Oaks single-family residential acreage development</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Light Industrial</td>
<td>IL</td>
<td>Landscape contractor &amp; nursery; farm ground</td>
</tr>
<tr>
<td>EAST</td>
<td>Agricultural</td>
<td>BG</td>
<td>Large residential acreage</td>
</tr>
<tr>
<td>WEST</td>
<td>Agricultural</td>
<td>AG, RE1 &amp; RE2</td>
<td>Large residential acreage; Meadow Oaks single-family residential acreage development</td>
</tr>
</tbody>
</table>

AG = Agricultural (20 plus acres)
RE1 = Residential Estates 1 (1-acre minimum lot size)
RE2 = Residential Estates 2 (2-acre minimum lot size)
BG = General Business
IL = Light Industrial
C. RELEVANT CASE INFORMATION:

- A previous preliminary plat was approved by the County Planning Commission on December 15, 2010. Seven lots with a minimum size of 3 acres were proposed at that time. However, that preliminary plat was never taken forward to the County Board as the new Planning Director found that it did not actually meet all zoning and subdivision requirements and no action was taken to correct it at that time.

- The site was part of the Conservation Overlay District in the previous County Comprehensive Plan. However, this area and the Meadow Oaks subdivision area were removed from the Conservation Overlay District in the recently adopted new Comprehensive Plan. This was due to the fact that the area was mostly developed or subdivided and because any remaining property with environmentally sensitive areas could still be dealt with under the new policies of the Comprehensive Plan.

- The applicant has now submitted a preliminary plat proposing 9 lots of 2-3 acres in size and one outlot - all accessed by a new cul-de-sac road coming off of Riha Road.

- Development will be served with utilities as follows:
  - Water by common well located on Outlot A and serving all lots.

  There has been a question arise from an area resident regarding requirements for fire hydrants within all new subdivisions (see attached letter from James Jaros). Section 12.10 of the Sarpy County Subdivision Regulations states “The subdivision shall be provided with an adequate water main supply system. The location of fire hydrants shall be shown on the water utility plan.” The County has consistently interpreted “adequate water main supply system” to include private (individual), community and municipal water systems. In addition, it has consistently been interpreted that fire hydrants shall be shown on the water utility plan IF they are required by the County. Current County subdivision regulations do not provide a minimum or maximum number of lots in which fire hydrants shall be required. The County, in consultation with area fire departments, has only required fire hydrants within suburban density subdivisions with municipal water service or rural acreage subdivisions with a large number of lots that are connected to a municipal or community water system. Examples of such subdivisions include Meadow Oaks, Cheyenne Country Estates, Lake Ridge Estates, and Cinnamon Acres. Smaller rural acreage subdivisions have not been required to have fire hydrants. Examples of such would be Little Prairie, Prairie Ridge, Fairview Acres, Hidden Valley Ranches, and many others south of Platteview Road along 57th Street and 63rd Street.

  Further research has provided clarification of Title 178, Private Water Systems and Title 179, Public Water Systems. A water system is considered to be private if it meets one of the following criteria:
  1) Serves 24 or fewer residents
  2) Is used less than 60 days a year; or
  3) Has less than 15 hookups.

  If it does not meet the criteria for a private water system, it is considered to be a public water system and must meet the regulations of Title 179. Title 179 has minimum requirements for a public water system, one being a distribution system. Such a distribution system must provide for fire hydrants. The well and water system must be approved by the Nebraska Department of Health and Human Services (NDHHS) prior to activation.

  While staff believes the language within the County’s Subdivision Regulations is not well written and is left open to varying interpretations, we believe the County has been consistent in its implementation regarding the requirement of providing fire hydrants. Based on this consistent implementation, staff does not believe fire hydrants should be required for this subdivision unless the Nebraska Department of Health and Human Services determines it to be a public water system. Staff intends
to introduce a text amendment to the Subdivision Regulations to clarify this issue at the January 2018 Planning Commission meeting.

- Sanitary sewer by on-site wastewater treatment system located on Outlot A and serving all lots. Again, Title 124, On-Site Wastewater Treatment Systems, regulates the installation and use of a system. Title 124 will require the system to be engineered and approved by Nebraska Department of Environmental Quality (NDEQ) prior to construction.
- Gas by individual propane tanks
- Electrical power by OPPD

- Proposed access points to the subdivision are as follows:
  - One access point from Riha Road by proposed cul-de-sac street.
  - Proposed cul-de-sac is approximately 889 feet in length serving 9 residential lots.
  - Applicant is requesting a waiver of proposed Section 10.2.14 of the Sarpy County Subdivision Regulations which would require a maximum length of 600 feet for a cul-de-sac (see attached Waiver Request Letter). Due to the unique characteristics of this site, staff believes a waiver of the 600-foot cul-de-sac length requirement is warranted for this project. By allowing a longer cul-de-sac in this case, an additional and possibly dangerous intersection with Riha Road can be avoided. In addition, the terrain of the site adds to the difficulty of making this connection. Also, an environmentally sensitive area of woodlands would be adversely impacted if this connection were to be made. If the cul-de-sac is shortened, it will reduce the number of lots which will make it unfeasible to serve the project with one common well and one septic system. Each lot would then require its own well and septic system. In conversations with the Springfield Fire Chief, he indicated he was not opposed to this longer cul-de-sac as long as the turnaround area was large enough for fire trucks to maneuver. The proposed turnaround area will meet the County Subdivision Regulation requirements of having a 110-foot diameter right-of-way and an 80-foot pavement diameter. This will allow for the maneuvering of large fire trucks. Therefore, by allowing the cul-de-sac to be approximately 889 feet long, important goals of the Sarpy County Comprehensive Plan will be achieved. Those goals include traffic safety, environmental preservation, and the limitation of additional wells and septic systems in the area.

III. APPLICABLE REGULATIONS

A. SARPY COUNTY COMPREHENSIVE PLAN

- CHAPTER 3: Land Use & Growth Management
  - Slopes – Map 5 Sarpy County Slope Diagram shows this area having slopes varying from 9% to 20%. Applicant needs to provide slope information specific to the site.
  - Significant Vegetation – Map 9 Sarpy County Significant Vegetation, along with aerial photographs, show that a portion of the southern boundary of this site along Riha Road has significant tree cover.
  - Wetlands – Map 10 Sarpy County Wetlands does not show this area as having wetlands according to the National Wetlands Inventory
  - Future Land Use – Map 12 Future Land Use Map classifies this site as Agriculture. Generally, uses within this area include agricultural uses, single-family residential in accordance with appropriate zoning districts, parks/recreation/open space, and associated accessory uses. Appendix A: Zoning Relationship to the Future Land Use Plan lists the proposed zoning for this site, RE2, as a compatible zoning district under the Agriculture land use designation.
  - Future Land Use – Growth Management – Map 13 Growth Management Zones designates this site as being within the Rural Development Zone. This zone is established to recognize existing development of rural-residential estates in the
identified area. This zone with continue to facilitate the development of low density rural housing that will not be served with public utilities.

- Development Density – *Figure 19 Residential Development Decision Matrix* allows densities of 2-3 acres per unit when Community Utility Systems (both water and sewer) are provided. The preliminary plat for the River Ranch subdivision meets this criterion.

- Conservation Provisions – *Map 14 Environmentally Sensitive Areas* identifies portions of this site as Environmentally Sensitive. Environmentally sensitive areas include:
  - Water bodies and watercourses
  - Wetlands
  - 100 year floodplains
  - Tree canopy, individual specimen trees, or small stands of significant trees
  - Aquifer recharge areas and areas with highly permeable ("excessively drained") soils
  - Significant wildlife habitat areas
  - Historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places, or on inventories developed by the Nebraska State Historical Society
  - Slopes of a gradient higher than 15%
  - Land with soils that do not support residential development
  - Native or original growth prairie

Areas of concern with this site include 100 year floodplains, tree canopy, and slopes of a gradient higher than 15%.

- Developments within the Rural Development Zone that are proposed on sites identified on *Map 14 Environmentally Sensitive Areas*, must provide a minimum amount of open space conservation area as follows:
  - 100% of the designated environmentally sensitive areas shall be protected as a platted outlot when the sensitive area comprises 15% or more of the site. Or, subdivisions may designate at least 40% of the total site area as a protected outlot; whichever is less.
  - In order to be exempt from this requirement, the applicant must provide evidence that less than 15% of the site contains environmentally sensitive areas of the nature identified above.
  - The applicant has provided a survey, signed and stamped by a licensed Land Surveyor, indicating that the site contains less than 15% of the environmentally sensitive areas of the nature identified above (see attached survey).

- **CHAPTER 4 – Infrastructure**

  - The site of this proposed project is located outside of any of the areas planned for future public wastewater sewer infrastructure development.
  - The development proposes to construct a common well for water service and an on-site wastewater treatment system for sanitary sewer service to all 9 lots. These systems will require review and permitting by the Nebraska Department of Health and Human Services (NDHHS) and the Nebraska Department of Environmental Quality (NDEQ). Staff will require verification of approval of the systems by NDHHS and NDEQ before the Final Plat for the project is approved.

- **Wellhead Protection Area – Map 16 Sarpy County Wellhead Protection Areas** identifies this area as being within the Sarpy County SID 79 Meadow Oaks Wellhead Protection Area. Care needs to be taken to ensure the protection of the wells in this area from possible contamination due to development.

- **CHAPTER 5 – Transportation**

  - **Federal Roadway Functional Classification – Map 17 Sarpy County Federal Roadway Functional Classification** identifies Highway 50 as a Minor Arterial and Riha Road as a Local Street
Anticipated Full Buildout Street Network – Map 21 Sarpy County Anticipated Full Buildout Street Network shows Highway 50 as a 4-lane divided highway with 100’ right-of-way. It shows Riha Road to continue to be a local street.

APPENDIX A – Zoning Relationship to the Future Land Use Plan
- The Future Land Use Map of the Sarpy County Comprehensive Plan designates this site as Agriculture. The proposed zoning district of RE2 (Residential Estate – 2-acre minimum lot size) is listed as a compatible under the Agriculture land use designation within the Comprehensive Plan.

B. SARPY COUNTY ZONING REGULATIONS
- SECTION 12, RE2 (Residential Estate II District – 2-acre minimum lot size)
  - 12.1.8 – Single family dwellings, as proposed by this application, are a Principal Permitted Use
  - 12.4.1 – Single family dwelling development must meet the following minimum requirements:
    - Lot Area – 2 acres
    - Lot Width – 100 feet (measured at the front yard setback line)
    - Front Yard Setback – 35 feet
    - Side Yard Setback – 10 feet
    - Side Yard Street Setback – 25 feet
    - Rear Yard Setback – 25 feet
    - Maximum Height – 35 feet
  Revised submittals of the Preliminary Plat show that the subdivision will meet these size and setback requirements.

- SECTION 30, Floodplain District (FP)
  - A portion of the site along Riha Road is located within the AE flood fringe zone. Any development within this flood zone must follow the regulations in Section 30 of the Sarpy County Zoning Regulations and must have an approved Floodplain Development Permit.

C. SARPY COUNTY SUBDIVISION REGULATIONS
- SECTION 6, PRELIMINARY PLAT AND SUPPLEMENTAL DATA
  - 6.2.15.12 – A description of proposed curbs, gutters, sidewalks, street surfacing and street sub-structure must be submitted. Some of this information was provided but the Public Works Department has requested additional details (see attached memo from Pat Dowse, Engineering Manager). The applicant is requesting a waiver in order to construct concrete paved streets with 6 foot shoulders and ditches to handle stormwater runoff. In addition, the applicant is asking for a waiver from requiring sidewalks within the project. (see attached Waiver Request Letter). Staff believe that, since this is a rural acreage development, these waiver requests are acceptable and consistent with how other subdivisions in the area have been developed.

IV. ANALYSIS
A. COMPREHENSIVE PLAN POLICY STATEMENTS: These development applications, and the requirements placed on them, support the following policies of the Sarpy County Comprehensive Plan (see Comprehensive Plan Chapter 9 Goals & Implementation):
- Land Use and Growth Management
  - 1.d A Rural Development Zone will be established to accommodate land use trends of large-lot residential and appropriate rural uses. Development in this area is not intended to be served with public utilities or urban-scale infrastructure.
The intent of the Rural Development Zone is to accommodate areas of large lot residential development and other rural land uses.

- 2.c Sarpy County should not approve a development or subdivision that is:
  - inconsistent with the County’s adopted Comprehensive Plan, detailed area plans, infrastructure and utility plans, or long-range transportation corridor plans or studies;
  - inconsistent with the County’s right-of-way standards, or standards established in long-range transportation corridor plans or studies;
  - lacking necessary local paved road plans, approved by the County, to serve the subdivision or development within a timeframe consistent with development, or does not conform to roadway policies;
  - lacking adequate sanitary sewer and potable water capabilities;
  - lacking adequate storm water drainage, storm water treatment facilities, or storm water management either within the development site or downstream;
  - inconsistent with any other standards addressed in adopted zoning regulations, subdivision regulations, or design standards;
  - inconsistent with other adopted decision criteria;
  - inconsistent with the Comprehensive Plan unless the proposed development or subdivision furthers another more important Comprehensive Plan objective. In which case, the County should, for good planning purposes, allow development that is different than the Comprehensive Plan might call for in certain areas.
  - inconsistent with the Comprehensive Plan unless there have been substantial legal, physical, or infrastructure changes that formed the basis for the Comprehensive Plan, in which case the Comprehensive Plan should be amended so as to allow for support of the change.

The County shall maintain clear standards for approval of development and subdivision plans in order to implement the vision of its Comprehensive Plan.

- 4.d Sarpy County should enforce conservation provisions established in this Comprehensive Plan to identify and conserve environmentally sensitive areas. Conservation provisions in this chapter establish criteria for identifying and conserving environmentally sensitive areas in Sarpy County.

- 5. Developments should be built and designed in a manner that contributes to and enhances the quality of life in Sarpy County.

- 5.a Ensure that Sarpy County, along with local jurisdictions within, provide diverse options in relation to lot size, density, and type for all land uses. Sarpy County and the municipalities located within the county represent a primary area of residential growth for the Omaha-Council Bluffs MSA. However, a public priority lies in preserving the unique environmental resources found in the area, including agriculture production. Offering a range of development options in a managed fashion will result in a more diverse, well-balanced, and prosperous region.

- Transportation
  - 2.f Sarpy County should not approve a development or subdivision that is:
    - inconsistent with the County’s right-of-way standards, or standards established in long-range transportation corridor plans or studies;

- Environmental Resources and Recreation
  - 1.d Managing storm-water runoff on site will be a requirement of development, implemented through subdivision regulations.
    - 1.e Protect all water supplies and aquifers from development activities that may affect the quality and/or quantity of water. Development with the potential for adverse effects on water sources should not be approved.
    - 1.f Promote best land management practices through the development of erosion control design standards for subdivision development.
Sarpy County should continue participation in the FEMA National Flood Insurance Program to prevent flood-caused loss of life and property, by identifying and mapping the floodplains and floodways of the County and enforcing floodplain development regulations.

B. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. Comments received are attached for your review. Should any additional comments be received, they will be provided to you at the public hearing.

Staff received an email on December 5, 2017, from Tim Weander, District 2 Engineer at the Nebraska Department of Transportation (NDOT), indicating that NDOT will require the Riha Road intersection with Highway 50 be moved south to provide a 90 degree or near 90-degree angle with Highway 50. (see attached email)

V. STAFF COMMENTS/RECOMMENDATIONS

Staff recommends APPROVAL of the application for a Change of Zone from AG (Agricultural Farming District) to RE2 (Residential Estates – 2 acres minimum) for the proposed subdivision to be known as River Ranch as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning Regulations.

Staff recommends APPROVAL of the Preliminary Plat of a subdivision to be known as River Ranch (Lots 1-9 and Outlot “A” inclusive), subject to the comments and conditions contained herein, and with the stipulation that the following items be submitted with the application for Final Plat:

1) Written approval from the Nebraska Department of Environmental Quality for the wastewater system that will serve the nine lots;
2) Written approval from the Nebraska Department of Health and Human Services for the domestic water system that will serve the nine lots; and
3) Written approval from the Nebraska Department of Transportation on the design for intersection improvements at Highway 50 and Riha Road

Staff makes this recommendation as the Preliminary Plat meets the intent of the Sarpy County Subdivision Regulations and the goals and policies of the Comprehensive Plan.

VI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission held public hearings on these applications at their November 21, 2017 meeting and recommended APPROVAL to the County Board.

MOTION: Sotak moved, seconded by Malmquist to recommend APPROVAL of the application for a Change of Zone from AG (Agricultural Farming District) to RE2 (Residential Estates – 2 acre minimum) for the proposed subdivision to be known as River Ranch. This recommendation is being made as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning Regulations. Ballot: Ayes – Sotak, Davis, George, Ackley, Huddleston, Giff, Malmquist and Lichter. Nays: None. Abstain: None. Absent: Torczon, Whitfield, and Korth. Motion carries.

MOTION: Sotak moved, seconded by Malmquist to recommend APPROVAL of the Preliminary Plat of a subdivision to be known as River Ranch (lots 1-9 and Outlot “A” inclusive), subject to the comments and conditions contained within the Planning Department’s Recommendation Report with 1) a waiver of the 600’ cul-de-sac length due to safety concerns about a connection to Riha Road and for preserving the environmentally sensitive areas, and with the cul-de-sac reviewed and approved by Sarpy County Public Works Department; and 2) waiver of the curb, gutter and sidewalk requirements, subject to review and approval of a hydrologic and hydraulic study by Sarpy County Public Works Department, because it is consistent with surrounding developments. This
recommendation is being made as the Preliminary Plat meets the requirements of the Sarpy County Zoning and Subdivision Regulations and furthers the goals and policies of the Comprehensive Plan. **Ballot:** Ayes – Sotak, Davis, George, Ackley, Huddleston, Giff, Malmquist and Lichter. Nays: None. Abstain: None. Absent: Torczon, Whitfield, and Korth. **Motion carries.**

VII. ATTACHMENTS TO REPORT

1. Preliminary Plat exhibit
3. Environmentally Sensitive Area Exhibit
4. Waiver Request Letter
5. Comments Received
6. Current Zoning Map (showing subject property area)
7. Floodplain Map (showing subject property area)
8. Current Future Land Use Map (showing subject property area)

VII. COPIES OF REPORT SENT TO

1. Alan Hans (applicant)
2. Mark Westergard, E & A Consulting Group (Applicant’s Engineer)
3. Public Upon Request
RE: RIVER RANCH CHANGE OF ZONE AND PRELIMINARY PLAT SUBMITTAL

The recent submittal of the River Ranch Change of Zone and Preliminary Plat applications have been reviewed and we have the following comments:

Preliminary Plat

- Sarpy County Subdivision Regulations, Section 6, Preliminary Plat requires the following information be submitted with application:
  1. Setback lines for proposed zoning district
  2. Section and half-section lines
  3. Preliminary drainage plan
  4. Draft Subdivision Agreement
  5. Post Construction Storm Water Plan
  6. Natural features such as the wooded areas

- Please provide documentation showing compliance with the Sarpy County Future Land Use Plan. Chapter 3, Land Use and Growth Management (page 99) requires a minimum amount of open space conservation area be provided when environmentally sensitive areas comprise 15% or more of the site in the Rural Development Zone. This site appears to contain both steep slopes and woodland areas along Riha Road. Please see attached email from Bruce Fountain dated July 27, 2017.

- The submittal included waiver requests of the maximum 600 foot cul-de-sac length and curb/gutter requirements. Section 15 of the Subdivision Regulations allows the Planning Commission and County Board to consider granting a variance of the regulations based on hardship cases. We would ask that you present your justification for each request considering the intent and purpose of the Sarpy County Regulations, including those listed in Section 15.2 of the Sarpy County Subdivision Regulations. (Please see attachment).

- Post Construction Stormwater Plan must be submitted to Permix website for review and approval.

These are comments following the review of the Planning Department only. We will route the submittal for review and forward any additional comments that may be brought to our attention as soon as we receive them. Please submit your response to the items noted above to our office at your earliest convenience.

Please contact Bruce Fountain, Planning Director, or myself at 402-593-1555 if you have any questions.

Respectfully,

Donna Lynam  
Assistant Director  
Sarpy County Planning and Building

cc Bruce Fountain, Planning Director  
File
November 3, 2017

Donna Lynam
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

RE: Preliminary Plat Review Comments – River Ranch Change of Zone and Preliminary Plat

Dear Ms. Lynam,

Below you will find responses to your comment letter dated September 21, 2017.

1. Preliminary Plat:

   A. Our preliminary plat submittal has been updated to include:

      i. Setback lines for the proposed zoning district are shown on the preliminary plat.
      ii. Section and half-section lines are shown on the preliminary plat.
      iii. Drainage will be handled through a system of ditches along the side of the road as shown on the grading and post construction plan. The grading plan has been renamed Grading and Drainage Plan.
      iv. A draft subdivision agreement has been provided.
      v. A post construction stormwater plan has been provided.
      vi. The trees defining the north edge of the ree line along Riha Road has been field surveyed and is shown on the preliminary plat and exhibits.

   B. Based upon the field survey of the trees defining the north edge of the environmentally sensitive area that you have asked us to provide additional detail, 13.7% of the overall site makes up the stand of trees and slopes in excess of 15% directly north of Riha Road. Based upon this area being less than 15%, no outlets are needed nor provided to encompass this area.

   C. A separate letter related to variances has been included.

If you have any questions regarding the application, please contact me at 402-895-4700.

Sincerely,

Justin Zetterman, PE, CFM
E&A Consulting Group, Inc.
Environmentally Sensitive Area = 3.04 acres
Total Site Area = 22.20 acres
Environmentally Sensitive Area = 13.7% of site

I hereby certify that the total area of the site with tree cover and slopes in excess of 15% is less than 15% of the total site's land area.
November 15, 2017

Bruce Fountain
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

RE: River Ranch Request for Waiver

Dear Mr. Fountain,

Per Sarpy County’s comment letter dated September 21, 2017 for the preliminary plat submittal for River Ranch, we are requesting waivers for this project as outlined below.

1. Typical local regulation maximum cul-de-sac length is specified to be 600’

   For the River Ranch Subdivision, we are proposing a cul-de-sac that has a centerline length of roughly 900 feet as measured from the north right-of-way line of Riha Road to the center of the cul-de-sac. We feel that this request is appropriate for a waiver based upon the following reasons:

   a. Per Section 15.2 (3) of the Sarpy County Subdivision Regulations, waivers may be granted when a request reduces the waste of excessive amounts of roads. Converting the cul-de-sac to a loop street would result in paving nearly 400 additional feet of roadway. This additional amount of roadway would provide no benefit to the development and only result in more paving to plow and maintain in the future. Furthermore, this would create an additional connection to Riha Road that is likely to close to the currently proposed entrance to be safe.

   b. Per Section 15.2 (14) of the Sarpy County Subdivision Regulations, waivers may be granted when a request protects and preserves valuable places within the County. The proposed entrance location from Riha Road is located such that it does not affect the environmentally sensitive area along the north side of Riha Road that consists of trees and steep slopes. The second connection point to Riha Road would have to be located such that it cuts right through this environmentally sensitive area. This would require removing a large portion of this area as this top of the slope sits almost 30 feet above Riha Road. The width of the disturbed area would approach 250’ wide due to 3:1 slopes tying the road back to existing ground. For visual reference, this width is roughly the width of proposed Lot 2. Removing such a large portion of this area would go against the intent of the new Comprehensive Plan for this part of the County.
2. **Proposed Table 10.2.14 Number 2, Sarpy County Subdivision Regulations, concrete streets with curb and gutter for local streets and cul-de-sacs.**

For the Ranch Ranch Subdivision, we are proposing the construction of concrete paved streets with 6 foot shoulders and ditches to handle stormwater runoff. Along with this, we request to not construct sidewalks. We feel that this request is appropriate for a waiver based upon the following reasons:

a. Per Section 15.2 (1) of the Sarpy County Subdivision Regulations, waivers may be granted when a request is related to developing both urban and non-urban areas and Section 15.2 (13) states that waivers may be granted when the request encourages the most appropriate use of the land in the County. This area of Sarpy County will never see typical urban subdivision development with quarter acre lots and curb and gutter streets, which is good as it is not the most appropriate use for this land. As proposed, this acreage development is consistent with the residential developments in and around it which are all rural in nature. These developments have been constructed without curb and gutter. The installation of curb and gutter would typically also result in the use of storm sewer. Expecting this development to be completed in such a way that is inconsistent with the surrounding and tries emulate more dense residential development is an unfair hardship due to additional cost and again is not the best choice for the sensitive environment places in this area.

b. We further believe that ditches represent the most environmentally appropriate design for this area. With only 9 lots and existing farm ground that sits at 10% to 12%, this development will see a negligible increase from the increased impervious surfaces. Utilizing storm sewer along with curb and gutter will greatly increase the speed at which runoff from this site reaches Riha Road. The only way to protect the downstream area would be with relatively large detention basins that can be unsightly and create long term maintenance issues. By utilizing ditches, we can construct the area beyond the proposed shoulders with amended soils that will encourage infiltration. Infiltration is enhanced by the fact that the runoff can sheet flow into the ditches at all points instead of overloading a certain area with concentrated flow. Infiltration is a superior way to protect the downstream areas and the Platte River as water that seeps into the ground is filtered and pollutants are removed. Curb and gutters along with storm sewers collect pollutants on the streets and lots, concentrate them and quickly carry them to the edges of the site. Utilizing a dry detention basin to control the release rate from this site will control flow volume but will not as effectively control pollutant release. Detention time will likely not provide adequate time for all suspended solids to settle out and will do a poor job of filtering out oil and grease that floats on the surface.

If you have any questions regarding these requests, please contact me at 402-895-4700.

Sincerely,

E&A Consulting Group
Justin Zetterman, PE, CFM
MEMO

TO: Bruce Fountain, AICP, EDFP, Director
FROM: Patrick M. Dowse, PE, Engineering Manager
DATE: October 6, 2017
RE: River Ranch - Preliminary Plat and Change of Zone

Sarpy County Public Works has reviewed the above mentioned submittal documents, and has the following comments:

**Interior Roadway**

Please provide greater detail as to the grade break near "Street A" ~STA 0+00.

Please confirm '7" Paving' is 7" PCC Paving. If ACC Paving, thickness will need to conform to Sarpy County Subdivision Regulations.

Please confirm whether pavement width is 24' or 25'. Please confirm the radii of the paving returns to Riha Road.

Please confirm a 24" RCP culvert is adequate at the "Street A" crossing.

Please confirm street lengths are consistent with Sarpy County Subdivision Regulations.

Please confirm maintenance and snow removal will be provided by the HOA, and/or other entity.

Please feel free to let me know if you have any questions.
MEMO

TO:       Bruce Fountain, AICP, EDFP, Director
FROM:     Patrick M. Dowse, PE, Deputy County Engineer
DATE:     November 21, 2017
RE:       River Ranch – Request for Waiver

In regards to the Waiver Request received by your office on November 15, 2017, Sarpy County Public Works has the following comments:

1) Given the proposed low number of lots, and relatively low volume of anticipated traffic generated by development of said lots, it would appear Public Works would have no objection to the approximately 900' cul-de-sac length, insofar as the local fire jurisdiction does not have an objection to the geometry or dimensions of the paving as proposed.

2) Given the proposed low density of lots, it would appear Public Works would have no objection to the proposed rural drainage system insofar as the drainage conveyances are properly designed to adequately handle the projected drainage and/or runoff, and that measures are put into place to properly maintain said drainage conveyances. A hydrologic and hydraulic study should be completed to ensure the development does not meet the thresholds that require post-construction stormwater management plans as defined by the South Sarpy Watershed Partnership.

Please feel free to let me know if you have any questions.
From: Weander, Tim <Tim.Weander@nebraska.gov>
Sent: Tuesday, December 05, 2017 4:39 PM
To: Bruce Fountain
Cc: Scott Bovick
Subject: FW: Highway 50 and Riha Road Intersection
Attachments: Revised Staff Report for 11-21-17 PC - River Ranch.pdf

Bruce

This is the email I received concerning N-50/Riha Road and the housing development.

We will require the Riha Road intersection be moved south to allow a 90 degree or near 90 degree angle with N-50. It appears this can be accomplish by moving the intersection connection approximately 100 ft south.

No other improvements will be required on N-50.

Timothy W. Weander, P.E.
District 2 Engineer
Nebraska Department of Transportation
4425 S. 108th St.
Omaha, Nebraska
(402)-595-2534
October 13, 2017

15709 Meadow Ridge Drive
Springfield, NE 68059

Regarding: The request for change of zone from AG to RE2 for proposed new subdivision known as River Ranch

Sarpy County Planning Department
1210 Golden Gate Drive #1240
Papillion, NE 68046

To Whom It May Concern;

Many neighbors as well as myself, would prefer that the land for the proposed subdivision remain AG (Agricultural Farming District with minimum 20 acre lots) per Sarpy County’s Comprehensive Plan. However we understand that rezoning it to RE2 (Residential Estates II with 2 acre lots) is a compatible zoning district as found in Appendix A of the comprehensive plan.

We would like the Board to ensure that the following issues are addressed before voting on a change in zoning.

- That the subdivision will be providing an adequate water main supply system with fire hydrants as required by Section 12.10 in the Subdivision Regulations. This is not indicated on the preliminary plans. Currently only SID No. 79 has fire hydrants in the area, which are used by the fire department for any fires in and around the SID. I don’t believe the existing well shown on the preliminary plans has the capacity to serve the 9 lots and provide fire protection. We are also concerned that a new community well for the new subdivision maintain the Nebraska well head protection distances from the SID No. 79 wells.
- That the cul-de-sac street being proposed to access the lots meets the minimum design standards for urban streets as found in Table 10-1 of the Subdivision Regulations including slope and length of the road. The turn around diameter needs to be verified with the fire department based on their equipment requirements for turning radius.
- That off site drainage is addressed. Currently, even though terraces have been built into the hilly site, during heavy rains, runoff from the site has filled the ditch along Riha road and overflowed the road. There is also erosion occurring near the west end of the land which fills up the ditch. With the proposed development, there will be less pervious soil to absorb any runoff, which will make the problem worse.

It should also be noted that the south sides of the south east lots are designated as being in the flood plain per FEMA.

Sincerely,

James Jaros

CC: Jim Warren, Vice Chairman
November 3, 2017

15709 Meadow Ridge Drive  
Springfield, NE 68059

Regarding: Recommendation Report for River Ranch Subdivision, dated October 17, 2017

Sarpy County Planning Department  
1210 Golden Gate Drive #1240  
Papillion, NE 68046

To Whom It May Concern;

I have reviewed the rezoning recommendation report your department prepared for the proposed River Ranch Subdivision. I was glad to see that a lot of the concerns I had in my October 13th letter were listed as additional items that need to be addressed.

I still have a few concerns. In the report it states that Sarpy County should not approve a development or subdivision that is inconsistent with other standards addressed in adopted zoning regulations, subdivision regulations or design standards. Section 12.10 in the Subdivision Regulations states that an adequate water main supply system with fire hydrants is required for all new subdivisions. The requirement for fire hydrants is not listed in the report as a deficiency that needs to be addressed and is not shown as part of the application for rezoning. As noted in my October 13th letter only SID No. 79 has fire hydrants in the area, which are used by the fire department for any fires in and around the SID. I don’t believe the existing well shown on the preliminary plans has the capacity to serve the 9 lots and provide fire protection.

While the development of community septic system does not fall under your department, I would hope that the rezoning recommendations indicate that the community septic system needs to comply with Title 124 of the Nebraska Department of Environmental Quality requirements before approval of rezoning is considered. It is especially important that the setbacks from the community well are met, laterals are installed above the water table and none of the system is within the FEMA designated flood plain since the location for the system is on the lowest portion of the site.

At the end of the rezoning hearings, I hope that Sarpy County ensures that the proposed development meets all the rules and regulations that the County and State now require for new subdivisions.

Sincerely,

[Signature]  
James Jaros

CC: Jim Warren, Vice Chairman
November 16, 2017

Mr. James Jaros
15709 Meadow Ridge Drive
Springfield, NE 68059

Dear Mr. Jaros:

This letter is in response to your letter dated November 3, 2017, regarding the Change of Zone and Preliminary Plat applications for the proposed River Ranch subdivision. Enclosed you will find a copy of our staff report and recommendation on these applications. Since the item was tabled at the October Planning Commission meeting, we have updated the staff report and the revisions are shown in red (additions) and blue (deletions).

I believe we have addressed the concerns you expressed in your letter within the staff report. You had a concern regarding requirements for fire hydrants within all new subdivisions. Section 12.10 of the Sarpy County Subdivision Regulations states “The subdivision shall be provided with an adequate water main supply system. The location of fire hydrants shall be shown on the water utility plan.” Within our staff report, we have explained that the County has consistently interpreted “adequate water main supply system” to include private (individual), community and municipal water systems. In addition, it has consistently been interpreted that fire hydrants shall be shown on the water utility plan IF they are required by the County. Current County subdivision regulations do not provide a minimum or maximum number of lots in which fire hydrants shall be required. The County, in consultation with area fire departments, has only required fire hydrants within suburban density subdivisions with municipal water service or rural acreage subdivisions with a large number of lots that are connected to a municipal or community water system. Examples of such subdivisions include Meadow Oaks, Cheyenne Country Estates, Lake Ridge Estates, and Cinnamon Acres. Smaller rural acreage subdivisions have not been required to have fire hydrants. Examples of such would be Little Prairie, Prairie Ridge, Fairview Acres, Hidden Valley Ranches, and many others south in the Platteview Road area along 57th Street and 63rd Street.

Further research has provided clarification of Title 178, Private Water Systems and Title 179, Public Water Systems. A water system is considered to be private if it meets one of the following criteria:

1) Serves 24 or fewer residents
2) Is used less than 60 days a year; or
3) Has less than 15 hookups.

If it does not meet the criteria for a private water system, it is considered to be a public water system and must meet the regulations of Title 179. Title 179 has minimum requirements for a public water system, one being a distribution system. Such a distribution system must provide for fire hydrants. The well and water system must be approved by the Nebraska Department of Health and Human Services (NDHHS) prior to activation.
While staff believes the language within the County’s Subdivision Regulations is not well written and is left open to varying interpretations, we believe the County has been consistent in its implementation regarding the requirement of providing fire hydrants. Based on this consistent implementation, staff does not believe fire hydrants should be required for this subdivision unless the Nebraska Department of Health and Human Services determines it to be a public water system. It is our intent to provide additional clarification of the requirements and specifications through an amendment to the Subdivision Regulations in the near future.

The other concerns you mentioned in your letter regarding the on-site wastewater treatment system are addressed in our staff report as well. Title 124, On-Site Wastewater Treatment Systems, regulates the installation and use of these systems. Staff and the applicant are aware that Title 124 will require the system to be engineered and approved by Nebraska Department of Environmental Quality (NDEQ) prior to construction.

It is important to remember that these current applications are just for the Change of Zone and the Preliminary Plat. If the Preliminary Plat is approved, the developer must still submit an application for Final Plat approval and these items will be further addressed at that time as well. If the Preliminary Plat is approved, they will move forward in working on the detailed engineering of the water system and the on-site wastewater treatment system in order to submit the information to NDHHS and NDEQ for proper approvals.

Thank you for taking the time to submit your concerns in writing to us. I hope this information helps to address them. If you have any additional questions or concerns, please feel free to contact me.

Respectfully,

Bruce Fountain, AICP, EDFP
Director

Cc: Jim Warren
    Don Kelly
November 21, 2017

15709 Meadow Ridge Drive
Springfield, NE 68059

Regarding: November 16, 2017 response letter for River Ranch Subdivision

Bruce Fountain, Director
Sarpy County Planning Department
1210 Golden Gate Drive #1240
Papillion, NE 68046

Dear Bruce;

I want to thank you for your letter addressing my concerns for the proposed River Ranch Subdivision.

I have read the updated Staff report and find it addresses most of the non-conformance issues required for sub-division design.

However I am not in agreement with the interpretation of Section 12.10 of the Zoning regulations. As you note 12.10 reads “Water Mains: The subdivision shall be provided with an adequate water main supply system. The location of fire hydrants shall be shown on the water utility plan.” This statement specifically requires fire hydrants be part of the water main system because of the word “shall”. As a licensed architect for over 37 years, I have dealt with codes and interpretations in many of the states I have worked in. I have never been allowed to deviate from any requirement that states it “shall” be required. Also since the zoning regulations are considered law, the planning department is required to enforce this and any change to the requirement can only be made by the County Board of Commissioners who approved the zoning regulations.

Allowing this subdivision to forgo fire hydrant installation is putting my house at risk since my house is located directly adjacent to the proposed subdivision. I am also disappointed that the Planning Department does not consider this an important requirement to protect the life, safety and convenience of the County.

I hope the Planning Department will reconsider their interpretation of Section 12.10.

Sincerely,

James Jaros

CC: Jim Warren, Vice Chairman
Tax Lot T2 in the NW ¼ & Tax Lot P3A in the SW1/4 in 11-12-11 and Tax Lot 13A in the SE1/4 in 10-12-11
River Ranch
Vicinity Map - Flood Zones

Tax Lot T2 in the NW ¼ & Tax Lot P3A in the SW1/4 in 11-12-11 and Tax Lot 13A in the SE1/4 in 10-12-11
River Ranch
STATE OF NEBRASKA
County of Sarpy

AFFIDAVIT OF PUBLICATION

Being duly sworn, upon oath, Michael Harrington deposes and says that he is the Accounting Manager or Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was

Wednesday, November 29, 2017

Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Michael Harrington
Accounting Manager
OR
Ron Petak
Executive Editor
OR
Laura Estep-Bronk
Sales Representative

Today's Date
Signed in my presence and sworn to before me:

[Signature]
Notary Public

[Seal]
GENERAL NOTARY - State of Nebraska
ELIZABETH M WHITE
My Comm. Exp. December 22, 2018

Printer's Fee $26.02
Customer Number: 40638
Order Number: 0002065616

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, December 12, 2017, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE. A Public Hearing will be held on the following:

Sarpy County Planning Department and Sarpy County Public Works Department request approval of a text amendment to the following section of the Sarpy County Subdivision Regulations: Section 10 - Minimum Design Standards.

Richland Homes LLC has submitted an application for consideration of a Final Plat of a subdivision to be known as Hills of Aspen Creek (formerly Aspen Falls), Lots 1 - 472, inclusive and Outlots A through O, inclusive, being a platting of Tax Lot 1A1 and Tax Lot 1A2 located in the Southeast Quarter, together with Tax Lot 6 located in the South Half of the Northeast Quarter, all in Section 20, Township 14 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 180th Street and Comnueker Road.

Alan Hans has submitted applications for consideration of a Change of Zone from AG to RE2 and a Preliminary Plat of a subdivision to be known as River Ranch, Lots 1 - 9 and Outlot A, being a platting of Tax Lot T2, a tax lot located in the NW1/4 of Section 11, together with Tax Lot P3A, a tax lot located in the SW1/4 of Section 11, all located in Township 12 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of Highway 50 and Rine Road.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 2045618; 11/29
STATE OF NEBRASKA}

County of Sarpy}

The above facts are within my personal knowledge.

Representative or Ron Peiak deposes and says that he is the Executive Editor of the 

Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal 

newspapers of general circulation in Sarpy County, Nebraska, and published 

therein; that said newspaper has been established for more than one year last past; that 

it has a bona-fide paid subscription list of more than three hundred; that to this 

personal knowledge, the advertisement, a copy of which is hereto attached, was

Wednesday, October 4, 2017

Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. 
The above facts are within my personal knowledge.

Michael Harrington  OR  Ron Peiak  OR  Laura Estep-Bronk
Accounting Manager  Executive Editor  Sales Representative

Today's Date 10/4/2017
Signed in my presence and sworn to before me.

Notary Public

GENERAL NOTARY - State of Nebraska
ELIZABETH M WHITE
My Comm. Exp. December 22, 2018

Printer's Fee $46.75
Customer Number: 40638
Order Number: 0002055181