

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 18025, COMMERCIAL)
FEEDLOT ON PROPERTY GENERALLY) RESOLUTION NO. R-18-0057
LOCATED AT 13350 W WITTSTRUCK ROAD)
LANCASTER COUNTY, NEBRASKA)

WHEREAS, Randy Essink (“applicant” and/or “owner”), requested approval of County Special Permit No. 18025 (“Special Permit”), for a Commercial Feedlot for up to 190,000 chickens in four buildings under the provisions of Section 13.035 of the Lancaster County Zoning Resolution on property located at 13350 W. Wittstruck Road (Attachment “A”), legally described as follows:

A portion of the West 1/2 of the SE 1/4 located in the SW 1/4 of Section 7-8-5, Lancaster County, Nebraska (“Property”);

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning Department”) recommended conditional approval of said Special Permit, concluding that this application, with the conditions listed in the Planning Department’s report, meets the requirements for a commercial feedlot special permit in Lancaster County (“County”);

WHEREAS, on July 18, 2018 and August 1, 2018, the Lincoln-Lancaster County Planning Commission conducted public hearings on County Special Permit No. 18025 and on August 15, 2018, the Lincoln-Lancaster County Planning Commission held a voting session only and voted 6-3 to conditionally approve the Special Permit;

WHEREAS, on August 20, 2018, two appeals of the Planning Commission’s action to the Lancaster County Board of County Commissioners (“County Board”) were filed with the Lancaster County Clerk’s Office;

WHEREAS, on September 11, 2018, the County Board conducted a public hearing on the Special Permit, voting _____ to _____ said Special Permit; and

WHEREAS, all requirements of the Lancaster County Zoning Resolution have been met;

NOW, THEREFORE, BE IT RESOLVED, by the County Board that the Special Permit on the Property is hereby _____ subject to the following conditions:

Site Specific Conditions:

1. Before receiving building permits, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
 - 1.1 Add the title “Randy Essink Commercial Feedlot. Special Permit #18025 to the site plan.
 - 1.2 Add a legal description to the site plan.
 - 1.3 Identify on the site plan a quarter mile (1,320 feet) setback from the nearest point of any new building to the nearest existing house at the time of application.
 - 1.4 Identify the compost shed on the site plan
 - 1.5 Add a note to the site plan that any chicken barn and compost shed shall be located a minimum of a quarter mile (1,320 feet) from any existing house.
- 2.1 Before receiving building permits provide the following documents to the Planning Department:
 - 2.1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- 2.2 As part of occupying the buildings, the permittee shall:
 - 2.2.1 Maintain an approved Nutrient Management Plan by the Nebraska Department of Environmental Quality.
 - 2.2.2 Keep all litter inside all buildings except when used as a carbon element in a mortality shed or when in transit. No outside storage of litter is allowed otherwise.

Standard Conditions:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this ___ day of _____, 2018, at the County-City Building, Lincoln,
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ___ day of _____, 2018.

Deputy County Attorney
for PAT CONDON
Lancaster County Attorney

ATTACHMENT A

LETTER OF ACCEPTANCE

Randy Essink, owner of record, hereby agrees to all of the conditions of County Special Permit No. 18025, for a Commercial Feedlot for up to 190,000 chickens in four buildings under the provisions of Section 13.035 of the Lancaster County Zoning Resolution on property located at 13350 W. Wittstruck Road, legally described as follows:

A portion of the West 1/2 of the SE 1/4 located in the SW 1/4 of Section 7-8-5, Lancaster County, Nebraska;
granted by the Lancaster County Board of County Commissioners, and embodied in Resolution No. _____, all costs which owner hereby represents have been paid and that this agreement shall be binding upon Randy Essink, and her heirs, successors, and assigns and shall run with the land.

DATED this ____ day of _____, 2018, in Lancaster County, Nebraska.

Owner of Record

BY: _____

Randy Essink

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this ____ day of _____, 2018, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came _____, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be his voluntary act and deed.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2018.

Notary Public