

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 4, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney

The location of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 27, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 27, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, December 4, 2007.**

MOTION: Stevens moved and Schorr seconded approval of all claims processed through December 4, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

Gary Lacey, Lancaster County Attorney, introduced Tyler Jacobsen, Deputy County Attorney, to the County Board.

3) **PUBLIC HEARINGS:**

- A. County Change of Zone No. 07052, from AG Agricultural District to AGR Agricultural Residential District, requested by Pendel, Inc., on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)**
- B. County Special Permit No. 07039, Parkland Estates Community Unit Plan, requested by Pendel, Inc., on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (See New Business Item 5C for correlating documentation.)**
- C. County Special Permit No. 07040, requested by Pendel, Inc., for authority to develop dwelling units within 1,320 feet of a public lake on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (See New Business Item 5D for correlating documentation.)**

The Chair stated they would hear the three proposals altogether.

The Clerk read Public Hearing Items 3A through 3C into the record.

MOTION: Heier moved and Hudkins seconded to administer the oath to all parties wishing to provide testimony on County Change of Zone No. 07052, County Special Permit No. 07039 and County Special Permit No. 07040. Heier, Schorr, Stevens and Hudkins voted aye. Workman voted no. Motion carried.

The Clerk administered the oath to all parties wishing to provide testimony in favor, opposition or in neutral positions.

3) **PUBLIC HEARINGS CONTINUED:**

Merle Jahde, 3700 N.W. 126th Street, Lincoln, Nebraska, appeared indicating he is the applicant and explained that Pendel, Inc. is the development company which he and his wife are sole shareholders. He stated he and his wife live approximately one mile southwest of Parkland Estates and have a 'pump and dump' type of water source heat pump as well as lawn sprinklers. Jahde stated their well was installed in 1995 by Moser Well Service and they have not had any problems with running out of water. He added that Parkland Estates would get their water from the same aquifer source as his and that he does not want to put any aquifer in jeopardy. Jahde stated he consulted with the Planning Department, the Health Department, Dwight Hanson, a professional engineer and geographical groundwater surveyor, Allen Moser of Moser Well Service and Ken Imig of Settle Agri-Services & Engineering prior to submitting the applications to determine the supply of water under the land. He stated they all indicated there is an adequate supply of water, however, it can be difficult to attain without skilled well drilling knowledge. He stated he plans to provide a well included on every lot by Moser Well Services so that he is assured each buyer has the best well available when they purchase the lot.

In response to a question asked by Heier, Jahde stated his tank holds 250 gallons.

Hudkins asked the applicant how long he had lived adjacent to Pawnee Lake.

Jahde responded sixteen years.

Hudkins also asked how far away the Jahde residence is from the perimeter fence for Pawnee Lake.

Jahde stated it is approximately 200 feet north of his home.

Mike Eckert, Civil Design Group, appeared and submitted the following for the record:

- ▶ Letter from Vincent H. Dreeszen, University of Nebraska-Lincoln, Institute of Agriculture and Natural Resources, with attached groundwater report (Exhibit 1)
- ▶ Letter from Dwight Hanson, P.E. (Exhibit 2)
- ▶ Site map of Parkland Estates denoting existing well locations (Exhibit 3)
- ▶ Site map of Parkland Estates denoting setback waiver (Exhibit 4)
- ▶ Site map of Parkland Estates denoting registered wells and existing homes (no well registered) (Exhibit 5)
- ▶ Site map of Parkland Estates denoting 300 foot radius well spacing (Exhibit 6)

3) **PUBLIC HEARINGS CONTINUED:**

Eckert gave a brief overview of the underground water report stating that a pumping test was conducted on an existing well and that they monitored three other existing wells. He stated the pumping test was conducted on well number four for 72 hours at ten gallons a minute for a total of 43,000 gallons of water. The three remaining wells were monitored and showed no movement of the static water levels during the 72 hours that well number four was pumped. He stated the water level in well number four dropped seven feet when being pumped and came back up to a two foot draw down immediately after the pump was stopped. Two minutes after the pump was stopped, he said, well number four was back at its static water level prior to pumping.

Eckert also gave an overview regarding the water budget stating that 2.5 million gallons of water are drawn from the aquifer on a yearly basis with a recharge of 5.4 million.

Eckert stated there are three issues regarding design of the proposal that they would like the County Board to consider:

1. End Parkland Drive in a temporary cul-de-sac and provide the right-of-way for a necessary road extension in the future subject to an agreement stating the homeowners association would be required to pave from the temporary turn around to the property line in the event that the adjacent property to the east is subdivided. (Contained in Staff General Conditions - Item 3.5)
2. Waiver of residential building setback from 600 feet to 300 feet.
3. Strike Item 2 of the Lancaster County Engineer's memorandum, dated September 6, 2007, relating to the connection to Trails End and a requirement for culverts. (See page 39 of the County Board Factsheet from the Planning Department regarding Change of Zone No. 07052.)

Allen Moser, Moser Well Company, appeared and distributed documentation relating to well drilling and water pressure issues (Exhibit 7). He stated water conditioning equipment and its maintenance many times will affect water pressure as well as faucet aerators. Moser spoke about well construction explaining that when an aquifer has fine sand in it water has trouble traveling through it. He stated when a well is constructed it should be maximized so water can travel into the well as fast as it can without being impeded and without bringing sand in with it.

Stevens asked if any wells were drilled within one-half mile of the proposal.

Moser stated yes.

3) **PUBLIC HEARINGS CONTINUED:**

Workman asked Moser if he felt they could find water on all 22 lots proposed.

Moser stated yes.

Mark Hunzeker, attorney representing Pendel, Inc., appeared and stated the proposal is in conformance with the Comprehensive Plan and has Planning staff approval. He stated the only issue of any note has been water. Hunzeker stated the land has been shown for acreage development in the Comprehensive Plan since 1977.

Hunzeker submitted the following written amendments as conditions of approval for the community unit plan and the special permit:

- ▶ Special Permit No. 07039 Parkland Estates Community Unit Plan to amend Condition 3.1 and delete Condition 3.5 and replace with new language as they relate to offsite culverts and street extension (Exhibit 8)
- ▶ Special Permit No. 07039 Parkland Estates Community Unit Plan to add a new Condition 3.16 and Condition 3.17 as they relate to well spacing/well(s) required prior to lot sale and landscaping restriction (Exhibit 9)
- ▶ Special Permit No. 07040 to allow dwellings within 1,320 feet of the property line of a state lake to amend Condition 6.2 (Exhibit 10)

Jesse Korus, water resources specialist with the Lower Platte South Natural Resources District, appeared in a neutral position and addressed concerns regarding declined well yields, degraded water quality and long term impact. Submitted into the record were his written comments (Exhibit 11).

John Chess, Environmental Health Supervisor with the Lincoln-Lancaster County Health Department, appeared and stated there are no minimum pumping rate requirements for wells in Lancaster County, however, they do recommend five gallons of water per minute.

Stevens asked if the Health Department recommends a specific number of wells be drilled on a test property.

Chess responded they request a statement or groundwater report as far as what is there based upon other wells.

3) **PUBLIC HEARINGS CONTINUED:**

Mike DeKalb, Planning Department, appeared and gave an overview of requirements for developments relating to drilling of test wells.

In response to a question asked by Hudkins, DeKalb explained state law indicates that you cannot discharge a firearm or hunt within 200 yards of a residence or animal confinement. He stated in the early 1990's the County Board formed a committee to work with the Game and Parks Commission and landowners to try to establish a policy as to how to handle development(s). The final result, he said, was that the County Board adopted a provision requiring a special permit when a development is within 1,320 feet of the boundary of a lake. He stated there are no requirements for outbuildings; they are allowed up to the setback.

Stevens asked if there is a specific type of buffer required between the property line and the setback of the park.

Sara Hartzell, Planning Department, appeared and stated that 200 feet from the property line of the park is to be planted in native grasses. Submitted into the record was a memorandum, dated October 11, 2007, from the Subcommittee on Acreage Developments to the Ecological Advisory Committee (Exhibit 12).

The following individuals appeared in opposition of the proposals and expressed concerns relating to road maintenance of Trails End, potential of need for culverts and the cost, water quality, water quantity and waiver of setbacks in relation to the park:

Patrick Conover, 11405 W Fletcher Avenue, Lincoln, Nebraska

Dr. Jeff Johnson, Olsson Associates, Lincoln, Nebraska

Scott Willet, 5768 NW 126th Street, Lincoln, Nebraska

Paul Oneth, 11500 W Fletcher Avenue, Lincoln, Nebraska

Dan Spieker, 5300 NW 122nd Court, Lincoln, Nebraska

Brad Frink, 5505 NW 112th Street, Lincoln, Nebraska

Stephanie Dostal, 11901 Trails End, Lincoln, Nebraska

Vicki Bourg, 161 Elk Creek Road, Lincoln, Nebraska

Julie Diessner, 5615 NW 112th Street, Lincoln, Nebraska

Julie Walstrom, 5301 NW 112nd Court, Lincoln, Nebraska

Merle Wilken, 5401 NW 112th Street, Lincoln, Nebraska

Bob Meyer, 12343 W Fletcher Avenue, Lincoln, Nebraska

Tom Sindelar, 12210 W Fletcher Avenue, Lincoln, Nebraska

Russ Inbody, 12100 Trails End, Lincoln, Nebraska

David Wood, 12100 W Fletcher Avenue, Lincoln, Nebraska

3) **PUBLIC HEARINGS CONTINUED:**

Christina McDunn, 12200 Trails End, Lincoln, Nebraska. Also submitted a well depth map (Exhibit 13)

Gerald Magee, 10600 W Fletcher Avenue, Lincoln, Nebraska

Lynnette Nelson, 11402 W Fletcher Avenue, Lincoln, Nebraska

The Chair asked if anyone else wished to testify.

Schorr referred to a statement made by Hunzeker that they would drill a well for each lot and asked what they would do if water is not found.

Hunzeker stated the condition is drafted in such a manner that if no water is found on a lot, they cannot sell it.

No one else appeared and the hearing was closed.

4) **OLD BUSINESS:**

A. A restructured promissory note with Affinity Production Company, LLC, whereby Affinity Production Company, LLC will begin repayment of a community development block grant funded economic development loan, in the amount of \$147,039, beginning July 15, 2007. (C-07-0212)

MOTION: Heier moved and Stevens seconded approval of a restructured promissory note with Affinity Production Company, LLC, whereby Affinity Production Company, LLC will begin repayment of a community development block grant funded economic development loan, in the amount of \$147,039, beginning July 15, 2007. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of Comprehensive Plan Conformance No. 07017: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2008 and 2009-2013. (R-07-0104)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of Resolution R-07-0104 in the matter of Comprehensive Plan Conformance No. 07017: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2008 and 2009-2013. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

B. A resolution in the matter of County Change of Zone No. 07052, from AG Agricultural District to AGR Agricultural Residential District, requested by Pendel, Inc., on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (R-07-0105)

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-07-0105 in the matter of County Change of Zone No. 07052, from AG Agricultural District to AGR Agricultural Residential District, requested by Pendel, Inc., on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. Heier, Schorr, Hudkins and Stevens voted aye. Workman voted no. Motion carried.

C. A resolution in the matter of County Special Permit No. 07039, Parkland Estates Community Unit Plan, requested by Pendel, Inc., for 22 single family acreage lots on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (R-07-0106)

MOTION: Schorr moved to approve Resolution No. R-07-0106 for 13 single family acreage lots instead of 22.

Motion failed for lack of a second.

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-07-0106 in the matter of County Special Permit No. 07039, Parkland Estates Community Unit Plan, requested by Pendel, Inc., for 22 single family acreage lots on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to incorporate the amendments as offered by the applicant's attorney.

Both the maker of the motion and the seconder agreed to accept the friendly amendment.

5) **NEW BUSINESS CONTINUED:**

Schorr suggested the number of lots be amended to 16 single family acreage lots instead of 22.

Motion stood.

ROLL CALL: Hudkins, Stevens and Heier voted aye. Schorr and Workman voted no. Motion carried.

D. A resolution in the matter of County Special Permit No. 07040, requested by Pendel, Inc., for authority to develop dwelling units within 1,320 feet of a public lake on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska. (R-07-0107)

MOTION: Schorr moved and Hudkins seconded approval of Resolution No. R-07-0107 in the matter of County Special Permit No. 07040, requested by Pendel, Inc., for authority to develop dwelling units within 1,320 feet of a public lake on property generally located at N.W. 118th Street and West Fletcher Road in Lancaster County, Nebraska.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to incorporate the amendment as offered by the applicant's attorney.

Both the maker of the motion and the seconder agreed to accept the friendly amendment.

ROLL CALL: Hudkins, Stevens, Schorr and Heier voted aye. Workman voted no. Motion carried.

E. An agreement with the firm of Anderson, Creager and Wittstruck for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Term of the agreement is January 1, 2008 through December 31, 2010. The County will pay \$243,000 for the services provided. An additional \$65 per hour will be paid for time spent performing legal services in matters of establishment and enforcement of any child support order concerning a (3)(a) client's support of a child involved in the (3)(a) case. (C-07-0516)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an agreement with the firm of Anderson, Creager and Wittstruck for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. An agreement with Larry D. Ohs, P.C. and the firm of Recknor, Williams & Wertz, represented by Steve Williams, as joint ventures, for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Term of the agreement is November 1, 2007 through October 31, 2010. The County will pay \$243,000 for the services provided. An additional \$65 per hour will be paid for the time spent performing legal services in matters of establishment and enforcement of any child support order concerning a (3)(a) client's support of a child involved in the (3)(a) case. (C-07-0517)

MOTION: Schorr moved and Hudkins seconded approval of an agreement with Larry D. Ohs, P.C. and the firm of Recknor, Williams & Wertz, represented by Steve Williams, as joint ventures, for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

G. A grant contract with Lincoln Action Program Inc. for funding of the following programs: Lincoln Action Program's Education Outreach, in the amount of \$20,084; Emergency Services, in the amount of \$72,373; and Project CHIRP, in the amount of \$5,000. Total amount of the grant contract is \$97,457. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0518)

MOTION: Heier moved and Hudkins seconded approval of a grant contract with Lincoln Action Program Inc..

Schorr requested the item be held for one week. She stated it was her understanding that the CHIRP line was closed.

5) **NEW BUSINESS CONTINUED:**

Both the maker of the motion and the seconder withdrew their motion.

This item was held for further review.

H. An interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln/Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) Project. The County and the City of Lincoln will each contribute \$40,000 and United Way will contribute \$40,000 for a total contract fee of \$120,000. Term of the agreement is July 1, 2007 to June 30, 2008. (C-07-0519)

MOTION: Heier moved and Schorr seconded approval of an interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln/Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) Project. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

I. An agreement with defenderData, LLC to provide and present a test version of defenderData's case management software system for the Public Defender's Office and the County Attorney's Office. The agreement is effective upon execution and expires on December 6, 2007. The County will reimburse defenderData's travel expenses to Lincoln, in an amount not to exceed \$3,500. (C-07-0520)

MOTION: Stevens moved and Heier seconded approval of an agreement with defenderData, LLC to provide and present a test version of defenderData's case management software system for the Public Defender's Office and the County Attorney's Office. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

J. A grant contract with the Asian Community and Cultural Center for job training education classes to approximately 80 refugee students, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$6,000. Term of the grant contract is October 1, 2007 to September 30, 2008. (C-07-0521)

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with the Asian Community and Cultural Center for job training education classes to approximately 80 refugee students, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$6,000. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

K. Designation of official newspapers for Lancaster County for publication of transportation projects for 2008 as follows: Lincoln Journal Star, The Voice (Hickman), Seward Independent, Crete News and The News (Waverly).

Bob Walla, Assistant Purchasing Agent, asked if the designation pertains to the advertising of bids for road projects.

Item held for further review.

L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Reynaldo Montelongo, in the amount of \$15, for lost property.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Reynaldo Montelongo, in the amount of \$15, for lost property. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

M. Reappointment of Jane L. Schroeder and appointment of Debbora A. Day and Linda K. Butcher to the Lancaster County Extension Board, for three year terms beginning January, 2008 and ending December 31, 2010.

MOTION: Hudkins moved and Stevens seconded approval of the reappointment of Jane L. Schroeder and appointment of Debbora A. Day and Linda K. Butcher to the Lancaster County Extension Board, for three year terms beginning January, 2008 and ending December 31, 2010. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. Appointment of Kim Widicker, Teri Harper and Beau West to the Community Mental Health Center Advisory Committee, for three year terms beginning January 1, 2008 and ending December 31, 2010.

MOTION: Stevens moved and Hudkins seconded approval of the appointment of Kim Widicker, Teri Harper and Beau West to the Community Mental Health Center Advisory Committee, for three year terms beginning January 1, 2008 and ending December 31, 2010. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

- 1. Sheriff's Report of Fees for October, 2007.**
- 2. Weed Control Authority's Monthly Report for October, 2007.**
- 3. Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for October, 2007.**

B. Request from Kevin Addison, an employee with the Corrections Department, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ **John W. and Deborah K. Spader on Little Salt Road east of North 134th Street; Project CP-A-276. This is a donation. (C-07-0522)**
- ▶ **Jerry L. and Martha A. Minchow, Trustees, in the amount of \$77.50, on North 84th Street north of Davey Road; Project CP-B-82. (C-07-0523)**
- ▶ **Elmer and Myra Mae Kubicek, in the amount of \$87.40, on West Martell Road east of S.W. 142nd Street; Project CP-U-154. (C-07-0524)**
- ▶ **Willard H. Beckman, in the total amount of \$169, on N.W. 126th Street north of W. McKelvie Road; Project CP-E-142. (2 contracts) (C-07-0525 and C-07-0526)**
- ▶ **Guenter and Johanna Schwerdtle, in the amount of \$211.70, on Roca Road west of South 190th Street; Project CP-R-192. (C-07-0527)**
- ▶ **David E. and Roseletta V. Barry, in the amount of \$451, on N.W. 56th Street north of W. Little Salt Road; Project CP-C-337. (C-07-0528)**

6) **NEW BUSINESS CONTINUED:**

- ▶ **Lesa J. Williams and Stanley D. and Lois J. Farlin, in the total amount of \$33,436.43, on South 98th Street between Old Cheney Road and Pioneers Boulevard; Project C55-KP-412(1). (3 contracts) (C-07-0529 through C-07-0531)**
- ▶ **Richard W. and M. LuAnn Finke, in the total amount of \$35,420, on South 98th Street between Old Cheney Road to Pioneers Boulevard; Project C55-KP-412(1). (2 contracts) (C-07-0532 and C-07-0533)**
- ▶ **Walter Richard Finke, in the total amount of \$44,627.50, on South 98th Street between Old Cheney Road to Pioneers Boulevard; Project C55-KP-412(1). (3 contracts) (C-07-0534 through C-07-0536)**
- ▶ **Stephen G. and Sandra K. Swanson, in the total amount of \$55,171, on South 98th Street between Old Cheney Road and Pioneers Boulevard; Project C55-KP-412(1). (3 contracts) (C-07-0537 through C-07-0539)**

MOTION: Hudkins moved and Schorr seconded approval of the Consent Items. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

7) **ADJOURNMENT:**

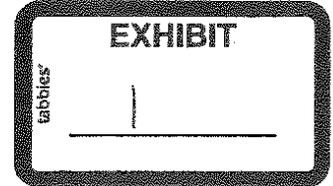
MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 2:37 p.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk



Institute of Agriculture
and Natural Resources

THE UNIVERSITY OF NEBRASKA-LINCOLN
LINCOLN, NEBRASKA 68586



July 6, 1977

CONSERVATION AND SURVEY DIVISION
113 Nebraska Hall
901 North 17th Street
Lincoln, Nebraska 68588
Telephone (402) 472-3471
Geological and Natural Resources Surveys

Mr. Douglas E. Brogden
Planning Director
Lincoln City Lancaster County Planning Dept.
555 South 10th Street
Lincoln, Nebraska 68508

Dear Mr. Brogden:

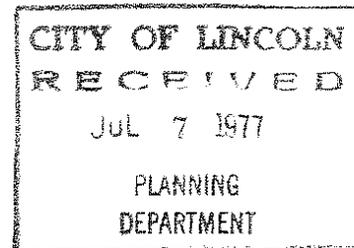
We have read the report prepared by Dr. John W. Addink, PE,
Underground Water Report on Pawnee Estates, July 4, 1977. Frank
Smith, Hydrogeologist on our staff, and I have reviewed the report
with Dr. Addink.

The report appears to be a fair appraisal of the adequacy of the water
supply and chemical quality for domestic use in the proposed Pawnee
Estates development. We believe that sufficient information has been
collected to allow for the general conclusions made in the report and
we concur with them.

Sincerely,

Vincent H. Dreeszen
Director

VHD:gah



UNDERGROUND WATER REPORT ON PAWNEE ESTATES

John W. Addink Ph.D. PE

This report discusses the quantity and quality of underground water for domestic wells of Pawnee Estates located in the NW $\frac{1}{4}$ Sec. 5 T10N R5E Lancaster County, Nebraska. This report is based on two wells and two test holes on the approximately 55 acre subdivision and on information obtained on four nearby wells and one nearby test hole. The wells and test holes are shown and numbered on the map included with the report.

A. Water Bearing Material

Test hole #1 near the central part of the NW $\frac{1}{4}$ of Sec. 5 shows water-saturated very fine sand from 47 to 103 feet and from 106 to 125 feet (static water level approximately 30 feet). Test hole #2 near the north central part of Sec. 5 shows fine and very fine sand from 17 to 88 feet (static water level approximately 17 feet). Test hole #3 (from files of the Conservation and Survey Division) near the NE corner of Sec. 5 shows very fine to medium sand from 15 to 160 feet with some clay layers (static water level reported to be about 50 feet).

Well #1 near the north central part of the NW $\frac{1}{4}$ of Sec. 5 has very fine to fine sand from approximately 30 to 84 feet according to the driller. Well #2 near the south central part of the NW $\frac{1}{4}$ of Sec. 5 is reported by the driller to have very fine to fine sand from approximately 30 to 91 feet. There may be additional water-bearing sand below the depth to which the two wells were drilled.

Wells #5 and 6 near the east central part of Sec. 5 are pumping very fine to fine sand according to the owners; therefore, the water being pumped from these wells must also come from a water-bearing aquifer of very fine to fine sand.

B. Existing Well Information

1. Quantity

Wells #1 and #2 were pumped at near maximum capacity for two hours. At the end of two hours well #1 pumped 12.7 gpm with a pumping depth of 73.3 feet from the ground surface and a drawdown of 31.8 feet. The well depth is approximately 83 feet. The pumping depth was nearly the same after ten minutes of pumping at approximately the same gallonage as at the end of two hours. The specific capacity at this pumping depth was 0.40 gpm per foot of drawdown.

At the end of two hours well #2 pumped 9.3 gpm at a pumping depth of 80.7 feet from the ground surface and a drawdown of 30.4 feet. The well depth is approximately 90 feet. The pumping depth was nearly the same after 60 minutes of pumping at approximately the same gallonage as at the end of two hours. Initially, the well capacity increased slightly probably because some fines were pumped out of the well. The specific capacity at this pumping depth was 0.31 gpm per foot of drawdown.

Well #3 pumps sufficient water according to its owner.

Well #4 is reported to yield 15 gpm.

Well #5 and 6 are estimated to pump 5 gpm based on information gathered from talking with their owners.

2. Quality

Well #1 shows a total hardness of 236 ppm as calcium carbonate and a nitrate content of 1.0 ppm as nitrogen.

Well #2 shows a total hardness of 160 ppm as calcium carbonate and a nitrate content of 0.4 ppm as nitrogen.

Water from both of these wells tasted very good. The water also was sand free after approximately ten minutes of pumping.

The owner described the water from well #3 as tasting good.

The owners of wells #5 and 6 complained about the sand in their water.

Information is not available on wells in the south part of Section 32 to the north of the development.

C. General Conclusions

There are some domestic wells in Lancaster County that are in better aquifers than under this subdivision and there are others that have been drilled in much poorer aquifers. The aquifer here is a very fine to fine sand body that is 30 to more than 60 feet thick and appears to be laterally extensive under most of the north half of Section 5.

From the information available it appears that a 5 to 10 gpm well can be obtained on each of the 14 lots. This is sufficient to take care of typical household uses and watering of a lawn and garden but this is not necessarily enough for large lawns and gardens. The very fine sand reduces the potential discharge of the wells compared to wells drilled in coarse textured water bearing materials.

A community well to serve the subdivision would probably not be feasible because of low potential well capacity. Several small wells could be utilized along with a storage reservoir to supply the needs of the area. However, individual wells should provide a satisfactory supply to homeowners at the least expense.

There appears to be a sufficient thickness of saturated sand to provide water for many years for domestic wells on a subdivision such as is proposed. Interference between wells should be minimal if water is used to supply normal household needs.

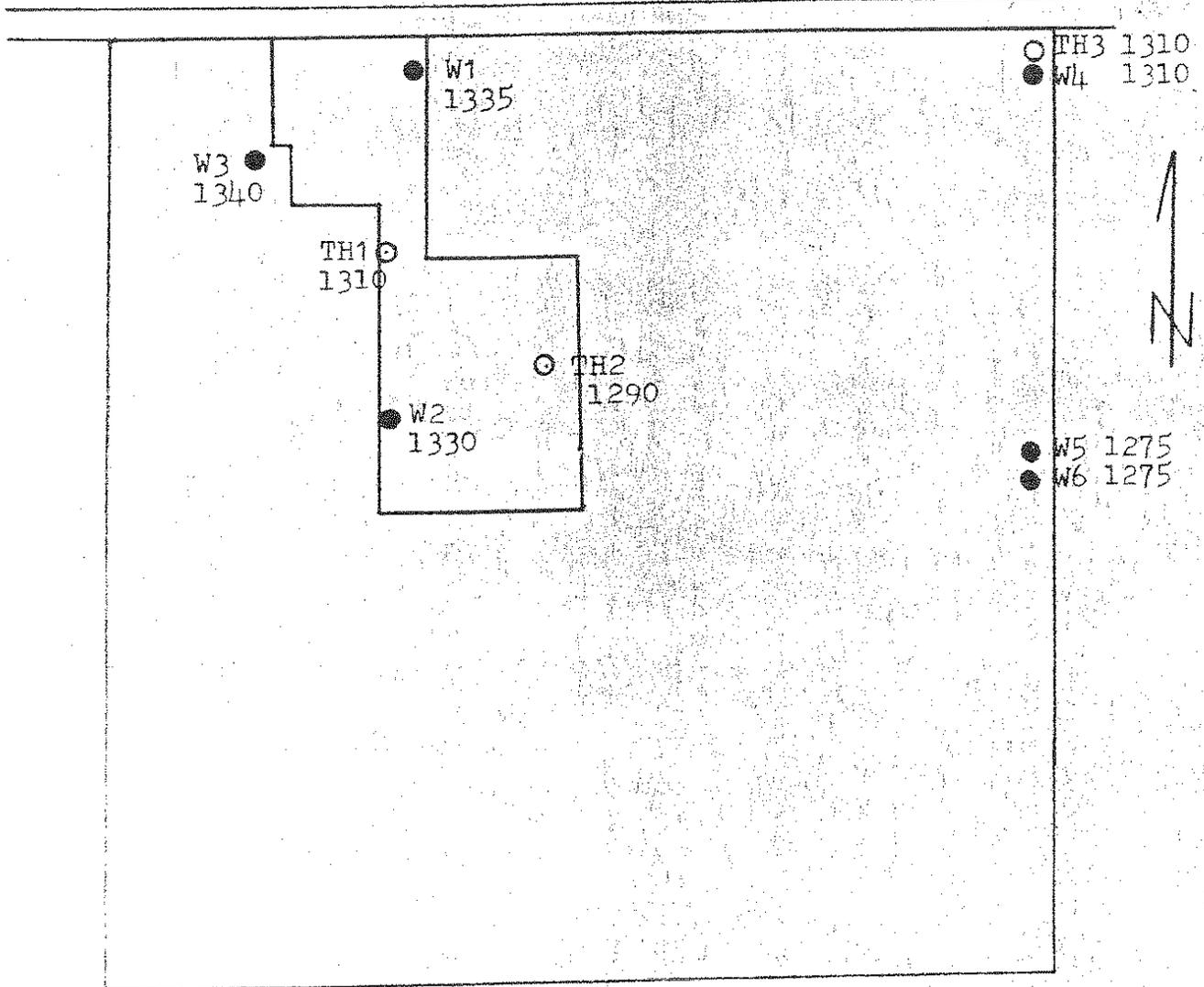
The water quality is adequate for drinking purposes according to the test results of water from wells #1 and 2.

Wells drilled in the underlying Dakota (approximately 200 feet) are probably salty.

Special precautions are required to prevent sand pumping wells. The samples from test hole #1 showed that 100% of the very fine sand passed the 0.0117 inch sieve and 94% passed the 0.006 inch sieve. A screen with 15/1000 inch slot or smaller should be used and a "gravel" or sand pack with an average particle size of approximately 20/1000 inch should be used. A 10/1000 slot screen and cement sand for a "gravel pack" were used on wells #1 and 2 according to the driller. Apparently sand-free wells were produced with this combination.

The samples from the two test holes and the performances of several of the producing wells suggest that yields of 8 to 10 gpm or more can be obtained only with significantly "high" drawdowns. Although the resultant steep cone of depression probably will not measurably affect other wells located several hundred feet distant, maximum yield and high drawdowns may cause periodic sand pumping and some maintenance problems.

West Fletcher Ave.



Location of wells and test holes used for study of underground water - Pawnee Estates - Sec. 5 T10N R5E Lancaster County, Nebraska. Approximate surface elevations are also shown.

Harold Heiser

Lincoln, Nebraska

6/30/77

Test hole #1

Approximate location - 1400 feet east and 1100 feet south of the northwest corner of Sec. 5, T10N, R5E, 6th PM

0 - 10	Dark Brown Silt
10 - 13	Yellow Silt
13 - 14	Sand & Gravel
14 - 16	Yellow Clay
16 - 24	Fine Sand
24 - 25	Clay Parting
25 - 33	Fine Sand
33 - 47	Yellow Clay
47 - 103	Very Fine Sand
103 - 106	Clay Parting
106 - 125	Very Fine Sand
125 - 136	Gray Clay

Static Level - Approximately 30 feet

Harold Heiser

Lincoln, Nebraska

6/30/77

Testhole #2

Approximate location - 2500' east and 1800 feet south of the northwest corner of Sec. 5, T10N, R5E, 6th PM.

0 - 7	Dark Brown Silt
7 - 17	Brown Clay w/Ironstones
17 - 88	Fine Sand (Brown, very fine)
88 - 106	Blue-Gray Clayw/Large rocks

Static Level - Approximately 17 feet

Harold Heiser

Lincoln, Nebraska

Well #1

0 - 2	Topsoil
2 - 30	Clay
30 - 84	Very Fine to Fine Sand, Coarser - deeper

Static Level - Approximately 41.5 feet

Harold Heiser

Lincoln, Nebraska

Well #2

0 - 2	Topsoil
2 - 30	Clay
30 - 91	Very Fine to Fine Sand, Coarser - deeper

Static Level - Approximately 50.3 feet

July 6, 1977

Mr. Douglas E. Brogden
Planning Director
Lincoln City Lancaster County Planning Dept.
555 South 10th Street
Lincoln, Nebraska 68508

Dear Mr. Brogden:

We have read the report prepared by Dr. John W. Addink, PE, Underground Water Report on Pawnee Estates, July 4, 1977. Frank Smith, Hydrogeologist on our staff, and I have reviewed the report with Dr. Addink.

The report appears to be a fair appraisal of the adequacy of the water supply and chemical quality for domestic use in the proposed Pawnee Estates development. We believe that sufficient information has been collected to allow for the general conclusions made in the report and we concur with them.

Sincerely,

Vincent H. Dreeszen
Director

VHD:gah

LABORATORY EXAMINATION

STATE OF NEBRASKA DEPARTMENT OF HEALTH
DIVISION OF LABORATORIES
Central: P. O. Box 2755, Lincoln 68502
Western: P. O. Box 1192, Scottsbluff 69361

IDENTIFICATION OF SAMPLE

Well #1, Sec. 6-18-56W

10HP

EXAMINATION REQUESTED:

Total Hardness, Nitrate

COPY TO: _____

REPORT TO: John W. Addink

ADDRESS 7415 So. Hampton

CITY Lincoln NEBRASKA ZIP 68520

DATE COLLECTED 6-24

DATE RECEIVED 6-27

DATE REPORTED 6-28

LAB. NO. 6-1

Total Hardness - 236 ppm as Calcium Carbonate *J. Val*

Nitrate - 1.0 ppm as Nitrogen *M.S.*

L-24 R74

Comments

On the Planning Commission hearing October 24, 2007.
Prepared for the County Board meeting December 4, 2000

Subject: Parkland Estates

Prepared By:
Dwight Hanson, P.E.
1285 County Road H
Ithaca, NE 68033

Home Phone: 402-623-4247
Cell Phone: 402-450-8461

The developer presented information showing the proposed development would not have a detrimental impact on the water resources available in the area.

This was done by installing production wells and test pumping one for 72 hours to determine what effect it would have on the aquifer. There was no measurable effect.

A 72 hour pumping test was selected because it is one of the Nebraska Department of Health and Human Services' requirements for a new municipal well. This test is required to determine the effect on an aquifer at a design pumping rate. As noted before, there was no measurable effect on the aquifer at a typical household pumping rate.

The original test pumping plan was to test pump a production well near the existing acreages. At least two of the adjacent land owners refused access to their wells for this test.

A fourth well was then drilled between two of the new wells on the development property to complete the test.

In addition to the pumping test, a water balance was prepared which shows using the opposition's suggested water usage rate there would be a 2 - 1 safety margin.

Testimony was given by current residents that they now have less water than previously. This type of information is subjective at best. The opposition presented no data to support their position that additional development would have an adverse impact on the local water supplies.

The proper way to determine if past development had adversely affected local water supplies would be to measure current static water levels and the static water levels when earlier wells were first drilled.

The information on earlier water levels is not available due to the fact that most of these wells were drilled before the Department of Natural Resources required the filing of well

logs. We could have had this information if adjoining landowners would have granted access for the pumping test.

Given the number of wells in the area there should be accurate well logs on several of the existing wells. The opposition could have then measured the static water level, completed a pump test, and calculated the specific capacity of these wells. Then there would be definitive information on the effect of past groundwater development on the aquifer.

It would be obvious that the groundwater had been adversely impacted if the water table had dropped by five to ten feet or more. The following is an explanation how this type information should have been analyzed.

To explain how the pump test would be useful in determining the current condition of the well is as follows:

- The term specific capacity is the pumping rate divided by the drawdown. There is a static water level (the water level when the well is not being pumped), a pumping water level (the water level when the well is being pumped), and the pumping rate. By subtracting the pumping water level from the static water level the drawdown is determined. Specific capacity is determined by dividing the pumping rate by the drawdown. This provides a measurement of gallons per minute/foot of drawdown. If the current specific capacity is lower than the original specific capacity then the well condition has deteriorated. If this was the case then reports of wells having lower yields would be the result of poor well conditions.
- If the static water level was lower, this would indicate lower yields was the result of overuse of the aquifer.
- In the absence of any accurate well logs a decline in the water table could be determined simply by pulling several of the existing wells and inspecting the drop pipe that the pump is installed on for changes in the water level. Lowering of the water table is usually quite evident by this simple inspection.

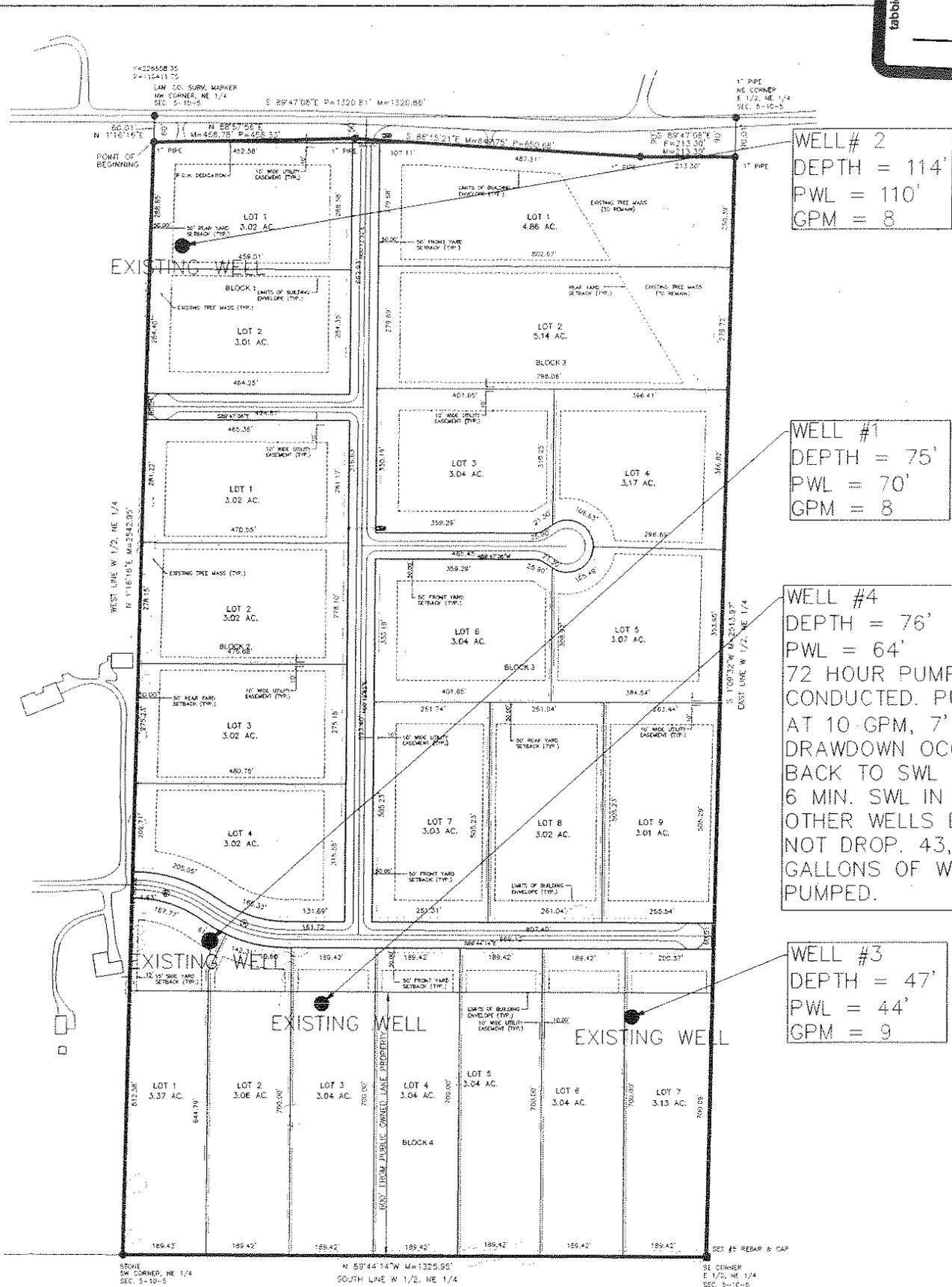
The opposition's expert, Mr. Johnson should know of these techniques. Failure to supply this type of easily obtainable data by the opposition indicates there may not be quantifiable concerns of the quantity of water available.

Mr. Johnson suggested that a "buildout scenario" would be needed to evaluate the aquifer. He did not explain how to design this proposal. Installing all of the proposed wells and pumping them at their design rate would quite likely result in a lowering of the water table unless some type of pumping schedule was developed. This procedure would require an extended amount of time and be very expensive. His suggestion of having monitoring wells at 50 feet and 100 feet would provide information on the transmissivity, storativity, and permeability of the aquifer. These numbers while useful rarely have actual value in the real world.

This information could also be used to determine the efficiency of the producing well and the actual cone of depression created by a pumping well. While this information would be interesting, it would not provide information concerning the effect of pumping on the aquifer.

In summary, we provided test wells, well logs, a pumping test and a water balance that indicated there is an adequate supply of water for normal household use.

The opposition provided no data to support their position that there is an inadequate water supply in the area. They also provided no reasonable suggestions to develop data to support their position.

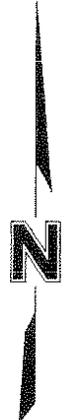


WELL # 2
DEPTH = 114'
PWL = 110'
GPM = 8

WELL #1
DEPTH = 75'
PWL = 70'
GPM = 8

WELL #4
DEPTH = 76'
PWL = 64'
72 HOUR PUMP TEST CONDUCTED. PUMPED AT 10 GPM, 7' DRAWDOWN OCCURED BACK TO SWL AFTER 6 MIN. SWL IN 3 OTHER WELLS DID NOT DROP. 43,200 GALLONS OF WATER PUMPED.

WELL #3
DEPTH = 47'
PWL = 44'
GPM = 9



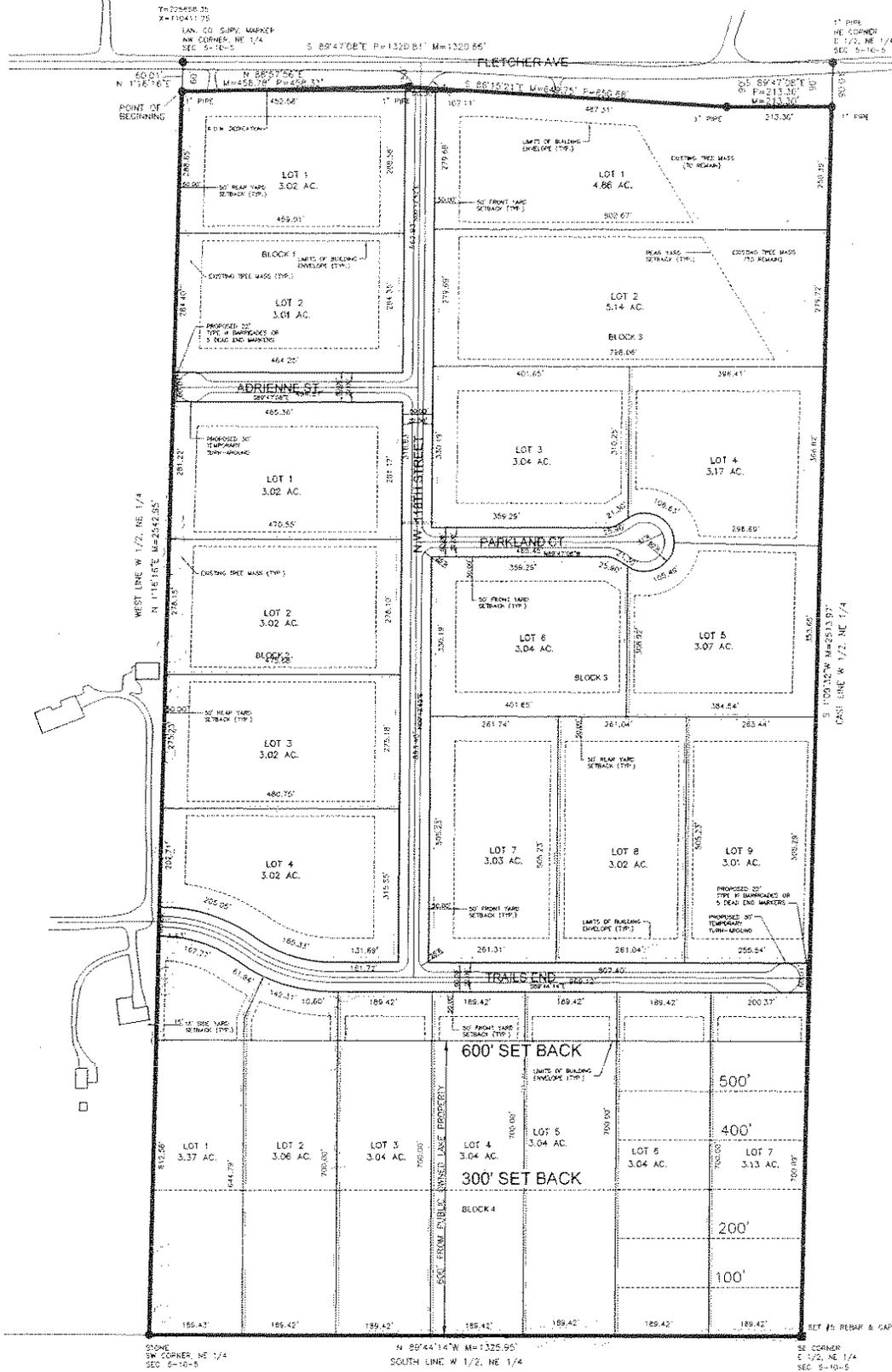
drawn by: AMK
checked by: -
project no.: 2007-0017
date: 12/03/07

**WELL LOCATION
PARKLAND ESTATES
LANCASTER COUNTY, NEBRASKA**

Civil Design Group, Inc.
3901 Normal Blvd, Suite 203
Lincoln, Nebraska 68506
Ph. 402-434-6494 Fax 866-215-8747
www.civildg.com

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

DWG: F:\Projects\2007\20070017\lancplanning\CUP\House-well_12-03-07.dwg USER: Administrator
 DATE: Dec 04, 2007 7:55am XREFS: 3ae1005 070017_xcont 0051005



drawn by: AMK
 checked by: -
 project no.: 2007-0017
 date: 12/03/07

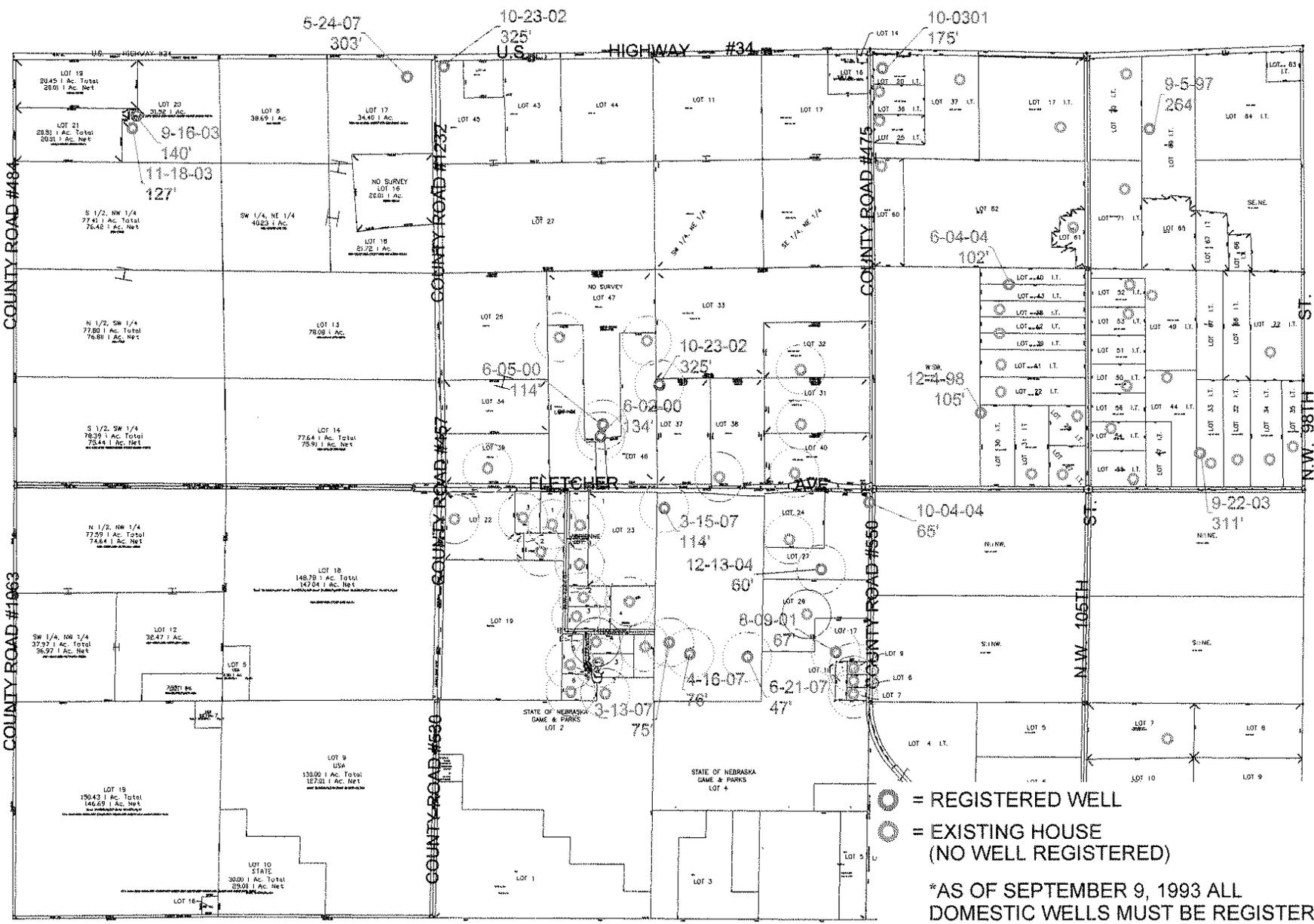
**SETBACK WAIVER
 PARKLAND ESTATES
 LANCASTER COUNTY, NEBRASKA**

Civil Design Group, Inc.
 3901 Normal Blvd, Suite 203
 Lincoln, Nebraska 68506
 Ph. 402-434-8454 Fax 866-215-8747
 www.civildg.com

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

EXHIBIT
2

DWG: F:\Projects\2007\20070017\landplanning\CUP\House-well.dwg
DATE: Dec 04, 2007 8:37am
USER: Administrator
XREFS: 070017_XBASE1
070017_site
070017_base
0700



○ = REGISTERED WELL
 ⊗ = EXISTING HOUSE
 (NO WELL REGISTERED)

*AS OF SEPTEMBER 9, 1993 ALL DOMESTIC WELLS MUST BE REGISTERED

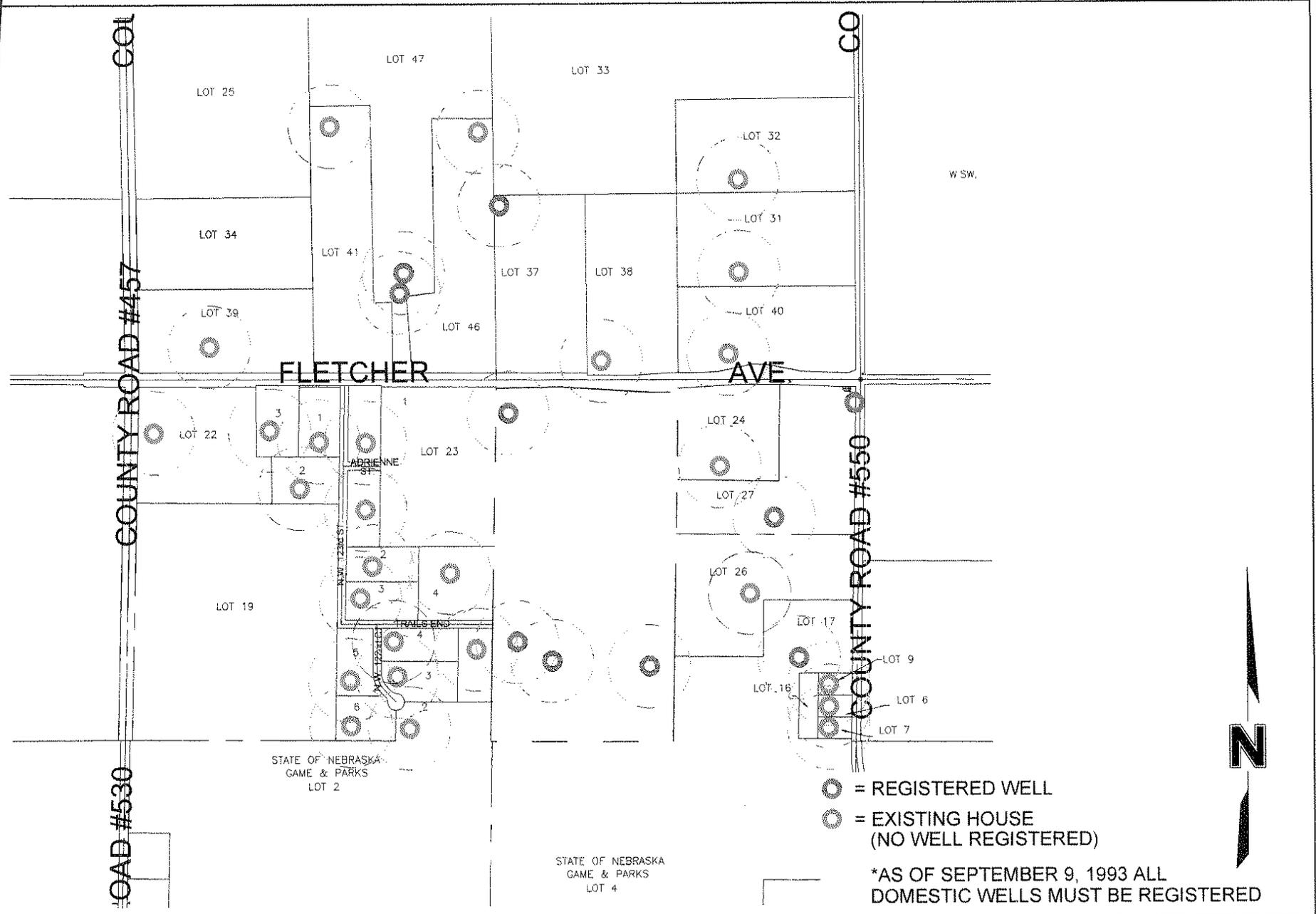
drawn by: AMK
 checked by: -
 project no.: 2007-0017
 date: 10/11/2007

WELL LOCATIONS PARKLAND ESTATES LANCASTER COUNTY, NEBRASKA

Civil Design Group, Inc.
 3901 Normal Blvd, Suite 203
 Lincoln, Nebraska 68506
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com

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

EXHIBIT
 6
 rabblers



drawn by: AMK
 checked by: -
 project no.: 2007-0017
 date: 11/01/2007

**300' RADIUS WELL SPACING
 PARKLAND ESTATES
 LANCASTER COUNTY, NEBERASKA**

Civil Design Group, Inc.
 3901 Normal Blvd, Suite 203
 Lincoln, Nebraska 68506
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com

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

EXHIBIT
 2

Moser Well Drilling & Service, Inc.

111 East 7th, P.O. Box 308, Hickman, NE 68372-0308
Hickman - 792-2515 Lincoln - 477-7291 Fax - 792-2922
www.moserwell.com water@moserwell.com

On this page, I am passing on some tips to the homeowner, who should discuss these items with his contractor and plumber. Hopefully, I will then be contacted to go over these ideas so the homeowner ends up with the best water system they can have. My main concern is the pressure problem in long spread out ranch style houses and in large 2 story homes. Especially 2 story houses, because it's in this style house where you automatically have a 12 pound pressure differential between the 2nd floor showerhead and the pressure tank in the basement. The 2nd floor always has the lowest pressure and couple this fact with several bathrooms on the 2nd floor and you have a potential problem in the making. Standard plumbing procedure is to run a ¾" main water line for hot and cold water throughout the house. If, in the 2 types of houses I have mentioned, a 1" hot and cold main line is run throughout the house AND the 2nd floor, all the way to the end of the line, pressure problems would be eliminated. With the ¾" line going to the 2nd floor and when 2 or more water fixtures are used at the same time, the pressure will drop to each one because the ¾" pipe restricts too much on the long length of pipe AND if someone turns on water on the 1st floor or in the basement, it will greatly take away from the person using water on the 2nd floor!!! **"TO COUNTERACT THIS, USE 1" PIPE."**

Another concern I have are the outside wall faucets or another name is silcocks. Typically, a ½" pipe is run to these faucets and when there is a long run, over 20', they don't put out good flow or pressure, especially when you add on a 75' garden hose. A minimum ¾" pipe should be run the entire distance to each silcock. It would also be handy for you to have some silcocks installed in the garage, if possible. A hot water faucet and a soft cold are great to wash vehicles and a cold hard to wash out the garage and concrete approach.

Faucet manufacturers have to follow Federal Laws and these laws result in people complaining about bad pressure. By removing the faucet aerators and installing a different kind, the faucet will give you more pressure AND your shower will work a lot better if you remove the restrictor plug in the shower head.

Also, on large houses, there is a problem of having to run a lot of water before the hot water gets to the faucet. If you would use an old trick, it will solve this problem. From the farthest and highest point away from the hot water heater, run a line back to the drain port on the water heater and you will have created a hot water circulation system without using a mechanical pump! Hot water rises and sinks when it cools. It would be a good idea to insulate the main hot water line and the return line to the heater. Also, a water softener creates a pressure problem when more than 8 gallons per minute is trying to get through it. A Fleckenstein brass 1" control head on a water softener allows up to 21 gallons per minute before restricting pressure.

If this outline is followed, you will have **GREAT** pressure throughout your home!!

Well Screens

A WELL SCREEN serves as the intake section of a well that obtains water from an aquifer of unconsolidated material, such as sand. The well screen allows water to flow freely into the well from the saturated sand, prevents sand from entering with the water, and serves as a structural retainer to support the borehole in the unconsolidated material.

To accomplish fully its intended purposes, the well screen must be of efficient design. A well screen is adequate only when it is capable of letting sand-free water flow into the well in ample quantity and with minimum loss of head. The well screen is often called the "business end" of the well, to emphasize its importance in the efficient performance of the well as a hydraulic structure. Several types of well screens are manufactured to adopted standards and sold as commercial products. Commercial well screens and their advantageous design features are sometimes ignored. In their place, makeshift substitutes are employed in some circumstances. Slotted pipe is one of these.

The desirable features of a properly designed well screen are: 1. Openings in the form of slots which are continuous and uninterrupted around the circumference of the screen.

2. Close spacing of slot openings to provide maximum per cent of open area.

3. V-shape slot openings that widen inwardly.

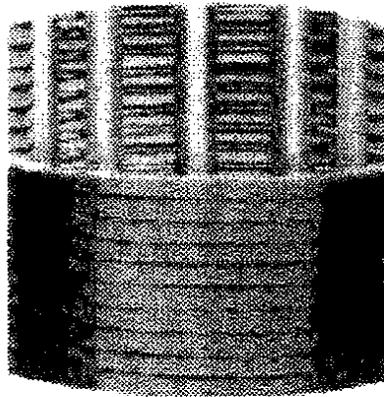
4. Single metal construction to avoid galvanic corrosion.

5. Adaptability to different conditions by use of various materials.

6. Maximum open area consistent with adequate strength.

7. Ample strength to resist the forces to which the screen may be subjected during and after installation.

8. Full series of accessories and end fittings to facilitate screen installation and well completion operations.



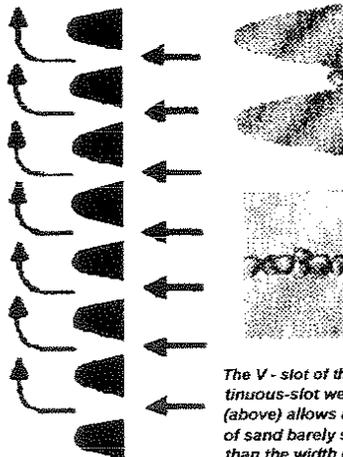
Section of screen shows V-shape design and continuous-slot openings

GROUND WATER AND WELLS

A REFERENCE BOOK FOR THE WATER-WELL INDUSTRY

First Edition 1966

Published by Edward E. Johnson, Inc. Saint Paul, Minnesota



The V-slot of the continuous-slot well screen (above) allows any grain of sand barely smaller than the width of the opening to pass freely without clogging. Perforations without taper tend to hold near sized particles.

Sectional view of wall of continuous-slot screen and diagram indicating direct waterway through non-clogging, V-shape openings.

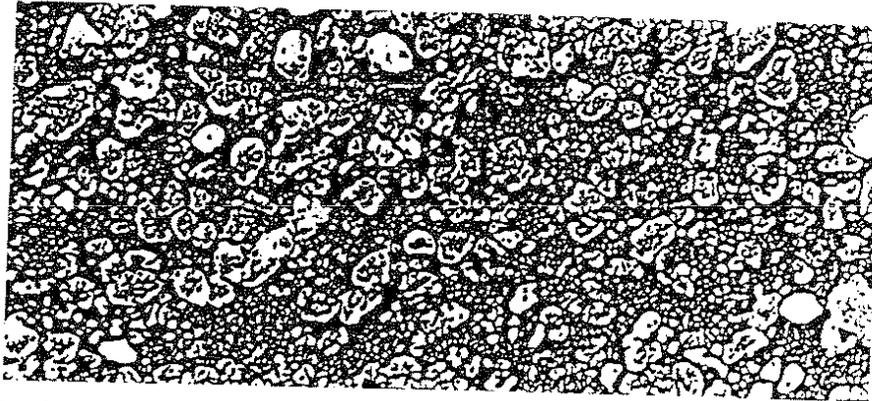
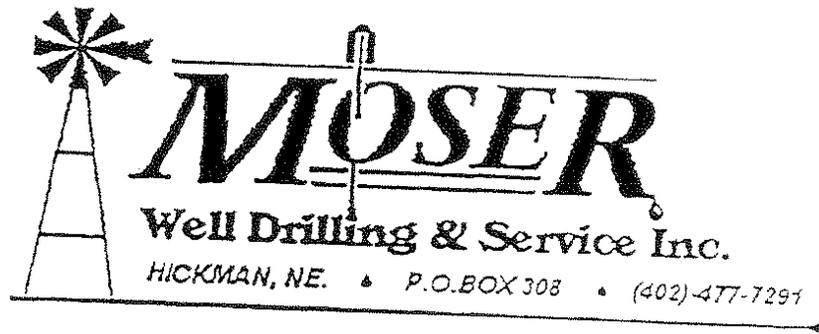
Each slot opening between adjacent wires is V-shaped, as the result of the special shape of the wire used to form the screen surface. The V-shaped openings, with sharp outer edges, are narrowest at the outer face and widen inwardly. They are designed in this manner to make them non-clogging. Any grain of sand that will pass the sharp lips of the V-opening easily comes through into the screen without wedging in the opening.

The continuous-slot type of opening allows only two-point contact by any grain of sand, so that single particles retained by the screen cannot close off the openings.

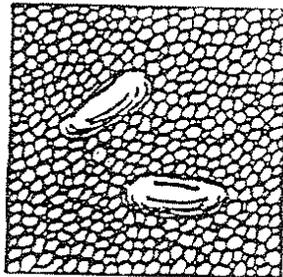
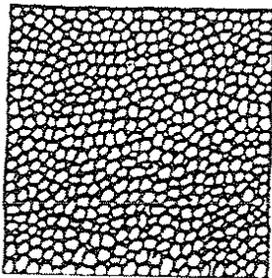
The desirable characteristics of well screen openings that have been described are highly important to successful development and completion at a screened well. The whole principle of developing a well depends on passing the smaller sizes of sand and silt through the screen openings as a part of the work of completing the well. These openings must be non-clogging to permit successful accomplishment of the development work.

The continuous-slot well screen provides more intake area per square foot of screen surface than any other type. For a given size of slot opening, this type of screen has maximum percentage of open area.

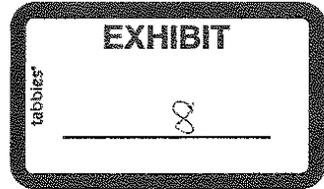
Any quantity of water flows more freely through a screen with large open or intake area than through one with limited open area. The entrance velocity through the larger intake area is low, and this means that the head loss for the screen itself is minimum. This, in turn, minimizes drawdown in the well at a given rate of pumping. Large open area and low entrance velocity normally extend the useful life of wells that may experience clogging from incrustation. Deposition of incrusting minerals is retarded when water velocities are kept low.



Uniform gravel has high porosity, high specific yield and high permeability.
Transparent grains are quartz, darker grains are feldspar.



Large grains of gravel in mass of sand take the place of an equal volume of porous sand.
Result is reduced porosity and permeability as compared to the uniformly graded sand
in the left-hand diagram.



(OFFSITE CULVERTS)

(STREET EXTENSION)

MOTION TO AMEND

SPECIAL PERMIT NO. 07039 PARKLAND ESTATES CUP

I move to amend the Conditions of approval for the above-captioned special permit as follows:

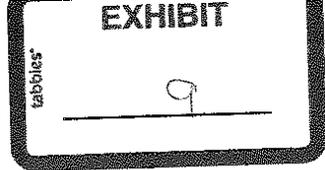
1. Amend Condition 3.1 by adding the following language:

except that Permittee shall not be responsible for installing culverts for existing driveways of homes outside this C.U.P.

2. Delete Condition 3.5; replace with the following:

“Revise plans to show a 60 foot wide outlet extending to the east limit of the subdivision on the same alignments as the street currently named Parkland Court. Add a note that if the property to the east is developed, the outlet will be dedicated to the County and paved by the homeowners association to the east limits of the plat.

Introduced by:



(WELL REQUIRED PRIOR TO LOT SALE;
WELL SPACING; LANDSCAPING RESTRICTION)

MOTION TO AMEND

SPECIAL PERMIT NO. 07039 PARKLAND ESTATES CUP

I move to amend the Conditions of approval for the above-captioned special permit as follows:

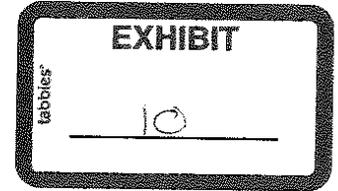
1. Add a new Condition **3.16** as follows:

3.16 There shall be a well drilled and tested with sufficient quantity and quality of water for domestic use on each lot prior to closing on a sale from Permittee to any person or entity other than a sale of two or more lots to a builder, who shall comply with this requirement prior to sale to a third party. No well shall be drilled within 300 feet of a well outside the boundaries of the C.U.P. which exists as of the date of approval of the C.U.P.

2. Add a new Condition **3.17** as follows:

3.17 Permittee shall record covenants against all lots within the CUP which restrict landscaping and lawn area plantings to drought resistant plants, encourage "xeroscaping" to minimize use of groundwater, and prohibit underground lawn sprinklers.

Introduced by:



(SETBACK FROM PARK)

MOTION TO AMEND

**SPECIAL PERMIT NO. 07040 TO ALLOW DWELLINGS
WITHIN 1,320 FEET OF THE PROPERTY LINE OF A STATE LAKE.**

I move to amend the Conditions of approval for the above-captioned special permit as follows:

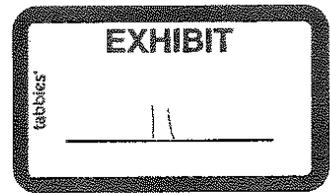
1. Condition 6.2; delete "600" and insert "400" in lieu thereof.

Introduced by:

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org



November 30, 2007

Lancaster County Board of Commissioners
c/o Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Natural Resources District Comments for County Change of Zone No: 07052

Dear Board Members,

The Lower Platte South Natural Resources District (the District) is submitting written comments regarding ground water concerns in the area of the above-referenced Change of Zone application. Two issues are of concern. First, many current residents of this area have reported declined well yields, degraded water quality, and other general problems with their ground water supplies. These problems are probably related to the geologic unit (aquifer) in which these wells are drilled. The aquifer is fine-grained, meaning that water moves very slowly. Sediment can be drawn into the well, reducing its design life expectancy, damaging mechanical parts, and degrading water quality. Future residents may have certain expectations about the reliability of their wells and their water supply, but should be aware that water problems similar to those of current residents are possible.

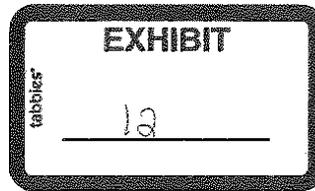
Second, the long-term impact of twenty two additional wells in this aquifer is unknown. It should be noted that the water balance estimate made in the developer's ground water report assumes lawn watering will not be permitted in the development. If lawn, garden, and tree watering does occur, it will considerably increase the amount of ground water withdrawn from the aquifer. The ground water report also includes a "stress test" of the aquifer. The results of this test do not specifically allow one to predict the cumulative drawdown caused by twenty two new wells. In order to do this, an "aquifer test" would be necessary. An aquifer test would be much different than a stress test, being specifically designed to estimate the aquifer's ability to transmit and store water. From this and estimates of the inflows, outflows, and boundaries of the aquifer, a hydrogeologist could make predictions about the number of wells and amount of pumping that could be sustained without causing long-term declines in water levels.

I hope these comments are useful to you and will help you to make an informed decision regarding the proposed development.

Sincerely,

Jesse T. Korus, P.G.
Water Resources Specialist

10-11-2007



TO: Ecological Advisory Committee
FROM: Subcommittee on Acreage Developments

Subject: Review of environmental aspects of the Parkland Estates Community Unit Plan - Special Permit No. 07039.

Proposal: A Community Unit Plan on 77.02 acres for 22 acreage residential lots abutting Pawnee Lake, and a change of zone from AG - Agriculture to AGR - Agriculture Residential. This is an AGR Community Unit Plan, proposing to create 22, 3+ acre, single family lots.

Location: General location is NW 118th and West Fletcher Road. **LEGAL DESCRIPTION:** Lot 21, located in the NE 1/4 of Section 5, T. 10 N., R. 5 E, Lancaster County, Nebraska.

Jurisdiction: The property is outside Lincoln's growth tiers and within the Lancaster County jurisdiction.

1. Subcommittee's responsibilities:

To evaluate the effects of the proposed development on six high-value types of natural resources: saline wetlands, freshwater wetlands, threatened and endangered species, native prairies, tree masses, and stream corridors.

2. General Environment Concerns:

This request for AGR does not include set aside land for long term Agriculture/Environmental uses as common for most of similar request. The entire area of 77 acres is clustered with 3 plus acre residential lots. The only remaining open space will be that in each of the individual 22 residential lots.

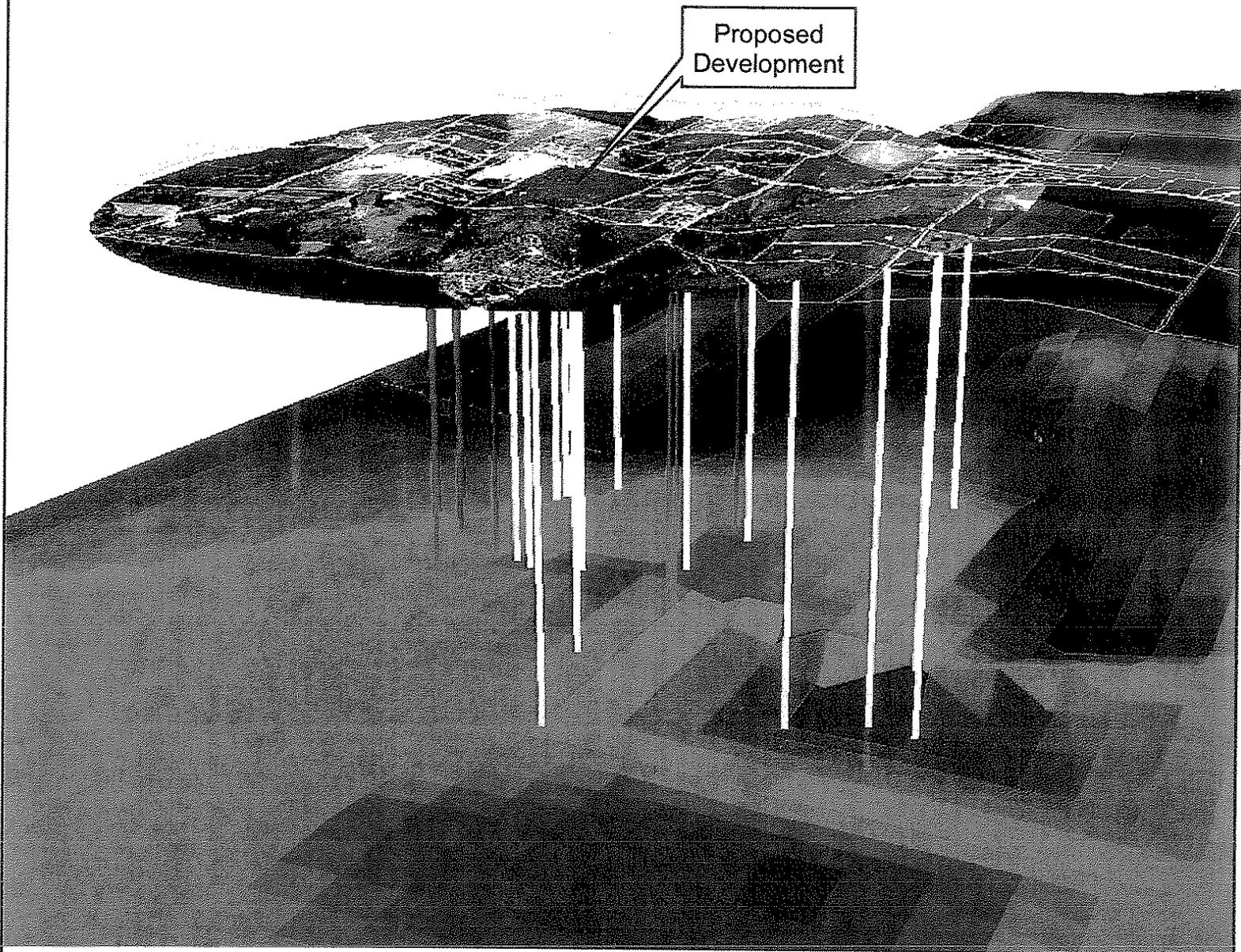
3. Findings regarding the six high-value natural resources

Natural Resource	Findings as to Presence and Quality and Recommended Protective Steps
Saline wetlands	According to the Planning Department's Geographic Information System (GIS), and an evaluation of the soils described in the Soil Survey of Lancaster County dated May, 1980 there are no potential Saline Wetlands on the subject site.
Freshwater wetlands	The area of soils with mapping symbol NS - Nodaway silt loam, Channeled contains inclusions of hydric soils, hydric vegetation and wetland hydrology. These areas meet the requirements of Freshwater Wetlands.
Threatened and endangered species.	The Planning Department's GIS indicates no habitat for threatened or endangered species on the subject property.
Native prairies	The Planning Department's GIS indicates no area of native prairie on the property. Recommendation. We encourage the developer of the subject property's use native plants in the 200 foot vegetative buffer adjacent to Pawnee Lake. The subject property is presently mostly cropland with a small acreage of introduced grassland in the south part. Selection of all native plants and trees should be in

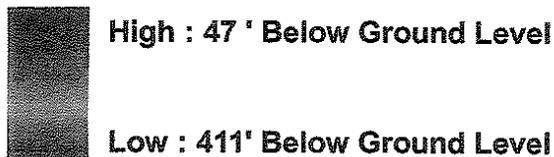
	<p>keeping with the kinds of soils and the recommendations of the technical guides of the Lower Platte South NRD and the NRCS-USDA.</p>
Stream corridors	<p>This site occupies part of a landscape divide. There is a stream corridor in the northeast corner of subject area. This drainage ways empties directly into Pawnee Lake about ½ mile down stream.</p> <p>There is very high potential for erosional sediments from highly erode able sloping soils. The areas shown on the USDA Lancaster County Soil Survey with map symbol WtC2 – Wymore silty clay loam, 2 to 7 percent slopes, MrD – Morrill clay loam, 6 to 11 percent slopes, and McD – Malcolm silt loam, 6 to 11 percent slopes have potential for the greatest amount of soil erosion.</p> <p>Recommendation: We strongly support a sediment plan that included “Best Management Practices” be approved to prevent any sediment from moving off site. This includes both before and during the construction phases of the project and during the long term required maintenance.</p>
Tree masses	<p>Subject area is largely cropland with some grassland.</p>
Water Quality Issues	<p>The concentration of 22 home sites has three serious potential problems. 1 – A large number of septic tank absorption fields/sewage lagoons. Potential for seepage and runoff that will drain toward Pawnee Lake. This area is one-half mile or less distance from lake water front. 2- Individual water wells are proposed for each of the individual 22 home sites. Area in general is ground water table deficient. May not be enough water to serve all 22 home sites along with the current ground water needs of the general area. 3- Very high potential for serious water erosion and movement of sediments into Pawnee Lake. Will require sediment control during construction and by individual home site owners during the long term.</p>
Safety Con.	<p>Pawnee Lake is a state lake which allows hunting. Development within the suggested 200 feet buffer of the Pawnee Lake boundary will result in homes being very close to the current hunting area and a potential safety issue. Current Nebraska law does not allow hunting within 600 feet of an inhabited dwelling or livestock feedlot.</p>
Other: Prime Farmland	<p>Most of the acreage is not Prime Farmland. The soils of the subject area that are Prime Farmland include JuC - Judson silt loam, 2 to 6 percent slopes; Cr Crete silt loam, terrace, 0 to 1 percent slopes; and CrB Crete silt loam, terrace, 1 to 3 percent slopes.</p>

NE county

Total Water Depth Based on Registered Well Total Depth Levels



Registered Wells Total Depth

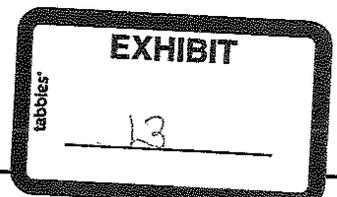


This map is a 3d depiction of the water levels based on the registered well database total depth information registered with the well. The yellow verticle lines from the surface indicate the total depth of the registered wells within 1/3 of a mile from the proposed development property. The green lines are un-registered well depths within 1/3 mile from the proposed development property as indicated in a survey of existing residents within the area.

Source: Nebraska Dept. Of Natural Resources
Registered Well Data Base thru December 2006,
USGS Digital Ortho Photo 2003.

Analysis done using ESRI ArcScene software.

Map Date: October 2007



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 4, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Norm Agena, County Assessor/Register of Deeds

The location of the Nebraska Open Meetings Act was given and the meeting was called to order at 2:37 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 27, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on November 27, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christian Retirement Homes, Inc. d/b/a Eastmont Towers
Gates of Praise
Trinity United Methodist Church**

MOTION: Schorr moved and Stevens seconded approval of the motor vehicle tax exemptions for Christian Retirement Homes, Inc. d/b/a Eastmont Towers, Gates of Praise and Trinity United Methodist Church. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:39 p.m.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk