



City of Grand Island

Tuesday, October 25, 2005

Council Session

Item E2

**Public Hearing on Request from Richard and Patricia Hartman,
5075 South Locust Street for Conditional Use Permit for Sand &
Gravel Operation Located at 3812 South Blaine Street.**

Staff Contact: Craig Lewis

Council Agenda Memo

From : Craig A. Lewis, Building Department Director

Meeting: October 25, 2005

Subject: Public Hearing on Request of Richard & Patricia Hartman for a Conditional Use Permit to Operate a Sand and Gravel Pumping Facility at 3812 S. Blaine Street Grand Island, Nebraska

Item #'s: E-2 & H-1

Presenter: Craig A. Lewis, Building Department Director

Background

This request is for Council approval to allow for the operation of a sand and gravel facility at the above referenced address. A conditional use permit is required as the current zoning classification, TA (transitional agricultural) does not allow for this type of use as a permitted principal use. The zoning classification does list as a permitted conditional use, commercial mines, quarries, sand and gravel pits and accessory uses. Conditional uses as listed in the zoning code must be approved or denied by the City Council in the form of a conditional use after a finding that the proposed use will or will not comply with the purposes as identified in the Code.

Section 36-2 of the Grand Island Zoning code, Purposes: This chapter has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in government expenditures.

This request is to begin in the year 2006 after a qualified operator is identified and continue until the year 2026.

Discussion:

Sand and gravel operations have been a part of the Grand Island and surrounding areas for a long time, as residential development continues to expand and the uses become closer neighbors more conditions need to be implemented to assure compatible and harmonious existence for both uses.

City administration has developed the following restrictions, or conditions which appear appropriate to impose upon sand and gravel operations.

1). USE: The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants. Neither of these operations have been requested in this application.

2). CLOSURE: A statement of the proposed use of the property after the closing of the sand and gravel operation has been provided along with the application. Residential use is anticipated.

3). PRIMARY CONDITIONS: (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.

(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be a minimum 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line, and a setback of 250 feet from the Central Platte Natural Resources District Wood River Diversion Channel Levee property shall be maintained between the pumping operations.

(c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. One exception to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 7:00p.m. to allow for winter condition.

(d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.

(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. There is currently along the east edge of the property a 45' electrical easement and an existing transmission line, no product, material or equipment shall be stored within that easement or in such a manner that it would violate any safety provisions of the National Electric Safety Code.

(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.

(g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

(i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

ALTERNATIVES:

It appears the Council has the following alternatives concerning the issue.

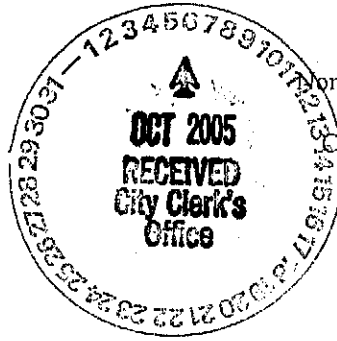
1. Approve the request with the proposed conditions, finding that the proposed application is and will continue to be in conformance with the purpose of the zoning regulations.
2. Deny the request, finding that the proposed application does not conform to the purpose of the zoning regulations.
3. Approve the request with additional or revised conditions and findings of fact.
4. Refer the matter to a special committee for a determination of a finding of fact.

RECOMMENDATION:

Approve the request if all conditions are met as presented by City Administration and if the City Council finds that the proposed use and application promotes the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

SAMPLE MOTION:

Motion to approve the conditional use with the conditions identified by the City Administration, published in the Council packet and presented at the Council meeting and finding that the applications conforms with the purpose of the zoning regulations.



Non-Refundable Fee: \$155.00
Return by: _____
Council Action on: 10-25-05

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: Mining of sand, gravel and rock from the described property.
2. The owner(s) of the described property is/are: Richard and Patricia Hartman
3. The legal description of the property is: See attached.
4. The address of the property is: 3812 S. Blaine Street, Grand Island, NE 68801
5. The zoning classification of the property is: TA
6. Existing improvements on the property is: None.
7. The duration of the proposed use is: 25 years.
8. Plans for construction of permanent facility is: See attached plans for mining.
9. The character of the immediate neighborhood is: Agricultural.
10. There is hereby **attached** a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested.
11. Explanation of request: To allow mining of the described property to obtain sand and gravel for construction uses in Grand Island areas.

I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

9/26/2005
Date

Richard and Patricia Hartman
Owners(s)

(308) 384-6442
Phone Number

5075 S. Locust Street, Grand Island, NE 68801
Address

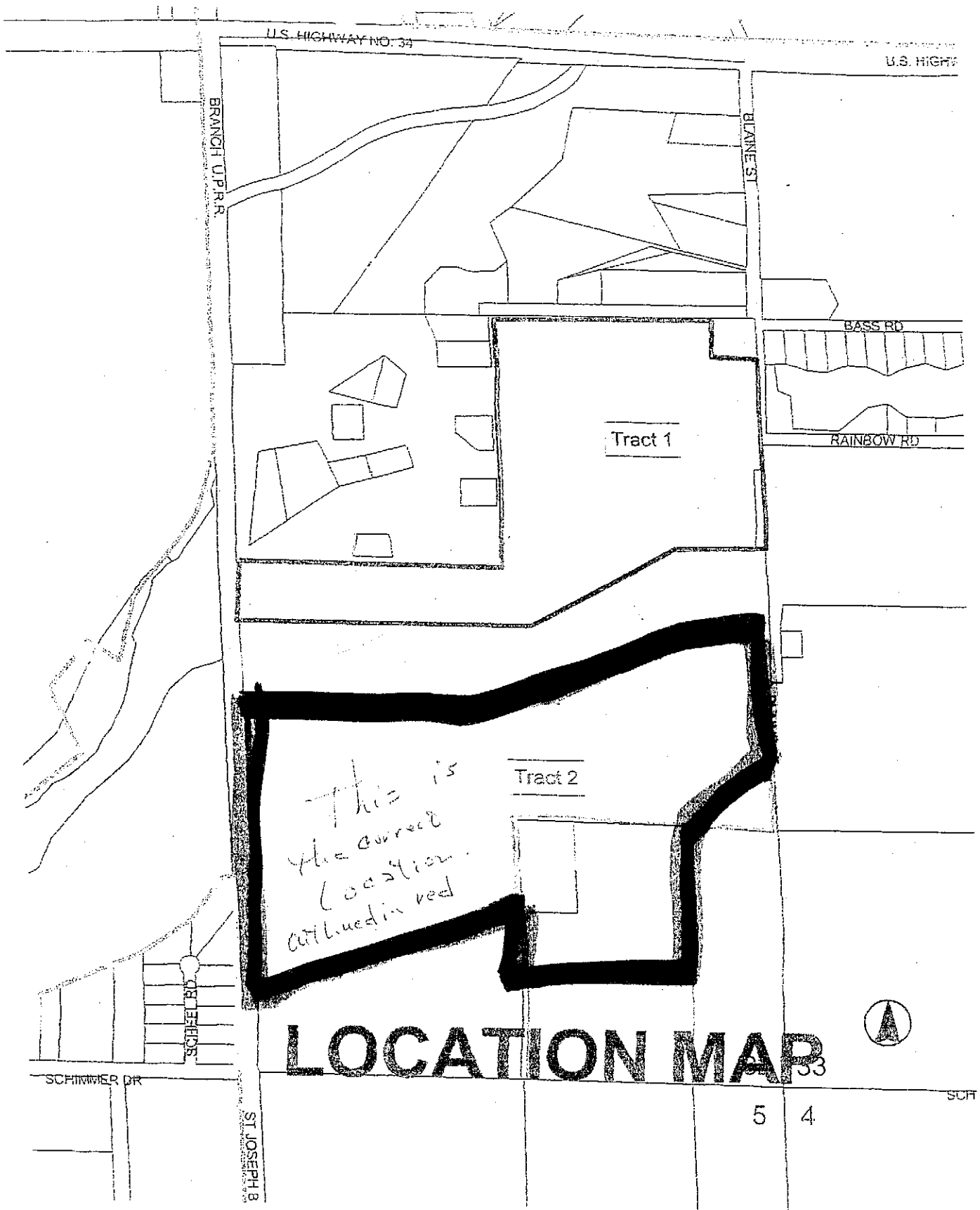
City State Zip

Please Note: Delays May Occur if Application is Incomplete or Inaccurate.

Legal Description of Purchased and Leased Property

A tract of land comprising a part of the Southeast Quarter of Section Thirty Two, Township Eleven North, Range Nine West of the 6th P.M., in Hall County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said Southeast Quarter; thence running southerly along the east line of said Southeast Quarter, on an assumed bearing of S00 00'00" W, a distance of Five Hundred eighty Six and Sixty Nine Hundredths (586.69) feet, to the ACTUAL Point of Beginning; Thence running S 89 degrees 17'35" W, a distance of Forty (40) feet; Thence running N 00 degrees 00'00" E, a distance of Two Hundred Ten and Two Hundredths (210.02) feet; Thence running S 89 degrees 19' 26" W, a distance of Eight (8) feet; Thence running N 00 degrees 00' 09" W, a distance of One hundred Thirty Five and One Hundredths (135.01) feet; Thence running N 11 degrees 09' 24" W, a distance of One Hundred Seven and Forth Five Hundredths (107.45) feet; Thence running S 89 degrees 16' 35" W, a distance of Three Hundred Forty Four and Seventy Nine Hundredths (344.79) feet; Thence running S 61 degrees 59' 54" W, a distance of Seven Hundred Eighty Six and Ninety Three Hundredths (786.93) feet; Thence running S 89 degrees 55' 41" W, a distance of One Thousand Five hundred Thirty Four and Seventy Four Hundredths (1534.74) feet to a point on the easterly right of way line of the Saint Joseph Branch of the Union Pacific Railroad; thence running S 01 degrees 03' 45" E along the easterly right of way line of the Saint Joseph Branch of the Union Pacific Railroad, a distance of One Thousand Five Hundred Thirteen and Fifty Seven hundredths (1513.57) feet; Thence running N 88 degrees 55' 50" E, a distance of Six Hundred Seventy Seven and Thirty Seven Hundredths (677.37) feet; Thence running N 69 degrees 35' 54" E, a distance of Six Hundred Seventy Four and Eighty Hundredths (674.80) feet; Thence N 00 degrees 00' 00" a distance of Five Hundred (500) feet; Thence running S 00 degrees 01' 52" W a distance of Forty One and Thirty Five Hundredths (41.35) feet; Thence running S 89 degrees 35' 36" E, a distance of One Thousand Three Hundred Fourteen and Sixty Four Hundredths (1314.64) feet, to the southeast corner of the Northeast Quarter of said Southeast Quarter; Thence running N 00 degrees 00' 00" W, along the east line of said Southeast Quarter, a distance of Seven Hundred Forth Two and Nine Hundredths (742.09) feet to the ACTUAL Point of Beginning and containing 74.269 acres more or less, of which 0.562 acres more or less is presently occupied by public road right of way. Net 73.707 acres more or less.



ATTACHMENT TO CONDITIONAL USE PERMIT APPLICATION

Richard Hartman and Patricia Hartman, Husband and Wife, request a special use permit to allow excavation, processing, stock piling and selling of aggregates on an agricultural zone parcel at 3812 S. Blaine. The Application is requested by the owners to allow the special use; the owners anticipate entering into a contract with a qualified operator to include the following specifications:

1. Time of Mining Operations. The estimated time to operate the mining operation will be approximately 22 years. The owners plan upon contracting with a qualified operator to begin operations on the property in 2006 to continue until approximately 2026 which would also include time for reclamation and restoration of the property.
2. Location of Processing Plant. The owners are contemplating locating a processing plant on the south side of the parcel approximately 1,300 feet west of Blaine Street and approximately 1,200 feet north of Schimmer Drive. The total area of the processing plant will be six (6) acres.
3. Ingress and Egress to Plant Site. Currently there is a driveway to the property off of Schimmer Drive and that road is contemplated as the location of ingress and egress to the plant.
4. Environmental Issues. The operator selected by the owner will be required to maintain its operation in accordance with Nebraska Department of Environmental Quality including permits regulating air and water quality.

The mining operator will be required to follow all federal Department of Environmental Quality rules and regulations including obtaining permits for diesel fuel, oil and gasoline storage. The fuel storage must and will have secondary containment provisions to allow safe use before any fuel or oil will be stored on the property.

The operator will be required to operate in such a fashion as to minimize dust caused by truck traffic. The relative short length of the haul road from Schimmer Road to the plant site will also minimize dust.

The operator will be required to maintain the mining operations pursuant to rules and regulations enforced by the Mining Health and Safety Act as mandated by the federal government. The regulations of this act require maximum noise level within the boundary of the mining operation to be maintained at 85 decibels or less. The owners will require the operator to strictly comply with these federal regulations and will also provide for a requirement of use of special mufflers to be fitted to the engines on the dredge. An electronic processing plant will be used in order to minimize noise.

The operator will be required to place stockpiles of mined material in such a fashion as to absorb and deflect as much of the motor noise as possible. The federal regulations require back up of alarms for the loaders.

5. Mining Operations. The operator will be required to remove top soil from the area to be mined each year. This process will reduce the exposure of the underlying sand to wind erosion. The top soil that is removed will be stockpiled on the perimeter of the property and the operator will be required to cover the waste sand from the mining process at the conclusion of each mining phase.

To start the mining process, a hole will be dug below the water level to allow the dredge to be placed. Once placed, the dredge will float on the created opening to the ground water level. The dredge will be located at approximately 8 feet below the original ground surface. Fluctuations in the ground water level can occur during the mining season that is normally conducted from March 15 to December 15.

Because of its placement below the ground surface, the dredge will not be readily visible from view of adjoining property owners and the placement of the top soil stockpile along the boundaries of the operation will also serve as a screening of the operation from adjoining properties.

It is anticipated that the operator will work approximately 3 to 5 acres of land per year depending upon demand. The number of acres used can fluctuate depending upon the number tons of materials from the excavation. The entire 74 acre parcel less the 6 acre plant site is anticipated to be completely mined in approximately 22 years.

The sand that is mined that is considered to be a waste product will be placed against the stockpiled top soil and placed at a height conducive to the development of the property for other uses contemplated after the mining operation is completed. At the conclusion of the mining operation, there will be approximately 40 acres of open water.

6. Reclamation. The stockpiled top soil will be placed over the waste sand on the perimeter of the lake area and leveled. The top soiled will be planted periodically throughout the mining operation with grass to prevent wind erosion on the soil. The reclamation of the property will be an ongoing process in conjunction with the mining operation in an effort to maintain the resulting land area reclaimed to be level and pleasing in appearance.

At the conclusion of the mining operation, all mining equipment will be timely removed and stockpiles will have been eliminated. It is anticipated that the conclusion of the operation will result in a lake and surrounding land area for planting and residential uses.

October 17, 2005
1919 BASS Rd.,
GRAND Island, NE
68801

MR. GARY GREER
100 E FIRST ST.
GRAND ISLAND, NE

DEAR SIR:

My wife JEAN and I want to go ON
Record in opposition to the pumping
Permit of Dick HARTMAN to pump gravel
in the Area of Blaine St. and Schimmer Drive.

It would greatly affect the land and House prices in the Area. Also, Hall County Park is very near. Please also consider the adverse effect on quality of life in the Area.

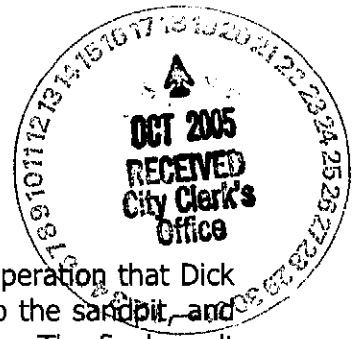
Thank you very much

D. Stalnaker & wife, Jean.
1919 Bass Rd



October 14, 2005

Dear Mayor Vavricek:



My name is Kathy Miller and we live on Scheel Road, bordering the sand and gravel operation that Dick Hartman is again proposing. I attended the previous meetings with my opposition to the sandpit, and spoke at the last meeting, and again, I would like to state my concerns on the matter. The final result of a sandpit with surrounding homes is a lovely thought, but it will be a long time until that happens. My family is concerned about the 20+ years between now and then.

I sent you a letter the last times this item was brought before the Council, and I am sending another letter, hoping you feel the same as you did then and will again vote against the sandpit. Please bear with me as I review some of the comments that the Council made at the previous meetings. Mr. Hartman said there were no reasons given to deny the permit at the last meeting, but they were at the previous meeting. Ms. Cornelius commented about the quality of life issue, that it is a beautiful area, and that it could effect the Hall County Park attendance. Ms. Hornady said that it is a lovely area, and there are few pieces of pristine prairie left in Nebraska. That this ground has never had a plow put to the ground and still has original swales. And that we are funding projects to develop greenspace, so this might be best left alone as prairie. Ms. Gilbert said that this sandpit is different than some, that the population density was already there. She was concerned who would police all the conditions placed upon the permit should it be allowed, and that with other pits the residents had to complain to get results. And that maybe with so many conditions, can it be right? She commented that there are too many problems, that it would be pro-active to stop. Ms. Pielstick was concerned as to the safety of children, as was Ms. Haase, who said that a neighbor when she was young almost suffocated at a sandpit. She said that the people were there first, and that to develop homes would benefit everybody, but we are not desperate for another gravel pit, that something could be done with the land, but not a sandpit. And to simply appreciate the quiet. Mr. Nickerson said at the very first meeting that Hall County Park would not be effected by the north pit, (which was voted down over a year ago), but could be by the south pit, and it could be 15 years or so before the south happens. It was only ten months before the south pit was brought up again, and voted down again, and now it is being brought up yet again. In driving through Hall County Park, you will see that the park would definitely be effected, that the pit is proposed within 100' of the campground. And Stuhr Museum is directly in view of the pit also, not something we would like to promote as a city, I wouldn't think.

I am also attaching articles from the Independent, and pleading with you to take the time to read them and remember what was all said at the last meetings. Our street is small, but we are surrounded by the same beauty and neighbors that the last proposal was for.

Following is a list of our concerns, in no particular order, as we feel they are all equally important.

The increase of traffic on Schimmer is a worry. With Hall County Park's entrance on Schimmer, there are many bike riders and joggers every day (as the norm, when the Park isn't being repaired). With the additional truck traffic all day long with the pit entrance, it would be even more dangerous for them to get to the park. The traffic from the Industrial Park is heavier now, but usually is done by the end of the work day when people use the park most. The only other road to get to the park is off Highway 281, very unsafe, and now we would be making Schimmer equally unsafe. There is also the hike/bike trail to Mormon Island. From my understanding this would run parallel with the sandpit, with blowing, pelting sand, a giant sandpile to look at, and the safety concern for any wanderers from the trail, as water and sand attract children. There would also be increased traffic on Blaine, where I imagine the bike trial would cross, and there would be more danger to the walkers and bikers.

I'm hopeful that you will once again deny this permit, as nothing has changed since the last meetings, but I feel that certain measures should be down in writing, should the outcome be different than the last meetings. Monday-Saturday pumping only, NO Sunday, and dawn to dusk is what I understand the norm is. I feel these hours are even too long, the sun comes up before 6:00 in the morning and stays light until late in the evening, there wouldn't be many quiet moments. Any lesser time of operation would be appreciated.

NO concrete plant or hot mix plant can be added at a later date. Only product that will come out of the ground, no incoming. Not natural state. Cannot bring in rock or asphalt to be ground down. This would help keep the site cleaner, no concrete or asphalt piles, and less noise from grinding machines. Also less traffic from trucks hauling product back in.

The height of the piles of sand: The piles we see around the county in sandpits are mountainous. Looking out at a solid mountain of sand is not the view we were excited about when we purchased our home 18 years ago outside of town.

Where will the piles of sand be placed? We request at least a 300' (or more if possible) setback on the sand and the pumping. We are worried that the sand will be put right up to our backyards and result in much blowing, and also the noise from loading trucks and lights from those trucks. We are worried about the blowing sand even pitting the siding of our houses, as we've heard reported from homes around current sandpits.

Concerned that the lights will be too bright and shine on our homes, the lights on the sand pile on South Locust are as bright as day and shine at all times.

Request that all mufflers that can be used, will be used. And any back-up alarms that could be muffled, also be.

If there is a buffer wall of dirt, it needs to be maintained or sprayed. Weeds and tumbleweeds are a huge eyesore also. Many times the outer boundaries of a property are where the piles of eyesore are stored, which happens to be up against my back yard.

Site must stay clean, no scrap, wood or pipes.

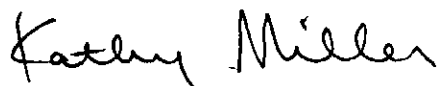
If housing must happen, I would welcome the neighbors who would be homeowners and take pride in their area. But for an eyesore of a sandpit to be there for 20+ years, then the years of settling ground before the homes are built, I must oppose. And with all the taxpayer money that is being spent to argue this case in court and for the city to defend their stance, the citizens should oppose it also.

And I would be curious as to what the pumping would do to the underground water supplies. Although we are in the city limits now, we all still have our own wells...would this pumping effect our water supplies?

Thank you for your time. I appreciate all the help you can give us in this matter. There have been many changes to our little neighborhood the last couple of years. We were annexed into the city and are hopeful that our representatives will help us with our concerns. We have tolerated the blowing dirt from the Industrial Park, and now the noise of the industries going in over there. I have had to fight to keep my children in their neighboring school. And now we need to fight to keep a mess out of our backyards.

Please help us.

Sincerely,

A handwritten signature in black ink that reads "Kathy Miller". The signature is written in a cursive style with a large, stylized "K" and "M".

Byron and Kathy Miller
4015 Scheel Road
Grand Island, NE 68803
381-7060 (home)
389-7222 (work)

Business move causing a stir

Proposed move by sand and gravel operation near Hall County Park has neighbors concerned

By Tracy Overstreet
tracy.overstreet@theindependent.com

Lyman-Richey Corp. wants to move its longtime sand and gravel operation from South Locust Street to 75 acres of ag land east of Hall County Park.

But the move from inside city limits to outside city limits is raising concerns from neighboring subdivisions.

"It's in my backyard," said Kathy Miller, 4015 Scheel Road.

The matter goes before the Grand Island City Council during a 7 p.m. Tuesday meeting at City Hall, 100 E. First.

The council is being asked to issue a conditional use permit for the sand and gravel operation at 3812 S. Blaine because the property is within the two-mile extraterritorial jurisdiction that cities can regulate.

The 75 acres that Lyman-Richey

football field away from Miller's back door on land currently owned by Hall County Supervisor Dick Hartman. The land is south of the Wood River Flood Control project and north of Schimmer Drive just west of Blaine Street.

Hartman had proposed a year ago to develop land he owns north of the flood control project into a housing subdivision with a lake that would be dredged by Lyman-Richey as a sand and gravel operation.

That proposal was denied by the Grand Island City Council on an 8-2 vote amid neighbor concerns, primarily from the Rainbow Lakes Subdivision east of Blaine, about noise, blowing dirt, increased traffic and safety for neighborhood children.

An 11-year-old boy was killed in 1998 at Central Sand and Gravel, 2819 S. Locust, whose parent company is Lyman-Richey. The boy had been sliding down a 25- to 30-foot-tall gravel pile and came into contact with power lines and was electrocuted.

Dan Lind, 2111 Bass Road, said there's also a safety concern for children who walk, ride bicycles, or are pulled in wagons by their parents along Blaine Street, which connects Bass Road and Rainbow Road in the Rainbow Lake development.

Heavy sand and gravel truck traffic would pose a threat, he said.

"Traffic is still going to be on Blaine," Lind said. "It isn't that far from where it was before."

The conditional use permit application said the driveway into the site would be from the south along Schimmer Drive.

Pumping operations are proposed to begin in 2006 and continue for 22 years in creation of a 40-acre lake.

"The resulting lake and surrounding land area on the described property will probably be platted for the sale of residential building lots," the permit application said.

"It ain't going to hurt anybody," Hartman said of the operation. "It will be a nice thing for the world."

Hartman referred all other questions to Grand Island attorney Bill Francis, representing Lyman-Richey. A call to Francis was not returned.

Miller said not only will the operation be an eyesore for her, but it's also in clear view of the Hall County Park, Stuhr Museum and the hike and bike trail proposed to run along the top of the flood control project.

Hall County Supervisor Bud Jeffries, who chairs the county's parks committee, said he hadn't been notified of the proposal and therefore had no comment.

Hall County Clerk Marla Conley said the county did receive a written notice from the city that the conditional use permit would be considered by the council on Tuesday, but she wasn't sure if supervisors had seen, read, or been given copies of the notice. It was included in a file folder of "communications" at the county board's meeting last Tuesday, she said.

City Building Department Director Craig Lewis is recommending approval of the conditional use permit for up to 10 years as long as certain conditions are met. They include adhering to a setback of 150 feet from Blaine Street, 250 feet from the flood control project, and 100 feet from the Scheel subdivision on the west and a farmhouse located to the south of the property.

Miller is also concerned about a six-day-a-week, sunup-to-sundown operation that utilizes heavy equipment.

"If homes develop there, that's fine. I'll welcome the neighbors," Miller said. "They don't have trucks with back-up horns."

Park area not good site for sand/gravel pit

Last May the Grand Island City Council rejected a proposal submitted by Dick Hartman to develop a sand and gravel pumping operation on land he owns between the Rainbow Lake subdivision and Hall County Park.

Home > Opinion > Park area
Web-Posted Apr 11, 2005

The project was originally to include tracks of land along South Blaine Street bisected by the Wood River Flood Control area and flanked by Hall County Park on the southwest and Meadowlark and Rainbow subdivisions to the north and east.

Only the land north of the river drainage was included in consideration for a conditional use permit. The council rejected the permit on an 8 to 2 vote based largely on objections presented by residents of the area concerned about noise, blowing dust, heavy truck traffic and safety.

At tomorrow's council meeting, Hartman will revisit his request for a conditional use permit for an aggregate operation, this time for the track of land to the south of the drainage at 3812 S. Blaine. The permit would allow Lyman-Richey Corp. to excavate, process, stockpile and sell aggregates on the 75-acre parcel. The permit is a pre-condition of a pending sale agreement between Hartman and Lyman-Richey.

The question of suitability remains tantamount in the decision to grant the mining permit. Residential development in the area has grown significantly over the past several years and a number of new homes have been added since last May. Homeowners and builders have invested in this corner of Grand Island because of the quiet, safety and proximity to town, parks and rural Hall County.

South Locust redevelopment and the major new interchange on I-80 will combine to focus future growth to the south. The city and county will someday have to contend with the impact of commercial, industrial and residential impact in the area between Highway 34 and the Interstate.

In the meantime the city council once again has the opportunity to make the right choice in considering what is most suitable for present and future residents of the area, the users of Hall County Park and the future of the county and Grand Island. We urge the council to reject the permit.

Home > News > Hartman sand and gravel debate continues
Web-Posted Jul 7, 2005

Hartman sand and gravel debate continues

By Tracy Overstreet
tracy.overstreet@theindependent.com

A dispute regarding a denied permit for a Grand Island sand and gravel operation is centering on what state statutes apply and whether a 30-day appeal deadline should be imposed.

Hall County Supervisor Dick Hartman applied for a conditional use permit to have a sand and gravel operation on 73 acres he owns just east of Hall County Park.

The Grand Island City Council held a public hearing on the permit request April 12 and denied the permit at the same meeting.

Hartman's attorney, Bill Francis, filed an appeal April 26, but didn't file city council minutes with the court until June 8 -- a timeline that City Attorney Doug Walker said failed to meet a state-required 30-day deadline.

On Wednesday, the city asked Hall County District Judge Teresa Luther to dismiss the case.

Not only had Hartman not met the 30-day deadline, but he failed to file a praecipe, or transcript of the council proceedings, and failed to follow the "petition in error" process that applies in such matters, Walker said.

But Francis said the petition in error process doesn't apply. There's separate state statute that applies to zoning appeals and it was amended last year, Francis said.

Luther advised both attorneys to file written arguments to her by July 27 and replies to each other's arguments by Aug. 3.

Hartman was not present during Wednesday's court hearing.

He had been seeking to sell his pasture to Lyman-Richey Corp. to operate a sand and gravel operation on the acreage located immediately north of Schimmer Drive and west of Blaine Street.

[Home](#) > [News](#) > Sand and gravel operation threatens Hall County Park

eb-Posted May 19, 2004

Sand and gravel operation threatens Hall County Park

County supervisor Hartman applies for permit

 By Tracy Overstreet
tracy.overstreet@theindependent.com

The tables have turned on the Hall County board when it comes to sand and gravel operations.

The seven-member board has struggled in issuing conditional use permits for the operations, which have proved to be controversial in more than one case this year.

But now instead of granting a permit, the county is in the position of being the affected landowner -- through one of its board members.

Supervisor Dick Hartman has applied for a sand and gravel permit on two pieces of property he owns on South Blaine Street -- one of which is immediately east of the Hall County Park.

"I am concerned about the noise and the dust as far as impacting our county park," said Supervisor Scott Arnold.

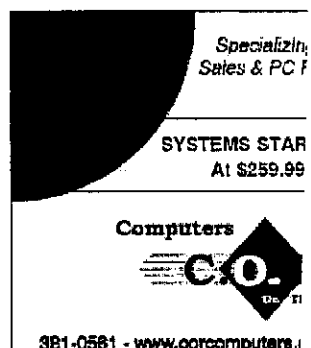
His other five colleagues agreed, as did numerous other neighbors, but it will be the Grand Island City Council, not the county board, that makes a final decision.

That's because Hartman's property is located at 3812 and 36

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Independent Talk

"...It is a myth that it is cheaper to live in a small town. The personal costs of travel in time and money to secure just minimal needs are tremendous and have out-paced pocketbook in many cases. ..." [lilchick377](#), in our topic: sub: for rural America

Blaine, is not in city limits, but is in the city's two-mile jurisdiction for such permits.

Hartman's permit is to be considered by the city during a 7 p.m. council meeting May 25.

Property owners from a nearby subdivision -- Rainbow Lakes -- came to the county board's Tuesday meeting to discuss their concerns.

Jane Thorngren, 1716 Rainbow Road, questioned using that land for a sand and gravel operation when it's surrounded by so many residences.

"We've weathered the NRD project," she said of construction of the Wood River flood diversion channel south of the nearby subdivisions.

The NRD project caused a lot of blowing dirt and Thorngren fears that the sand and gravel operation will continue that and prevent families from enjoying their outdoor space along lake beaches and in yards.

Richard Miner, 3527 S. Blaine, said he objects to the increased traffic on Blaine, the noise of pumping and the lights associated with the sand and gravel operation. He has circulated a neighborhood petition and plans to take it to the city council meeting next week.

"Ninety-five percent of the people have signed -- they don't want it there," said Scott Leisinger, 2119 Bass Road.

Supervisor Bud Jeffries said it's really a two-sided sword because the city and county need the aggregate from such an operation to continue to grow, but the operations can pose problems for residents. That's why the county board suggested that all the conditions recently required for a Werner Construction sand and gravel operation near Guenther Road be applied here -- limiting pumping to daylight hours, prohibiting it on Sunday, requiring mufflers on equipment and forbidding asphalt plants and aggregate storage. All these are conditions the city has already recommended.

"This might be the best of both worlds," Hartman finally said after sitting quiet through most of the discussion. "I could put in trailer houses or I could put a feedlot in there."

"Are you threatening us?" Miner asked.

"I'm just saying I own the land and I can do with it what I want to do," Hartman said.

He backpedaled and said he may not ever use the permit -- inaction that would make it null and void after 18 months, according to the city. But once the property owners left the meeting, he again talked of placing livestock -- up to 300 hogs on the land if his permit isn't approved.



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Tuesday
May 25, 2004 4-A

Editorial Page Editor: Jim Faddis, 381-9413

George Ayoub Senior Writer Mercedes Ayala Community Representative

City should deny sand, gravel permit

The Grand Island City Council has the opportunity tonight to do the right thing when it comes to determining how the city should grow. They are being asked to give permission to a proposal to create a sand and gravel operation that will sit smack dab between the Hall County Park and the Rainbow Lakes subdivision, all located south of the city on Blaine Street.

Our view

The Grand Island City Council should deny a permit for a sand and gravel operation near the Hall County Park and a housing subdivision.

From this corner it seems like a slam dunk. Deny the proposal because of the potential impact on Hall County Park users and the people who have built homes across Blaine Street from the proposed sand and gravel operation. It is a matter of determining

if the proposal is worth the negative impact on park users and home owners.

Rainbow Lakes homeowners have every reason to oppose this permit. It will not enhance their property and will be a detriment to further development.

The properties involved are not in the city limits. But the city has zoning control over parcels within two miles of the city boundaries. That makes it a city council issue. This is precisely why the two-mile jurisdiction exists — to make sure that industrial development does not impact the overall quality of life of the community.

This permit would also allow the Hall County Park to become less desirable from a user standpoint. With precious few parks available in Hall County, it does not make sense to allow an industrial use such as a sand and gravel operation to deteriorate the ambiance and natural setting of the park.

We urge the council to make quick action of this proposal and deny the permit.

Thank you for your comments and votes last Tuesday evening regarding the Richard Hartman sand and gravel operation. I had not attended a council meeting before and was impressed by viewpoints of all the council members. It seems to me that you really are looking out for the best interest of the homeowners and also the city of Grand Island. Comments about safety, keeping green space, families being there first, all hit the nail on the head.

My concern is that Mr. Hartman will re-apply for the south pit in the near future and people may forget comments from the Tuesday meeting. I live on Schell Road and our subdivision is smaller than Rainbow or Meadowlark, but we feel we are equally important...as is Hall County Park. Even part of the view from Stuhr Museum would be of the operation. We hope that when and if this issue comes before you again, you will remember all the discussion from last evening and help keep this eyesore from our neighborhood also.

Thank you so much for your time.

Kathy Miller
4015 Scheel Road
Grand Island, NE 68801

May 28, 2004

Lyman-Richey representative Carl Roberts said the company would put up a fence, but there is no guaranteed method of keeping everyone out.

Attorney John Amick, representing Hartman, said the sand and gravel operation was a win-win situation for the nearby subdivisions, because it would create a similar looking lake on which similar type homes could be built -- a complement to the existing homes.

Although there would be temporary inconveniences -- which Amick estimated at two years before development could begin -- the end result would be something that would increase the area aesthetics and value in the long-run.

Councilman Mitch Nickerson liked the idea of a similar-looking lake development and favored the permit for that reason. It's a given that the land will develop in some fashion, he said, because there is no new land being made.

But Councilwoman Margaret Hornady preferred the land be left "pristine Nebraska prairie" and Councilwomen Carole Cornelius and Peg Gilbert said there were just too many problems with the property to make it a good fit for a sand and gravel operation.

Little talk centered around the impact the operation would have on Hall County Park, largely because an application to pump nearby land at 3812 S. Blaine was pulled and not expected to be filed again for about eight years. Hall County Park Superintendent Chuck Kaufman, speaking on his own behalf, also said he had no concerns about the sand and gravel operation impacting the park.

Some of the homeowners and Councilman Fred Whitesides took personal shots at Hartman, whom Amick had advised not to attend the meeting strictly for that reason. Those comments prompted Nickerson to apologize for Whitesides and scold the public for not being big enough to "take the personality out of the project."

In other action the council:

- Awarded a contract to C.T. Brannon Corp. of Tyler, Texas, to prepare a comprehensive aquatics study at a cost not to exceed \$29,800.

- Requested southwest Grand Island be declared a Superfund site.

- Amended city code regarding nuisance violations specifically

me > News > Sand and gravel pit denied
b-Posted May 26, 2004

Sand and gravel pit denied

City Council concerned about environmental and safety issues

by Tracy Overstreet
tracy.overstreet@theindependent.com

The voices, faces and signatures of nearly 40 homeowners made a difference to the Grand Island City Council Tuesday night.

The council voted 8-2 to deny a sand and gravel pit permit to Hall County Supervisor Dick Hartman for land he owns at 3630 S. Blaine. Councilmen Bob Meyer and Mitch Nickerson were in favor of the permit.

"We are very pleased with the vote," said Jane Thorngren, 1716 Rainbow Road. "The council took into affect our lives and the quality of lives."

Thorngren and several other property owners from the nearby subdivisions of Rainbow Lake and Meadowlark Estates opposed the sand and gravel operation because of dirt, dust, noise, increased traffic and safety concerns.

Those safety issues included keeping the pit inaccessible to children said Scott Fox, 1916 Rainbow Road, who noted the proposed gravel pit operator, Lyman-Richey Corp., is the parent company of Central Sand and Gravel where an 11-year-old boy was killed in 1998 while playing at a Grand Island gravel pit.

Fox said Lyman-Richey also was reprimanded for Clean Water

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new

HALL COUNTY BOARD of SUPERVISORS
Hall County Administration Building
121 South Pine Street, Grand Island, NE 68801-6099
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Jim Eriksen 381-0952

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Richard Hartman 384-6442

Robert Rye 389-4781

Scott Arnold 384-3905

Robert Humiston Jr. 382-4343

Board Assistant: Stacey Ruzicka 385-5093

October 18, 2005

City of Grand Island
City Council Members
PO Box 1968
Grand Island, NE 68802



RE: Conditional Use Permit for 3812 S Blaine Street

Dear Council Members:

Please refer to the attached letters dated May 19, 2004 and April 11, 2005 regarding the conditional use permit for the property located at 3812 S Blaine Street. Once again we are sharing our concerns with you. As far as we are concerned, the situation has not changed. We continue to be concerned that this property is in such close proximity to Hall County Park.

We are requesting that you not grant the conditional use permit for this property. Thank you for considering our request.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Lancaster".

Hall County Board of Supervisors
Pamela Lancaster, Chair

Enclosures

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April 11, 2005

City of Grand Island
City Council Members
PO Box 1968
Grand Island, NE 68802



RE: Conditional Use Permit for 3812 S Blaine Street

Dear Council Members:

Please refer to the attached letter dated May 19, 2004 regarding the conditional use permit for the same property located at 3812 S Blaine Street. We feel that the same conditions exist except for the fact that this location is even closer to Hall County Park. In addition, our concern is that the gravel trucks traveling to and from this location will no doubt use Highway 281 and pass directly in front of the park.

We are requesting that you not grant the conditional use permit for this property. Thank you for considering our request.

Sincerely,

Hall County Board of Supervisors
Pamela Lancaster, Chair
Jim Eriksen, Vice-Chair
Scott Arnold
Bud Jeffries
Robert Rye

Enclosures

HALL COUNTY BOARD of SUPERVISORS
Hall County Administration Building
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Scott Arnold 384-3905
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William (Bud) Jeffries 382-8154

Richard Hartman 384-6442
Robert Rye 389-4781

Board Assistant: Stacey Ruzicka 385-5093

May 19, 2004

City of Grand Island
City Council Members
PO Box 1968
Grand Island, NE 68802



RE: Conditional Use Permits for 3812 and 3630 S Blaine Street

Dear Council Members:

The Hall County Board of Supervisors discussed at their meeting on May 18, a response to your letter to property owners regarding the proposed conditional use permits for sand and gravel operations located at 3812 and 3630 South Blaine Street.

Attached you will find a number of conditions we would like considered as requirements to obtain the permits. Our recent experience with a sandpit located in a similar proximity to homeowners resulted in these stipulations. Considering that campers, visitors to our community, as well as residents enjoy Hall County Park, we feel that these requirements are not excessive.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Lancaster".

Hall County Board of Supervisors
Pamela Lancaster, Chair

Enclosure

Hall County Board of Supervisors

May 19, 2004

Conditional Use Permits for 3812 and 3630 S Blaine Street

Requested Conditions

- Pumping of sand and gravel and storage of recyclable road construction materials shall not be allowed within 300 feet of a public road right of way, easement, or railroad.
- Pumping and other activities including, but not limited to, lighting, hauling, loading, unloading, sorting, and processing, is permitted from fifteen minutes after sunrise to fifteen minutes after sunset Mondays through Saturdays. No pumping or other activities are permitted on Sundays or from fifteen minutes after sunset to fifteen minutes after sunrise.
- Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
- Materials and equipment shall not be stored on the property within the regulated floodways as determined by the Federal Emergency Management Agency or its successor and the entity having jurisdiction and authority to enforce floodplain regulations.
- All dead trees, rubbish and debris, if any, must be cleared from the above described real estate as soon as practical and said real estate must, at all times, be kept in a clean and neat condition.
- No trash, rubbish, debris, broken concrete, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon said real estate.
- Crushing or grinding of aggregates other than those mined on site shall not be permitted.
- Manufacturing uses including, but not limited to, asphalt or Portland cement based concrete production, shall not be permitted.
- Applicant shall not use said real estate in such a way so as to create or result in an unreasonable hazard or nuisance to adjacent landowners or to the general public.
- Applicant shall maintain any and all drainage ditches that may be located upon the real property.
- Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is completely dry and free of water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.
- All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

