

PERMIT # \_\_\_\_\_

**APPLICATION FOR CONDITIONAL USE**

**COLFAX COUNTY PLANNING AND ZONING DEPARTMENT**

**411 E. 11<sup>TH</sup> ST., Schuyler, NE 68661 Phone (402) 352-8505 Fax (402) 352-8515**

**Application Date:** \_\_\_\_\_ **Date application received in office:** \_\_\_\_\_

Fill out form completely. Please print using ink or type.

Filing Fee: \$100.00 Make check payable to: Colfax County Treasurer (Filing fee is non-refundable)

Contact Colfax County Planning and Zoning Department with any questions.

**\*\*All required information must be received by the Zoning Administrator at least 7 days prior to 1<sup>st</sup> Public Hearing for review. If not, the scheduled Public Hearing will be postponed.**

*The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for purpose of inspection, verification, etc. You will be contacted prior to any visit.*

*This application requires posting a Notice at the property along with sending Notice to all adjacent property owners, being published in the newspaper and also posted on the Courthouse Community Board.*

*This permit requires two (2) Public Hearings:*

**\*\*1<sup>st</sup> Public Hearing to be held with Planning Commission on** \_\_\_\_\_

**2<sup>nd</sup> Public Hearing to be held with Board of Commissioners on** \_\_\_\_\_

**Property owner:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Contractor:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Phone #** \_\_\_\_\_ **Other:** \_\_\_\_\_

**Contact:** \_\_\_\_\_ **Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

Specific location (**Legal Description**) of site for conditional use:

\_\_\_\_\_  
\_\_\_\_\_

**Parcel #** \_\_\_\_\_ **\_\_\_\_\_ acres, more or less**

**Zoning District:** \_\_\_\_\_

**Floodplain Zone:** \_\_\_\_\_ **per FIRM#** \_\_\_\_\_

1. Under the provisions of Article 5 of the Colfax County Zoning Regulations, the undersigned hereby applies for approval of a Conditional Use to establish the following use(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Names and mailing addresses of owners of all lands abutting the property on which this conditional use is requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Provide a site plan or scaled drawing which depicts the proposed use and attach additional information which describes the use proposed which includes ALL of the following information:
  - a. The size, capacity, and location of all existing and proposed structures involved in the proposed conditional use and the distances of such buildings from the centerlines of any adjoining road, property lines and the distance between buildings.
  - b. The location(s) of access(s) drives to public roadways.
  - c. The types and locations of any easements affecting the property.
  - d. The location and type of water supply and sewage disposal facilities (NDEQ Title 124 regulations)
  - e. The number and location of parking spaces for customers or the public.
  - f. The location of loading areas.
  - g. The type and location of refuse collection and storage facilities.
  - h. An indication of proposed surface water drainage onto, through and off of the affected property.
  - i. Any areas of the property that are subject to flooding or considered to be a wetland.

**The following section is required for all excavation and/ or dredging for permanent removal of soils.**

**NOTE: An ACOE 404 Permit may be required – Owner/ Applicant must obtain all other necessary federal, state and/or local permits and provide a copy of those permits to the Zoning Administrator. If exempt, a letter must be filed stating that.**

- **Attach a grading map** to this application, to show the existing contours, proposed excavation contours, and proposed final grade contours of the area from which the soil, gravel, mineral, stone, rock, etc. is to be removed- showing distances, elevations, and other information to clearly explain the proposed excavation.
- This Application shall also **include a statement** identifying effect on groundwater table of neighboring properties and identify the location of proposed vehicle and equipment storage areas, erosion controls, etc. including retention and sediment basins during extraction to prevent a change in character of runoff from and onto adjacent lands.

**If use will be for Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries, the Signature of Property Owner and Contractor denotes that both agree to submit and adhere to the following:**

When any extraction material is sold, removed, and transported on Colfax County roads, it shall be the responsibility of the property owner to meet the following conditions:

- A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
- B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
- C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
- D. The application shall identify proposed vehicle and equipment storage areas;
- E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
- F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
- G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
- H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
- I. Costs for any damage to the county roads or bridges used for access to the site which requires additional maintenance or repair for the normal county maintenance or repair as a result of additional traffic generated, shall be the responsibility of the owner of the property from which the soil is being removed. The determination of the costs and the method of repair and maintenance shall be prescribed by the Colfax County Highway Superintendent. The property owner may appeal the Superintendent’s decision to the Colfax County Board of Commissioners within 30 days after receiving the Superintendent’s decision;
- J. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator’s office prior to issuing a Conditional Use Permit; and
- K. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.

**NOTE: Excavated materials cannot be stored within a designated floodway. All extractions of soil within a floodway shall be in compliance with Floodplain Regulations as specified by the State of Nebraska and as adopted by Colfax County.**

**Purpose of Removal (road, etc.):**

\_\_\_\_\_

**Excavation Start Date:** \_\_\_\_\_

**Excavation Completion Date:** \_\_\_\_\_

**Approximate amount of Soil to be Removed** \_\_\_\_\_

**Site has legal /dedicated access drive North, South, East, or West off of Road** \_\_\_\_\_.

**Colfax County Roads to be used for hauling:**

\_\_\_\_\_

**NOTE:** Hauling Route for transport of excavated materials shall be submitted by Owner(s) to the Colfax County Department of Roads, signed by all Owner(s), Contractor **AND** the County Roads Superintendent, acknowledging an acceptable route prior to start of excavation, with copy to be filed with this Application.

This permit is VOID after 12 (twelve) calendar months of non-excavation activity for purpose noted, unless otherwise approved by Zoning Administrator.

The Contractor, \_\_\_\_\_, shall be responsible for any costs for any damage to County Roads and / or bridges used for access to excavation site which requires additional maintenance or repair as a result of additional traffic generated. A copy of this permit will be given to the Highway Superintendent, if approved.

Printed Name of Owner: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
X \_\_\_\_\_ X \_\_\_\_\_

Printed Name of Contractor: \_\_\_\_\_ Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_  
X \_\_\_\_\_ X \_\_\_\_\_

**OFFICE USE ONLY**

FILE NO. # \_\_\_\_\_ Fee \_\_\_\_\_ Date Received \_\_\_\_\_

**Recommendation of the Planning Commission to the Board of Commissioners:**

\_\_\_\_ Approval  
Recommended Conditions of approval:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Disapproval  
Reason(s) for recommending disapproval:  
\_\_\_\_\_  
\_\_\_\_\_

**Decision of Board of Commissioners on Conditional Use Application:**

\_\_\_\_ Approval  
Recommended Conditions of approval:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Disapproval  
Reason(s) for recommending disapproval:  
\_\_\_\_\_  
\_\_\_\_\_

**Approval of Conditional Use Application by:**

\_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.  
Colfax County Planning Commission, Chair

\_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.  
Colfax County Board of Commissioners, Chair

ATTEST: \_\_\_\_\_  
Colfax County Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.