

# COUNTY BOARD SUMMARY REPORT

TO : County Clerk: Attn: Monet McCullen

FROM : David R. Cary, Director of Planning



RE : **County Special Permit 19051 (Resolution PC-01682)**  
(Campgrounds and related accessory uses – SE Corner of Hwy 77 and Davey Road)

DATE : January 10, 2020

1. Attached is a revised and **amended** Planning Staff Report and application documents (pp.1-23) relating to County Special Permit 19051, to allow for a campground and related accessory uses, on property generally located at the SE corner of Hwy 77 and Davey Road.

This application was included on the December 4, 2019, and December 18, 2019, Planning Commission agendas.

2. As indicated on the revised application, the staff recommendation of conditional approval is based upon the staff report "Analysis" as set forth on pp.2-3 of the Summary Report, concluding that campgrounds are allowed by special permit in the AG District. Campgrounds provide recreation and are an appropriate land use in an agricultural zoned area with certain conditions. This campground meets all conditions that are proposed with the associated Text Amendment TX19009. A water report submitted by the applicant shows that there is adequate water in the area. Nebraska Department of Transportation, Lancaster County Sherriff, County Engineer and Health Department did not object to this application.
3. On December 2, 2019, staff provided a memorandum identifying a revision to the staff report dated November 25, 2019, which can be found on p.24.
4. On December 4, 2019, the Planning Commission held a public hearing on this application. The complete set of meeting minutes with exhibits is 100+ pages and can be found at: <https://lincoln.ne.gov/city/plan/boards/pc/minutes/2019/120419.pdf> . For reference purposes, the staff presentation is found on p.25.
5. The applicant's testimony as well as testimony on behalf of the applicant is found on pp.26-27, including a proposed amendment to the text of Condition 2.1 of the staff report (Exhibit "13"), which is found on p.34. Testimony in opposition is found of pp.27-29. Discussion with the Planning Commission is found on p.29. The applicant's rebuttal is found on pp.29-30.
6. On December 4, 2019, following considerable discussion, the Planning Commission voted 4-2 (Edgerton and Beckius dissenting; Finnegan, Joy and Ryman Yost absent), to approve this special permit as amended as presented on behalf of the applicant (see Exhibit "13" of the December 4, 2019, Planning Commission minutes. Because the Planning Commission's motion to approve failed to receive five votes, this matter was carried over to the December 18, 2019, hearing for action only.

7. On December 18, 2019, the Planning Commission voted 5-3 (Edgerton, Joy and Beckius dissenting; Corr absent), to approve this special permit as amended as presented on behalf of the applicant as referenced in Exhibit "1" of the December 18, 2019, Planning Commission minutes. (See pp. 35-37).
8. On December 30, 2019, two separate appeals were filed by: (1) Phyllis V. Larsen, 17575 No. 70<sup>th</sup> Street, Lincoln, NE 68517; and (2) Karen Kurbis 17500 No. 84<sup>th</sup> Street, Lincoln, NE 68517. (See pp.38-39).
9. To access all public comments and information on this application, click on the following link [www.lincoln.ne.gov](http://www.lincoln.ne.gov) and (Keyword = PATS). Click on the "Selection Screen" under "Featured Links", type in the application number (i.e. SP19051); click on "Search", then "Select". Go to "Related Documents". There were multiple comments and letters submitted by interested parties.

The Planning staff will meet with the County Board on **January 16, 2020, at 10:00 a.m.**, in Studio Room 113 on the First Floor of the County-City Building, to brief the board members on this special permit application. The public hearing on this special permit before the Lancaster County Board is scheduled for Thursday, **January 21, 2020, at 9:00 a.m.**, at the County-City Building, 555 S. 10<sup>th</sup> Street, Room 112, Lincoln, NE.

If you need any further information, please let me know (402-441-6365).

cc:	County Board	Ann Ames, County Commissioners
	Tom Cajka, Planning	David Derbin, Co. Attorney's Office
	Jenifer Holloway, Co. Attorney's Office	Kerry Eagan, County Commissioners
	David Queen	Kent Seacrest
	Mike Eckert	

**AS REVISED, AMENDED AND ADOPTED BY PLANNING COMMISSION FOR CONDITIONAL  
APPROVAL: DECEMBER 18, 2019**

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19051	FINAL ACTION? Yes	DEVELOPER David and Jolene Queen
PLANNING COMMISSION HEARING DATE December 4, 2019	RELATED APPLICATIONS TX#19009	PROPERTY ADDRESS/LOCATION Highway 77 and Davey Road

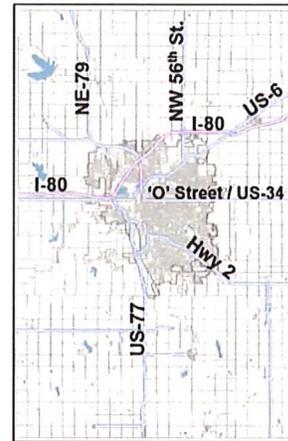
**RECOMMENDATION: CONDITIONAL APPROVAL**



**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit per Section 13.014 of the Lancaster County Zoning Regulations for a campground. The campground is proposed for up to 240 camp sites with electrical, water and sewer hook ups. The campground will also have amenities such as a swimming pool, office, playground facilities and convenience goods shop.

The campground will take access off Davey Road and there will be no access off Highway 77. The campground is proposing 2 wells for water and lagoons for wastewater.



**JUSTIFICATION FOR RECOMMENDATION**

Campgrounds are allowed by special permit in the AG District. Campgrounds provide recreations and are an appropriate land use in an agricultural zoned area with certain conditions. This campground meets all conditions that are proposed with the associated Text Amendment TX19009. A water report submitted by the applicant shows that there is adequate water in the area. Nebraska Department of Transportation, Lancaster County Sherriff, County Engineer and Health Department did not object to this application.

**APPLICATION CONTACT**

Kent Seacrest, 402-432-9060 or [kent@sk-law.com](mailto:kent@sk-law.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed campground is in conformance with the Comprehensive Plan and the proposed Lancaster County Zoning Regulations. The Comprehensive Plan encourages recreation and the use will not negatively impact the surrounding properties.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.2 - Lancaster County benefits from many quality of life factors that attract both employers and employees. Lancaster County provides a wide range of art, entertainment, and recreation opportunities. All of these assets should be emphasized to encourage economic development.

P. 5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly  $\frac{3}{4}$  of all land. While this land is largely considered "undeveloped," it is still an important economic factor in the county's future. Agriculture's impact on the local economy goes beyond the sale at the end of production. Farms of all sizes make purchase of goods and services in the city and county throughout the year, which contributes to the local tax base and sustain growth for other business in the agriculture industry.

p. 9.3- Public and private partnerships are important in the development of recreational opportunities and the preservation of environmental resources that bring a high quality of life to the City and County.

P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

## ANALYSIS

1. This request is for a special permit for a campground per Article 13.014. The applicant is proposing an extensive campground facility with up to 240 RV/campsites with full water, sewer and electrical hook ups. The campground will include a swimming pool, playground, office, convenience goods shop and one residential unit for a caretaker.
2. Of the 240 campsites, the applicant proposes that up to 35% (84) would allow campers to stay up to 180 consecutive days. The remaining campsites would be limited to no more than 30 consecutive days. A text amendment to the Lancaster County zoning regulations is required to allow stays for more than 30 days. An associated text amendment, TX19009, has been submitted by the applicant.
3. Although the AG-Agricultural District is mainly for agricultural purposes, the Lancaster County Zoning Regulations allow other uses by special permit. Other special permitted uses include, but are not limited to, veterinary facilities, garden centers, residential health care facilities, race tracks, commercial wind energy conversion systems and Community Unit Plans (residential cluster developments). Campgrounds have been in the zoning regulations by special permit since 1979.
4. Campgrounds are generally located in rural areas and provide recreation amenities. Campers typically want to get away from the city and enjoy the countryside. Campgrounds also utilize a large amount of ground which makes them cost prohibitive in the city.
5. The site for the campground is zoned AG-Agriculture and is 45.49 acres. The site is located southeast of the intersection of Highway 77 and Davey Road. Access will be off of Davey Road. There will be no access to Highway 77. Davey Road will be paved from Highway 77 to the entrance into the campground.
6. Nebraska Department of Transportation has reviewed this application and is not requiring a right turn lane off of Highway 77 on to Davey Road. Highway 77 is a heavily traveled highway. The Annual Average Daily Traffic at this intersection on Highway 77 was 7,890 in 2018. The amount of traffic generated by the proposed campground will be minimal on Highway 77.
7. The Lancaster County Sheriff's office note that there have been 11 accidents reported at or near the intersection of Highway 77 and Davey Road between October 2016 and October 2019. Seven of these accidents were vehicles hitting deer. Two were injury accidents and 2 were property damage accidents. The Sheriff's office did not have concern with motor homes or vehicles towing a trailer making a right turn off of Highway 77 on to Davey Road without a right hand turn lane. There is a left hand turn lane from Highway 77 to Davey Road.
8. Water will be supplied by two wells on the property. The applicant's engineer has submitted a Ground Water Analysis for the area. The report analyzed 8 wells within the area. The date of well testing range from August 29, 1995 to July 25, 2019. The test results show that the Adjusted Static Water Level went from 1210 in 1995 to 1190 in 2019.
9. The applicant supplied data on water usage at Camp A Way's current site shows that during the peak July/August

months the campground averaged 68.9 gallons of use per campsite per day. Based on this figure the peak demand for the proposed campground would be 16,536 gallons per day. The test well would need to pump for 330 minutes or 5.5 hours per day to satisfy the peak demand.

10. The Lower Platte South Natural Resource District (NRD) has submitted information on groundwater. The report is attached. The report shows that there are 7 registered wells within one mile of the proposed site. All of the wells are domestic and one is on the proposed site. Six of the wells have a pump rate of 10-25 gallons per minute. One well, the proposed site well, has a pump rate of 50 gallons per minute.

The report further states that based on the variation of pumping rates it appears that the ground water supply in this area is variable, which is consistent with the variable nature of the geologic units characterizing this part of Lancaster County.

11. Sewage waste will be handled by 2 sewage lagoons. The sewage lagoons are required to be reviewed and permitted by Nebraska Department of Environment and Energy (NDEE) and by the Lincoln-Lancaster County Health Department (LLCHD).
12. The majority of the site is not classified as prime farmland. There are no wetlands, native grasses or endangered species on the site.
13. The applicant held an informational meeting for residents of the area on October 22, 2019 at the Davey Community Center. Approximately 50 persons attended the meeting. Issues raised at the meeting concerned impact on the quantity of groundwater, traffic, noise and change to the land use.

14. The following conditions are proposed by TX19009:

- a. The campground shall have a minimum of 40 campsites and shall be supplied with a water supply and sewage disposal facilities, including washing, toilets and similar facilities, all of which meet all applicable codes and regulations.

*The proposed campground has 240 campsites, bathroom and laundry facilities, and water and sewage facilities.*

- b. A front yard setback of 50 feet and side and rear yard of 60 feet shall be maintained on the campground.

*The site plan shows setbacks in conformance with this condition.*

- c. No campground may be occupied by the same person or persons for more than 30 consecutive days.

However, if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, and office up to 35% of the campground sites may be occupied for no more than 180 consecutive days.

*The site plan shows that the campground will have a swimming pool, playground, office and store. They are requesting that 35% of the campsites be for stays up to 180 consecutive days.*

- d. The campground shall take access to and from a paved public road.

*The site plan notes that Davey Road shall be paved from Highway 77 to the campground entrance.*

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG, Agriculture Farm ground

**SURROUNDING LAND USE & ZONING**

North: AG-Agriculture	Farm ground and 4 acreage lots
South: AG-Agriculture	Farm ground and 2 houses
East: AG-Agriculture	Farm ground and one acreage lot
West: AG-Agriculture	Farm ground and several acreage lots.

**APPROXIMATE LAND AREA:** 45.49 acres, more or less

**LEGAL DESCRIPTION:** Lot 28 Irregular Tract located in the NW ¼ of Section 28, Township 12 North, Range 7 East, Lancaster County, NE.

Prepared by

\_\_\_\_\_  
Tom Cajka, Planner

Date: November 25, 2019

Revised by staff: December 3, 2019;

Amended by Planning Commission: December 18, 2019

Applicant: David and Jolene Queen  
200 Campers Circle  
Lincoln, NE 68521  
402-476-2282  
davidlqueen@gmail.com

Contact: Kent Seacrest  
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Lincoln, NE 68508  
402-432-9600  
kent@sk-law.com

Owner: Dirt Mine, 77, LLC  
1440 Linwood Lane  
Lincoln, NE 68505  
402-432-9834

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## CONDITIONS OF APPROVAL - SPECIAL PERMIT #19051

Per Article 13.014 this approval permits a campground for up to 240 campsites.

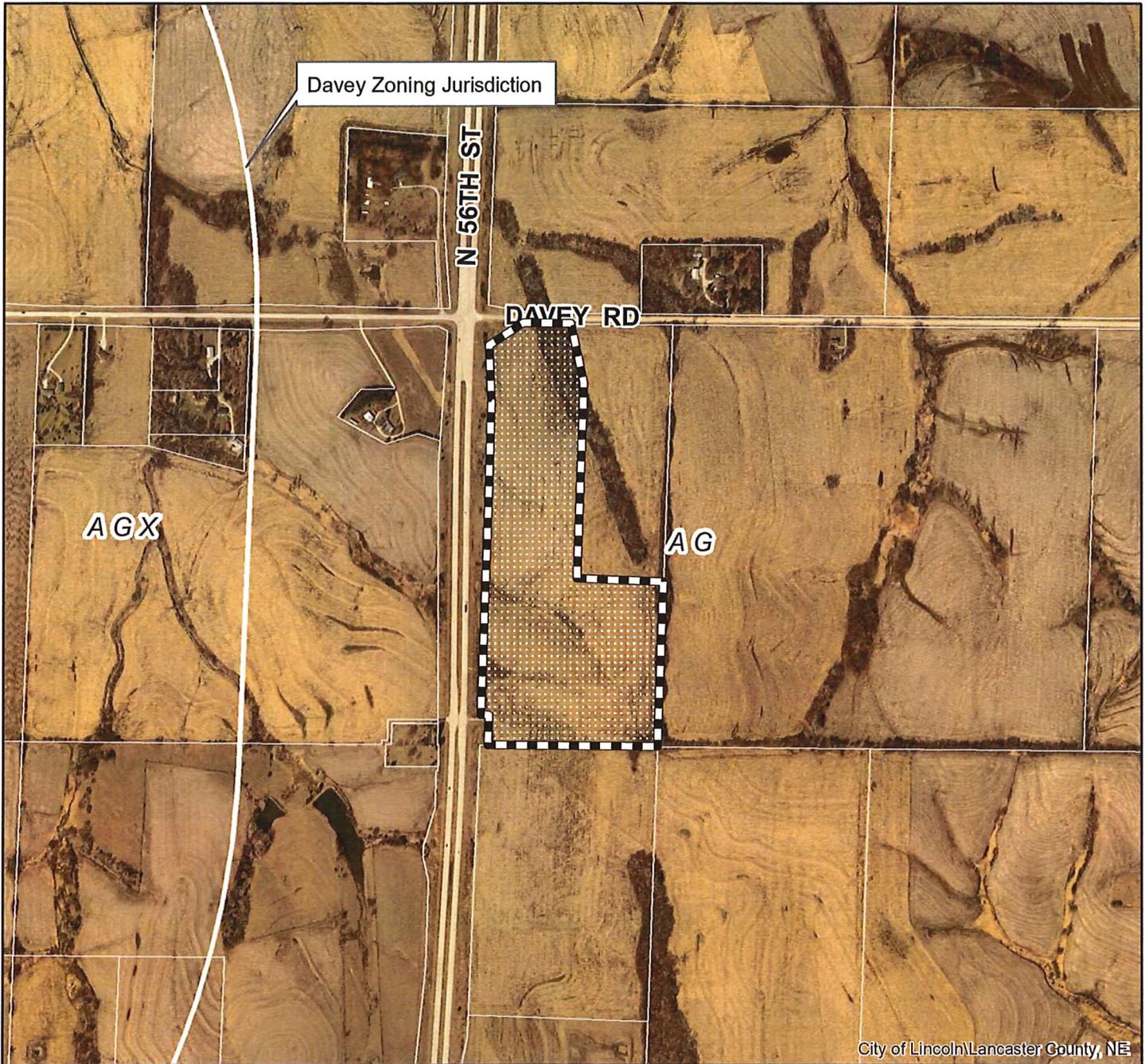
### Site Specific Conditions:

1. The Lancaster County Board of Commissioners City Council approves associated request:
  - 1.1 TX#19009
2. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) 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:
  - 2.1 Revise Note #2 to read, "240 campsites are permitted. Up to 35% of the campsites may be occupied for no more than 180 ~~consecutive~~ days in any calendar year. If campground is built in phases, the 35% shall apply to the number of campsites in that phase. For the remaining portion, the same person or persons may not occupy the campground for more than thirty (30) consecutive days"
  - 2.2 Change the line type around Camper Rental Area to distinguish it from the overall camping area. Change Camper Rental Area to Cabin Rental Area.
  - 2.3 Delete Note #6. This will be covered in Note #2.
  - 2.4 Delete Notes 17 and 18.
  - 2.5 Identify the portion of the driveway to be paved.
  - 2.6 Delete Note #10 and add to Note #2.
  - 2.7 Revise Note #16 to read, "Minor accessory retail sales for camper needs is allowed in the office/store. The sale of alcoholic beverages is not allowed."
  - 2.8 Correct the legal description.
  - 2.9 Correct the distance along the west boundary. It does not match the distance shown in the CAD drawing.
  - 2.10 Need to identify the various monument symbol types shown on the drawing either by monument notes, Legend identification or both.
  - 2.11 Survey data shown indicates establishment of various boundary corners. Need method of reestablishment shown along with record source including Surveyor's Certificate for the boundary work.
  - 2.12 Need to show recorded and measured right-of-way widths along adjacent roads.
  - 2.13 Section corner reference ties listed for corners identified as Point D, E and F but locations are not shown on the drawing.
  - 2.14 In the section corner reference ties, the labeling of corner C should be revised to "SE Cor W ½, NW ¼ Sec. 28 T12N, R7E.
  - 2.15 On the drawing, the adjacent lot east of the north portion of this special permit is miss-labeled. Should be Lot 27 IT not Lot 28.
  - 2.16 There is controlled access along Highway 77 which should be noted, listing record document number on the drawing or in the General Notes.

- 2.17 Provide a topo map showing contours and locations of buildings and amenities for our review of drainage patterns.
  - 2.18 Provide a drainage study that includes at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. The change in land use shall not adversely affect runoff to adjacent properties and county right-of-way; post-development flows should be less than or equal to pre-development flows.
3. Before receiving building permits provide the following documents to the Planning Department:
- 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - 3.2 Submit road improvement plans for Davey Road to the Lancaster County Engineering Department and to the Nebraska Department of Transportation for review and approval.

**Standard Conditions:**

- 4 The following conditions are applicable to all requests:
- 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the ~~Permittee or an appropriately established homeowners association approved by the City.~~
  - 4.3 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.
  - 4.4 Before occupying this campground City/County Health Department is to approve the water and waste water systems.
  - 4.5 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.6 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.



2018 aerial

**Special Permit #: SP19051**  
**N 56th St & Davey Rd**

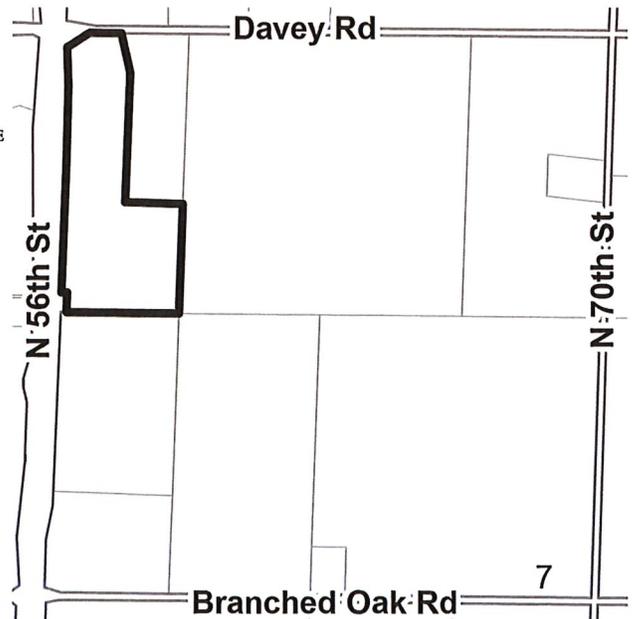
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

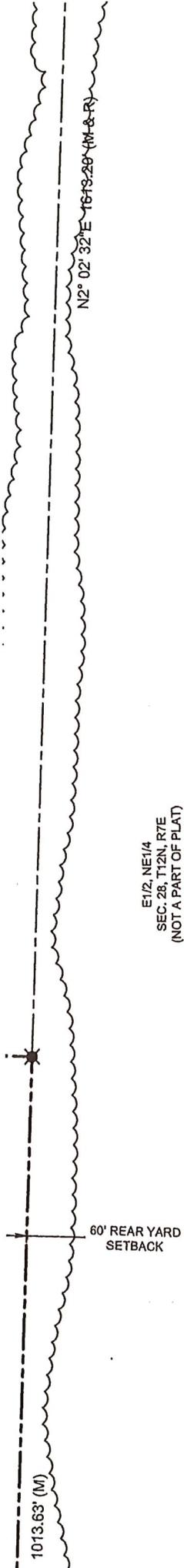
One Square Mile:  
 Sec.28 T12N R07E



	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction







E 1/2, NE 1/4  
 SEC. 28, T12N, R7E  
 (NOT A PART OF PLAT)

**GENERAL SITE NOTES**

1. THE PROPERTY IS CURRENTLY ZONED 'AG' AGRICULTURAL
2. 240 CAMPING SITES AND 16 CAMPER RENTAL SITE ARE PERMITTED.
3. BUILDING LOCATIONS AND AMENITIES ARE CONCEPTUAL AND MAY BE LOCATED ANYWHERE OUTSIDE OF THE SETBACKS.
4. THE CAMPGROUND SHALL INCLUDE A WATER SUPPLY AND SEWAGE DISPOSAL FACILITY, INCLUDING WASHING, TOILETS AND SIMILAR FACILITIES THAT MEET ALL APPLICABLE CODES AND REGULATIONS.
5. ALL CAMPING SITES SHALL HAVE UNDERGROUND SEWER MAIN CONNECTIONS TO THE WASTEWATER LAGOON FACILITIES.
6. THE CAMPER RENTAL UNITS MAY NOT BE OCCUPIED BY THE SAME PERSON OR PERSONS FOR MORE THAN 180 CONSECUTIVE DAYS.
7. CAMPERS MAY BE LOCATED ANYWHERE WITHIN THE CAMPING AREA AND THE CAMPER RENTAL AREA.
8. ALL YARD SETBACKS ARE AS SHOWN.
9. TWO SIGNS ARE ALLOWED IN THE FRONT YARD SETBACK ALONG HWY 77.
10. ONE RESIDENTIAL UNIT IS PERMITTED FOR AN ON-SITE CARETAKER RESIDENCE.
11. THE APPLICANT SHALL PAVE DAVEY RD TO COUNTY SPECIFICATIONS FROM THE PAVED RETURN OFF OF HWY 77 TO THE CAMPGROUND ENTRANCE AS DIMENSIONED ON THE SITE PLAN PRIOR TO RECEIVING OCCUPANCY PERMIT FOR THE MAIN OFFICE FACILITY.
12. ALL INTERIOR DRIVEWAYS MAY BE GRAVEL SURFACE.
13. WORK DONE WITHIN THE LANCASTER COUNTY RIGHT-OF-WAY SHALL BE COMPLETED IN ACCORDANCE WITH THE LANCASTER COUNTY DESIGN STANDARDS.
14. APPLICANT SHALL PROVIDE A STORM WATER DETENTION BASIN AS SHOWN ON THE SITE PLAN TO DIMINISH PEAK FLOWS INTO THE DRAINAGE WAY SOUTH OF DAVEY RD.
15. PARKING LOT AREAS SHALL BE GRAVELED BUT HANDICAP PARKING STALLS, AS REQUIRED, SHALL BE PAVED.
16. RETAIL SALES ARE ALLOWED AS AN ACCESSORY USE.
17. OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
18. ALL WIND AND WATER EROSION MUST BE CONTROLLED.
19. EXISTING TREE MASSES ARE TO REMAIN.

**DESCRIPTION -SPECIAL PERMIT**

20 AND 21 IRREGULAR TRACTS, LOCATED IN THE NORTH HALF OF 7 TOWNSHIP 10 NORTH RANGE 8 EAST, OF THE SIXTH PRINCIPAL, LANCASTER COUNTY, NEBRASKA.

**LEGEND**

- - - - - SPECIAL PERMIT BOUNDARY
- - - - - STREET CENTERLINE
- - - - - PROPOSED EASEMENTS
-  EXISTING TREE MASS

**DEVELOPER**  
 QUEENLAND, II  
 200 CAMPERS I  
 LINCOLN, NE 6  
 PHONE: (402) 4

**Geological and Ground Water Background Information  
Proposed Lincoln Capital Campground  
W ½, NW ¼, Sec. 28, T12N, R7E, Lancaster County**

**Dick Ehrman, Water Resources Specialist  
Lower Platte South Natural Resources District**

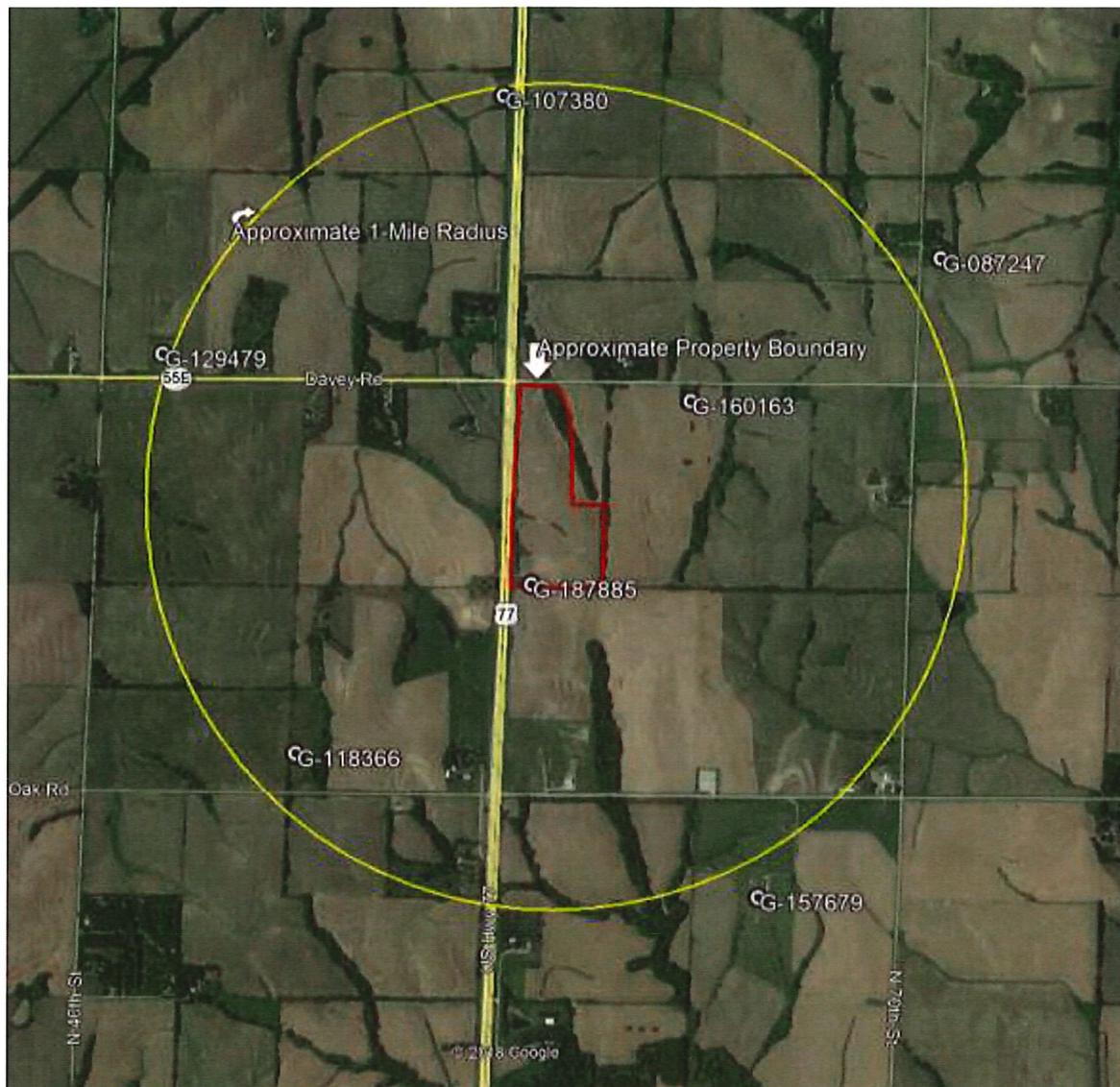
**General Geological and Ground Water Background**

The site is located in north-central Lancaster County a little more than a mile east of Davey, in the Rolling Hills topographic region. In general, the area is underlain by a variety of glacial deposits consisting of windblown silt (loess) and glacial till (a poorly-sorted mixture of clay, silt, sand and gravel but often characterized by thick sequences of clay), and stream-deposited sand and gravel units which can yield variable amounts of ground water. Additionally, the Dakota Group bedrock sandstones which underlie these younger sediments can produce ground water but if wells are drilled too deep into the Dakota, poor water quality from high salt levels can be a concern.

**Ground Water Availability and Use**

Within about a one-mile radius of the proposed facility, the Nebraska Department of Natural Resources' well registration database lists a total of seven registered wells, all of these being domestic wells. One of these is located on the property proposed for development. The table below summarizes the basic characteristics of those wells; the map on the following page shows their locations in relation to the proposed campground:

Well Registration Number	Use	Completion Date	Land Surface Elevation	Static Water Level	Water Table Elevation	Well Depth	Screen Interval	Pump Rate (gpm)
G-087247	Domestic	1995	1355	142	1213	185	165-185	10
G-107380	Domestic	2000	1266	55	1211	121	111-121	10
G-118336	Domestic	2002	1345	170	1175	305	285-305	15
G-129479	Domestic	2004	1313	158	1155	243	223-243	15
G-157679	Domestic	2010	1315	150	1165	280	270-280	25
G-160163	Domestic	2011	1306	114	1192	285	275-285	15
G-187885	Domestic	2019	1329	138	1191	264	244-264	50



In general, the geologic logs for the above wells show several tens of feet of alternating silt, clay, and sand, then sandstone and shale at something more than 100 feet below the land surface. Note that this is only a summary; each of the above wells' logs is slightly different. The northernmost well (G-107380) appears to be screened in a sand and gravel unit in the upper glacial sediments, while the remainder of the wells are screened considerably deeper, probably in sand/sandstone units of the Dakota Group. Most of the wells are registered as pumping between 10 and 25 gallons per minute (gpm), which is fairly typical for domestic and stock wells in southeast Nebraska. However, the newest well on the property proposed for development (G-187885) is registered as pumping 50 gpm, considerably more than the other nearby wells. It therefore appears that the ground water supply in this area is variable, which again is consistent with the variable nature of the geological units characterizing this part of Lancaster County.

### **Ground Water Quality**

The Lower Platte South NRD has not sampled any wells in the area indicated on this map. The nearest wells that the NRD has sampled are around the Village of Davey about one to two miles west of the proposed site. The two municipal wells for Davey have historically shown elevated levels of nitrate, often above 10 parts per million (ppm). The NRD has installed four dedicated monitoring wells in the wellhead protection area for Davey, and these wells have shown elevated levels as well, mostly between 5 and 15 ppm. For reference, the US Environmental Protection Agency's maximum contaminant level (MCL) for nitrate-nitrogen in drinking water is 10 ppm. As a result, in 2009 LPSNRD established a Phase II Ground Water Management Area (GWMA) in the area included in Davey's wellhead protection area, and has been working with farmers and landowners there on programs to reduce the levels of nitrate in ground water. Therefore, the Lower Platte South NRD has some indication of nitrate contamination of ground water in the general vicinity, but no data for the ground water in the area immediately surrounding the proposed facility. As already mentioned, some results from some sampling events have shown slightly elevated levels of dissolved salts (particularly sodium), but these are attributed to natural sources associated with the bedrock units in the area, and are generally considered a nuisance. All other parameters in the NRD's database for samples from this area have been well within associated guidelines for drinking water.

### **Water Quality Considerations**

As noted above, the subsurface materials in this area consist of a variety of silt and clay materials, under which occur different kinds of aquifer materials. As a general rule, the greater the distance from the surface to the ground water, and the more fine-grained the materials that make up this zone (generally known as the unsaturated or vadose zone), the less likely the leaching of materials applied to the surface. That being the case, most of the wells listed that are screened in the deeper aquifer units, especially where there are significant thicknesses of glacial till or clay, appear to be at comparatively low risk from surface contamination. The wells that are constructed and screened at a shallower depth would have a higher vulnerability to contamination from the surface, but even so the fine-grained materials near the surface offer some protection from widespread ground water pollution. Therefore, the overall vulnerability of ground water to contamination from surface sources in this area is fairly low, especially compared to areas with coarse, sandy soils and shallow depths to ground water. However, as with any applied fertilizer materials or operation of any onsite waste facility, careful application and management is necessary to minimize any risks to water quality. Given that this area is characterized by sloping land surfaces, this is especially important to protect surface water from runoff which might contain high amounts of nutrients which can negatively impact water quality in streams, lakes, and wetlands.

### **Helpful References:**

Korus, J.T., L.M. Howard, A.R. Young, D.P. Divine, M.E. Burbach, J.M. Jess, and D.R. Hallum. 2013. *The Groundwater Atlas of Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas # 4b/2013. 64 p.

Divine, D.P. 2014. *The Groundwater Atlas of Lancaster County, Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas #7. 39 p.



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 15, 2019

Mr. David Cary, Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Ground Water Analysis information for the Lincoln Capital Campground Special Permit, #19015, at Hwy 77 and Davey Rd., CDG Project No. 2019-0153**

Dear Mr. Cary:

On behalf of Dave and Jolene Queen, attached is a ground water well analysis for the Lincoln Capital Campground Special Permit #1915. Although this report is not required as part of the special permit for a Campground, we thought it would be useful for your review of this application as there has been concern expressed by the neighbors about the availability of groundwater to serve the facility.

A series of maps and exhibits are attached to demonstrate the availability of groundwater in this region of Lancaster County. My analysis was performed on seven registered wells within a 1-mile radius of the site. The attached summary data for those wells demonstrates that the adjusted aquifer level as determined by the adjusted static water level (adjusted for the variable ground surface elevations of the wells) is remarkably consistent over the 18-year period. The well data below is arranged in both geographic and then chronological order based on drilling date to demonstrate the aquifer levels over time.

### REGISTERED WELL DATA FOR THE LINCOLN CAPITAL CAMPGROUND FACILITY

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Static Water Level
1 (test well)	G187885	1328	264	138	7/25/19	1190
2	G157679	1314	280	150	8/10/10	1164
3	G118366	1347	305	170	11/5/02	1177
4	G184858	1311	340	130	4/24/18	1181
5	G129479	1312	243	158	4/5/04	1154
6	G107380	1262	121	55	7/21/99	1207
7	G087247	1352	185	142	8/29/95	1210
8	G160163	1310	285	114	3/23/11	1196
AVERAGE						1183

**REGISTERED WELL DATA BY DATE**

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Static Water Level
7	G087247	1352	185	142	8/29/95	1210
6	G107380	1262	121	55	7/21/99	1207
3	G118366	1347	305	170	11/5/02	1177
5	G129479	1312	243	158	4/5/04	1154
2	G157679	1314	280	150	8/10/10	1164
8	G160163	1310	285	114	3/23/11	1196
4	G184858	1311	340	130	4/24/18	1181
1 (test well)	G187885	1328	264	138	7/25/19	1190
AVERAGE						1183

The data above shows that the aquifer in this area has remained consistent over time. The test well's adjusted static water level, or water table elevation was at 1,190' slightly higher than average. The on-site pumping of the test well also showed significant capacity as it was pumped at an estimated 100 gallons per minute (GPM) as determined by Moser Well Drilling. This well was registered for a pumping rate maximum of less than 50 GPM based on the needs of the campground. The draw down depth, from the static water level to the pumped water level was a decrease in elevation of only 12 feet indicating a robust aquifer.

Empirical data for the current Camp-A-Way site (based on City of Lincoln water use records) shows that during the peak July/August months the campground averaged 68.9 gallons of use per campsite, per day (inclusive of swimming, shower and laundry facilities). To extrapolate this past use for the proposed 240 camp site permit, the peak demand would translate to 16,536 gallons per day based on the historical peak average of 68.9 gallons/site/day. The test well would only need to pump for 330 minutes or 5.5 hours/day to satisfy the peak demand at 50 GPM. During the fall, winter and spring months the campground water use drops off significantly, allowing for a lengthy annual aquifer recharge period.

Despite the variability of ground water in this area of the County, the test well drilled by the applicant demonstrates that it can provide an adequate ground water supply for the campground operations. The information above is based on registered well data available via the Nebraska DNR website. There are several unregistered wells adjacent to site. The two closest unregistered wells to the test well are 1,967' and 2,354' from the test well.

As always, please feel free to call me at (402) 434-8494 with questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Kent Seacrest  
Dave Queen

# Moser Well Drilling



# and Service Inc.

Marvin Moser  
Hickman, NE

Allen Moser  
Hickman, NE

Bill Moser  
Roca, NE

Chris Thornton  
Hickman, NE

Hickman, Nebraska 68372  
Phone: (402)792-2515  
Lincoln: 477-7291  
Fax# 792-2922  
www.moserwell.com



Pumps and Well Supplies - Trenching - Drilling

Date: 7/10/2019 Well # 14-19 Driller: Bill NRD Lower Platte South  
Owner/Builder: Dave Queen - 13611 West U.S. Highway 34, Malcolm, NE 68402 Ph - 525-4370  
Location:  
1/2 mile south of Davey Road on Highway 77 - on east side.

- 0- 51 Yellow clay
- 51- 56 Yellow sand
- 56- 70 Yellow and gray clay
- 70-100 Brown clay
- 100-137 Silty gray clay
- 137-139 Black and gray clay
- 139-161 Coarse yellow sandstone
- 161-175 Yellow shale w/little red
- 175-214 Gray shale, some sandy, mostly hard
- 214-215 Ironstone - gray
- 215-224 Fine tan sandstone
- 224-227 Red and gray shale
- 227-230 Ironstone - gray
- 230-276 Fine brown sandstone
- 276-285 Hard yellow and red shale w/ironstone

Depth: 264' Elevation: \_\_\_\_\_

### Casing Information

Type: PVC Thickness: 200#  
Length: 244' Diameter: 5"  
Bore Size: 9.5" SWL: 138' M  
PWL: Est. 150'  
GPM: 100 w/big air compressor

Filler Pack: 25-234'  
Grout: 6-25; 234-239'

### Screen

Length: 10'+10' Diameter: 4"  
Type: PVC Mono;WOP  
Slot: .016;.020  
Area of Screen: 244-264'  
Pack: 239-265'  
Type of Pack: #20 Red Flint

### Chemical Analysis

Total Chlorides 13.2 ppm  
Sodium: 52.2 ppm  
Hardness: 687.0 ppm  
Nitrates: 1.5 ppm  
Bacteria: \_\_\_\_\_  
Iron: .96 ppm

Lat. Degrees 40 Minutes 58 Seconds 48.49  
Long. Degrees 96 Minutes 38 Seconds 27.72

State Sent 8/12/19

CTY/TN Lancaster/Rock Creek

T.N. 12 R.E. 7 SECT. 28

Reg \_\_\_\_\_

# WATER ANALYSIS



Submitted by **6837205**  
**Moser Well Co.**  
**PO Box 308**  
**Hickman, NE 68372-0308**

Submitted for  
**DAVE QUEEN**

Laboratory Sample #  
**BP13722**

Date Received  
**15-Jul-2019**

Date Reported  
**17-Jul-2019**

Information Sheet #  
**60208**

Samples Will Be Stored Until **30-Jul-2019**

## REPORT OF ANALYTICAL RESULTS

Client Sample Identification	Analysis	Result	
<b>7-12-19</b>	Water pH	7.58	
	Hardness	686.60	ppm
	Bicarbonate	397.72	ppm
	Carbonate	0.01	ppm
	Electrical Conductivity	1.40	mmhos/cm
	Total Dissolved Salts	896.00	ppm
	Sodium	52.23	ppm
	Calcium	173.60	ppm
	Magnesium	61.61	ppm
	Potassium	13.62	ppm
	Sulfate	392.87	ppm
	Nitrate-N	1.50	ppm
	Chloride	13.20	ppm
	Boron	0.29	ppm
	Phosphate	0.18	ppm
	Manganese	0.26	ppm
	Iron	0.96	ppm



## LANCASTER COUNTY ENGINEERING DEPARTMENT

1. The submitted "Legal Description – Special Permit" lists the wrong irregular tract numbers and the wrong Section, Township and Range.
2. Need to identify the various monument symbol types shown on the drawing either by monument notes, Legend identification or both.
3. Survey data shown indicates establishment of various boundary corners. Need method of reestablishment shown along with record source including Surveyor's Certificate for the boundary work.
4. Need to show recorded and measured right-of-way widths along adjacent roads.
5. Section corner reference ties listed for corners identified as Point D, E and F but locations are not shown on the drawing.
6. In the section corner reference ties, the labeling of corner C should be revised to "SE Cor W  $\frac{1}{2}$ , NW  $\frac{1}{4}$  Sec. 28 T12N, R7E.
7. On the drawing, the adjacent lot east of the north portion of this special permit is miss-labeled. Should be Lot 27 IT not Lot 28.
8. There is controlled access along Highway 77 which should be noted, listing record document number on the drawing or in the General Notes.
9. Access to this property from Davey Road is from that part of Davey Road in State of Nebraska ownership with permitting and approval through the Nebraska Department of Transportation District 1 Office. Please contact the appropriate State Department and comply with applicable access requirements including meeting necessary setback requirements off existing highway roadway to edge of proposed access driveway.
10. Please provide a topo map showing contours and locations of buildings and amenities for our review of drainage patterns.
11. General Site Note No. 14 states that the applicant shall provide a storm water detention basin to diminish peak flows into the drainage way south of Davey Road. Please provide a drainage study that includes at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. The change in land use shall not adversely affect runoff to adjacent properties and county right-of-way; post-development flows should be less than or equal to pre-development flows.
12. Please submit road improvement plans for Davey Road to this office and to the Nebraska Department of Transportation for review and approval.
13. Development improvements shall not adversely affect existing roadway drainage or drainage structures

## LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

The applicant is proposing the use of a sewage lagoon or lagoons for onsite wastewater treatment. This system will require review and permitting by the Nebraska Department of Energy and Environment (NDEE) and by the Lincoln-Lancaster County Health Department (LLCHD).

The applicant is proposing the use of two water wells to provide water for the RV sites, cabins, swimming pool and other facilities. The applicant has drilled a test well on the site and states the test well shows that adequate water capacity exists to serve the proposed facilities.

The applicant must provide information on the data and the process that was used to determine that adequate water will be available at the location utilizing two wells to service the proposed facilities. The information must also include total projected daily water usage expected to service the proposed facility at full capacity for all proposed features. The information must include water quantity and quality information.

The water supply for this facility will be subject to the requirements of the Nebraska Safe Drinking Water Act that is administered by (NDEE). The applicant must supply information indicating how the requirements will be met by the proposed water supply.

A swimming pool is proposed for this campground. Prior to construction, the applicant must obtain a construction permit from the Nebraska Department of Health and Human services.

If the campground amenities include the sale of food products or the preparation of food products, additional review of the proposed facilities will be required. Any food being sold to the public will require a food establishment permit. During the construction and operation of this campground, the owner/operator will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 21, 2019

REVISED LETTER

Mr. David Cary, Director of Planning  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68506

**RE: County Special Permit Application and Text Amendment for a Campground per County Zoning Regulation 13.014, generally located at the southeast corner of Hwy 77 and Davey Rd.**

Dear Mr. Cary:

On behalf of Dave and Jolene Queen we submit the enclosed application for the proposed "Lincoln Capital Campground", a special permit for a campground located on 45.49 acres on the southeast corner of Hwy 77 and Davey Road. The Queens are the current operators and owners of the Camp A Way campground facility located at 200 Campers Circle in Lincoln. This Camp A Way location is operated under a lease with the City of Lincoln as the landowner. The City of Lincoln has provided the Queens with a generous lessor notice that the City desires to reuse the land for a different purpose upon lease expiration and therefore we are requesting this special permit to relocate the Camp A Way facilities at our proposed location.

With our application we are proposing to construct and operate their independent, family oriented RV Park and Campground to the 45.49 acres along the east side of Hwy 77 and south of Davey Road. The site plan shows the proposed layout for the campground that would be developed in at least two phases. Proposed capital improvements and guest amenities would include the following:

- Up to 240 camping sites with full water and electric services/hook-ups. Types of camping sites would include traditional RV/camper sites, tent sites, and specialty camping facility such as "glamping" tent platforms, tipis, covered wagons, recreation park trailers designed to look like log cabins, etc.
- Management and Operational facilities will include: Registration & check-in office/store, maintenance workshop, two wells, sanitary sewer lagoons, a storm shelter and two signage locations along Hwy 77. The site plan includes a proposed caretaker dwelling unit.
- Campground Amenities for paid guests may include: Swimming pools and play ponds, playground facilities, volleyball, horseshoes and basketball play areas, dogs run area,

kitchen, laundry, bathroom & shower facilities, a propane filling station, dump station and internet services.

Access to the proposed Campground will be off of Davey Road approximately 250' east of Hwy 77. The applicant is proposing to pave Davey Road to County asphalt standard between Hwy 77 and the Campground entrance as shown on the site plan. Two groundwater wells will be utilized for the potable supply and a sanitary sewer pipe network will be installed to each camp site (excluding tent sites) and the management facilities to deliver wastewater directly to a common lagoon treatment facility. For your convenience a complimentary groundwater well study of the surrounding aquifer levels is included with this application.

Lastly, in order to permit extended stays at the campground for up to 180 days, we have been working with Planning and County legal staff on the necessary terms and conditions needed to allow this maximum length of stay at this site. Accomplishing this requires a proposed text amendment to the county code that is attached with this letter.

In conjunction with this submittal the following information is enclosed:

Use Permit Application  
County Use Permit Review Fee: \$988.00  
Health Department Review Fee: \$445.00  
Text Amendment Review Fee: \$412.00

I hope this information and site plan provides you with adequate information to review this application. Please contact me with any questions you may have.

Sincerely,



KENT SEACREST  
For the Firm

Enclosures

cc: Dave & Jolene Queen  
Mike Eckert, Civil Design Group

# CAMP A WAY LINCOLN, NEBRASKA

October 11, 2019

To: Neighboring Property Owners

RE: Proposed Campground development of the southeast corner of Hwy 77 and Davey Road; informational meeting will be held on Tuesday, October 22, 2019 at 5:30 P.M., Davey Community Center, 17810 N. 2nd Street, Davey, Nebraska

Dear Neighbors:

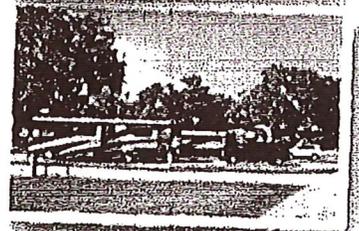
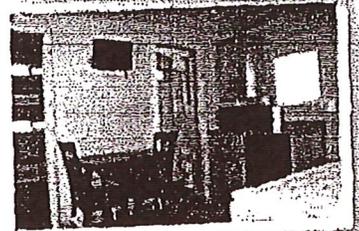
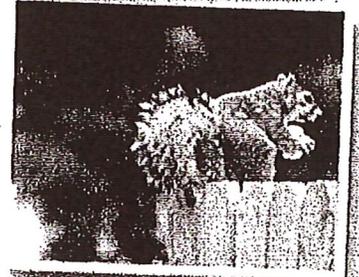
My name is Dave Queen and along with my wife, Jolene Queen ("Queen"), we are the current operators and owners of Camp A Way located at 200 Campers Circle, in Lincoln. Camp A Way is operated under a lease with the City of Lincoln as the landowner. The City of Lincoln has future plans for its land, and we are being asked to relocate Camp A Way after 25 years of serving campers.

After careful study, we are proposing to relocate and operate an independent and family-oriented RV Park and Campground ("Campground") on the 45.49 acres along the east side of Hwy 77 and south of Davey Road ("Property"). We have entered into an agreement with Dirt Mine 77, LLC to purchase the Property.

For your information, I am enclosing a proposed site map of the Property. The proposed Campground will be developed in phases. Proposed improvements would include up to 245 camping sites with full water and electric services/hook-ups. Types of camping sites would include:

- Traditional RV/camper sites;
- Tent sites;
- Specialty camping—e.g., "glamping" tent platforms, tipis, covered wagons, recreation park trailers designed to look like log cabins, etc.;

Along with the camping sites, there will be a registration headquarters area, office store, residence, kitchen, snack bar, laundry, bathrooms/showers, storm shelter, propane filling station, dump station and workshop. Finally, there will be campground amenities and facilities for paid campers that could include zero-entry swimming pool, playground, volleyball, horseshoes, basketball, gaga pit, internet, dog run, etc.



Access to the proposed Campground will be off of Davey Road. We propose to pave Davey Road between Hwy 77 and the Campground entrance. Well water and a lagoon will be utilized. Our family will be seeking a special permit from Lancaster County for a campground facility and related accessory uses on the Property.

We would like to invite you to an informational meeting to review the Campground development plans. The informational meeting will be held on Tuesday, October 22, 2019 at 5:30 P.M., Davey Community Center, 17810 N. 2nd Street, Davey, Nebraska. We have engaged the professional services of Civil Design Group (Mike Eckert) and Seacrest & Kalkowski Law Firm (Kent Seacrest) to assist our family with the relocation of the Campground.

If you are unable to attend the meeting or have questions regarding the above, please feel free to contact Dave Queen or Chris Queen (402.476.2282).

We look forward to meeting you.

Very truly yours,



Dave Queen

Enclosure

cc: Chris Queen

Mike Eckert, Civil Design Group

Kent Seacrest, Seacrest & Kalkowski, PC, LLO

Tom Cajka, Planning Department

Pam Dingman, County Engineer

Rick Vest, County Commissioner

OCT 17 2019

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# MEMORANDUM

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**TO:** Planning Commission

**FROM:** Tom Cajka, Planning

**SUBJECT:** Special Permit #19051 generally located at Highway 77 and Davey Road  
Revision #1 to Staff Report

**DATE:** December 2, 2019

**CC:** David Queen  
Rhonda Haas

---

The staff report needs to be amended to delete references to City. This application is under Lancaster County zoning jurisdiction. The text pertaining to homeowners association has been stricken. This application is for a campground and there would be no homeowner association.

The Planning Department staff report of November 25, 2019 is hereby revised as follows:

**Site Specific Conditions:**

1. The Lancaster County Board of Commissioners ~~City Council~~ approves associated request:
  - 1.1 TX#19009

**Standard Conditions**

4. The following conditions are applicable to all requests:
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee ~~or an appropriately established homeowners associations approved by the City.~~

F:\DevReview\SP\19000\SP19051 Revised Staff report memo.docx

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Lincoln City-Lancaster County Planning Department  
555 S. 10th St., Rm. #213 • Lincoln NE 68508  
Phone: (402) 441-7491 • Fax: (402) 441-6377

# SPECIAL PERMIT 19051

**SPECIAL PERMIT 19051, TO ALLOW FOR A CAMPGROUND AND RELATED ACCESSORY USES, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF HWY 77 AND DAVEY ROAD:**

**PUBLIC HEARING:**

**December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr; Joy absent.

**Staff Recommendation:** Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation:** Tom Cajka, Planning Department, stated this is a request for a special permit per Section 13.014 of the Lancaster County Zoning Regulations for a campground. The campground is proposed for up to 240 campsites with electrical, water and sewer hook ups. The campground will also have amenities such as a swimming pool, office, playground facilities and a convenience goods shop. Campgrounds are allowed by special permit in the AG District and are an appropriate land use in an agricultural zoned area, with certain conditions. He further stated, that a water report submitted by the applicant shows that there is adequate water in the area. Nebraska Department of Transportation, Lancaster County Sherriff, County Engineer and the Health Department have no objections to this application. This campground would meet all of the text amendments that the Commission just heard.

**Dick Ehrman, Lower Platte South - NRD**, came forward and provided the clerk with a handout that he went over explaining their process (see Exhibit #11). He stated that at the time of his summary of the area, there were only seven registered wells in the area, and since then several unregistered wells were registered. With the water availability with this site, the onsite well registration and log indicates initial capabilities of producing about 100 gallons per minute, with a drawdown of 12 feet in the well, and this is good information. However, pumping for a longer time would give more information about the wells capability of continuing to produce water. They anticipate that this site will need --during the peak months of July, August and September -- to use of 68.9 gallons per campsite per day. For the entire campsite, this would be slightly more than 1 million gallons for the 62 days in July and August, and less during not peak months. He stated that they have not applied for a permit at this time.

Edgerton asked about the difference between domestic and non-domestic. Ehrman stated that domestic means for human consumption. For this site, the well may be considered as a public water supply, which is not the NRD's call; it would be up to the health authorities. With groundwater in Nebraska, it is not a first-come, first served, everyone shares the ground water in Nebraska. Edgerton inquired about registered and non-registered wells in the area, and how that works into the computation of water availability. Ehrman stated that up until 1993 or 1995 small capacity wells did not need to register with the State of Nebraska, and now permanent wells need to be registered with the state.

**Applicant:**

**Chris Queen, 13611 US Hwy. 34**, came forward in support on behalf of their 17 full and part time employees. Camp Away has been at this location since 1965, and this new location fits with the City's plan. Camp Away is nationally recognized and 78 percent of their guests do not even live in Nebraska.

Edgerton ask how many sites they have at their current location. Chris Queen said there are 102. Edgerton asked about the camp rental sites at the campsite. Chris Queen stated that would be the cabins, which they have 18 or 19 of them. Edgerton inquired if they are anticipating having cabins on this site. Chris Queen stated that they are actually RV's, and that is why they have added a special section about the length of stay, and further stated that they are tiny homes, which do still have wheels. Edgerton asked about the about the 18 or 19 cabin stays and if they would be part of the 30-day stay. Chris Queen and Dave Queen both replied yes.

Beckius inquired about the rental of the RV, and stated that they do not have an engine, and that they are just a trailer. Chris Queen said that is correct, they do not have an engine.

Corr inquired if they collect the same type of taxes that a hotel would. Chris Queen said yes they do collect taxes.

**Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, Suite 200**, came forward to discuss the water and traffic items for this site. He stated that they did a similar water study, and some of the property owners have registered their wells since. He stated that the test well was good. They did a test and the water is there. The analysis that they have now the well would need to run 5 ½ hours a day to supply them with their daily water needs. The Queen's would not be moving forward if they did not feel that they had enough water for the site. He stated that the Queen's would pave a 225-foot section of Davey Road for entrance on the site, and it will be built to the county standards. It has been determined that the traffic will not be an issue, and the store will help with off-site trips, as well as the other amenities. They are proposing a full retention lagoons system for the water waste. He discussed a formaldehyde mix that would be in the camper's trailer already waste system, which was a concern with the neighbors. He stated that formaldehyde naturally dissolves itself in daylight and the NDEE does not feel that it will be a problem.

Corr asked what would be a normal amount of water pumped to a residence per day. Eckert said 20 gallons a minute, would be an average of 100 to 150 gallons a day. Corr asked about the 5 ½ hours a day that it would need to run on this site and if that was a lot. Eckert said with not having a lot to compare to it is considered low volume, and there will be a water tank onsite.

Edgerton inquired what is involved in the Health Department review and approval process. Eckert stated that they would make sure that the lagoons and all connections are approved by NDEE and then the Health Department.

**Allan Moser, owner of Moser Well Company, Hickman**, came forward and provided the clerk with a several handouts that he would go over, for the record (see Exhibit #12). He stated that they have drilled many wells in this County, and when people complain about their water pressure they just need to call and this is something that can be fixed.

Edgerton asked if there was just one well on the property. Moser stated yes, but they will be drilling a new well tomorrow.

**Kent Seacrest, 1128 Lincoln Mall, Suite 105**, came forward in behalf of the Queen family for this special permit and stated that they would like to make an amendment to condition 2.1 and provide proposed text (see Exhibit #13) to provide clarification that they are wanting to allow the 30-day consecutive stay so that guests could come on every weekend.

**Proponents:**

None.

**Opponents:**

1. **Brian Campbell, 6030 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #14).
2. **Denise Kaiser, 5590 Davey Road**, she stated that they have been doing renovations to their property, and they purchased this property to get out of the city. She stated that they do not want signs up on their property for the campgrounds and she expressed concerns of people needing to use her driveway to turn around.
3. **Walter Campbell, no address given**, came forward in opposition and submitted written comments from Jason Minchow (see Exhibit #15).
4. **David Nielsen, 7100 Raymond Road**, came forward in opposition and submitted written comments (see Exhibit #16).
5. **Julie Marshall, 7931 Anna Place**, came forward in opposition and submitted written comments (see Exhibit #17).
6. **Rick Ronhovde, 16555 N. 70<sup>th</sup> Street**, came forward and read a letter for Craig Schneider. This letter indicated that this could be a traffic hazard to the area. He stated that this will have a large number of temp workers and their bad habits. He stated that he wants a fence around this site, because of the proximity of his property, which is just beyond the trees.
7. **Dennis Swanstrum, 16705 X Street, Omaha**, came forward in opposition and stated that he moved to the area in the spring of 1943, and it has been in their family for years. He stated has concerns with the negative impact to the area and this proposal does not provide any meaningful benefit to the community. There is a deer stand in the area and they will have to stop hunting in the area. There is not enough law enforcement in the area. This could be devastating for the wells in the area and on the water table.
8. **Phillis Larsen, 17575 N. 70<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #18).
9. **Elaine Swanson, 5507 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #19).

10. **Gary Larsen, 17575 N. 70<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #20).
11. **Jerry Minchow, 8181 Davey Road**, came forward in opposition and stated that he has lived on his property for 49 years. He stated that has concerns with the water usage for this site. He stated that others in the area have had some difficulty finding water on their property and have had to dig several wells because they kept coming up dry. He stated that they do not even water their lawns because water is precious out there. He is concerned that they will draw all of the fresh water off the top, and they will have salt water, which has happened in other areas.

[Break at 6:35 P.M.]

Resumed at 6:40 P.M.]

**Commissioners Finnegan and Ryman Yost left at 6:35 p.m.**

12. **Douglas Swanson, 5507 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #21).
13. **Carol Sherman, 6305 Agnew Road**, came forward in opposition and submitted written comments (see Exhibit #22).
14. **Martha Minchow, 8181 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #23).
15. **Scott Johnson, 6333 Rock Creek Road**, came forward in opposition and stated that he lives one mile from the proposed site and was not notified on this proposed special permit. He stated that this ground is prime ground and not hard to sell. He stated that Hwy 77 is not safe and he no longer rides his bike on the road because of the speed on the highway. Trash is a problem in the area and it will be worse. He stated that there would be a lot of theft with something like this in the area, because this will add an additional 700 people to the area. He stated that he is a mail carrier for the Post Office and asked where they would be getting their mail if they were staying for 180 days. He stated that he is a rural postal worker and they do not have room for additional mail holding or delivery. He stated that they do not have room at the post office for another 240 boxes.
16. **John Huck, 3530 Cedar Street**, came forward and stated that he is in opposition to this because he believes that the new data center will bring transit workers to the area. He stated that he has seen the bad that a transit workforce can bring to an area, along with their problems and habits and will bring trouble to the area. He stated that all of this is for the profit of one person and at the expense of the people that live in the area.
17. **Becky Keep, 8601 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #24).
18. **Marlene Tracy, 17500 N. 84<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #25).
19. **Tim Kubicek, 18507 N. 70<sup>th</sup> Street**, came forward in opposition and stated that this does not belong here and that there are many details that have been left out. He stated concerns with the water drainage from the campsite that will end up in the Saline Wetlands, which are rare and only 1400 acres remain in the county. These wetlands provide habitat to a number of threatened and endangered species of plants and animals. He has concerns with the wastewater at the site.

**20. Lynn Deshon, 19595 N. 14<sup>th</sup> Street**, came forward in opposition and stated that the water level is low in the area. She stated this campsite would use too much water when the residents in the area use very little water to help conserve water in the area. The additional traffic will be a safety issue for this area, the traffic speed on Hwy 77 is getting faster. She feels that this is a safety issue with all of the traffic that will be in the area and they will be moving slower to get to the site. The Interstate has on and off ramps to help make it safer to get on and off the Interstate, because of the speed on the Interstate.

**21. Karen Kurbis, 17500 N. 84<sup>th</sup> Street**, came forward in opposition and stated that she has lived in the area for 21 years. She stated that she has concerns with the increased traffic in the area and that it will not be safe. This site is for the transit workers that will come to the area; they do not need a swimming pool. She stated that the data center that will be in the area and would bring transit workers to the area. She stated that she has questions about the topography.

**Staff Questions:**

Beckius inquired about the density at the site and the number of users that could be using this site at once. Cajka said that this is for 240 sites and it could be possible that it is full. Beckius asked about the number of people in site. Cajka stated maybe two or three per site.

Al-Badry asked about the increase in the number of wells that are registered and if they are still in support. Cajka said yes.

Scheer ask Cajka to clear up some of the confusion with the Lincoln Municipal Code (LMC) and the AG and AGR zoning. Cajka stated that the Lincoln City code Title 27, is for the City and the area that extends three miles beyond the City limits.

Corr inquired how staff determines if land is prime or not prime. Cajka stated that there is a map on the Development Review section and the viewer shows that one-third or less of the area is prime farmland.

**Applicant Rebuttal:**

Eckert stated with the wastewater they would need to calculate the level of a 100-year storm event on the property, and then go 1-foot above that level. This is so that a 100-year event could not get into the lagoon and so the lagoon could hold in a 100-year event, which would be 10 inches of rain in 24 hours. Then he showed a saturated thickness map on the overhead, and this map shows that there is enough water on this site. He shared that the map also shows that just ¼ of a mile away there is less water for that area.

Seacrest stated that the reason the applicant is looking for a new site is that the City is not renewing their lease. Campers do not want to be in the City limits and with this being by Hwy 77, campers can get in and out quickly. Seacrest handed the clerk a letter from Lynn Johnson (see Exhibit #26). He further stated that this is not considered prime land because of the mining that was done on the land and this property is not located in wetlands.

Edgerton asked about 93 percent of business from guests that stay less than seven days, is that correct. Seacrest said yes. Edgerton stated that 97 percent stay less than a month, and she

questioned the length of stay with the 35 percent for 180-days and asked if this would make or break, this project. Seacrest stated that it is part of their business and there is a need for this type of extended stay.

Campbell moved to close the public hearing on this item, seconded by Edgerton carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**SPECIAL PERMIT 19051**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Scheer moved to approve this Special Permit as set forth in the amended conditions of the staff report as presented on behalf of the applicant (see Exhibit #13). Seconded by Campbell.

Scheer stated that this is an allowable use for this area and complies with what has been presented. He further stated that he does not see any reasons to dispute this because this site could support this application.

Campbell stated that it is very unusual not to have qualifications placed on a project by any of the entities and for this being so clean, he is in support.

Scheer stated that he wanted to add that he was worried about the water and the NRD had helped with this.

Beckius stated that he believes there are many positives for this site and likes that it is adjacent to Hwy. 77. He has been calmed with the water issue, and his only issue is density on this site. He stated that the density is not the same and cannot be compared to the City. The net impact is that there could be 240 users on this site. He stated he does not feel the density corresponds with the objectives and goals of the Comprehensive Plan. He feels it is setting a bar at what the reasonable expectations of what the Lancaster County Community is in terms of density for a project; the guests are coming and going, but there could be density that refers to the City of Lincoln zoning. This density does not conform to the general idea of what has been previously laid out time and time again in the Comprehensive Plan about what the nature and feel of what rural Lancaster County should be.

Edgerton stated that she would be voting no on this special permit because she has concerns regarding the 6 months that the camper could stay. She further stated that she agrees it is an appropriate use and allowed with a special permit. However, is struggling with what this campground means to the surrounding areas.

Corr stated that fellow Commissioners made many good points and this does check all of the boxes, but she has concerns with the density.

Motion failed 4-2 due to a lack of receiving 5 affirmative votes: Al-Badry, Campbell, Scheer and Corr voting 'yes'; Edgerton and Beckius voting 'no'; Finnegan, Ryman Yost and Joy absent.

**David Cary, Planning Department Director**, came forward and stated that due to a lack of a fifth vote either direction; this item will automatically carry over to the regular Planning Commission hearing of December 18, 2019. The public hearing portion on this item has been closed, so the Commission will only be voting on this item.

Note: This is **FINAL ACTION** on **Special Permit 19051**, unless appealed by filing a letter in the Office of the County Clerk within 14 days.

**December 18, 2019, Planning Commission Hearing:**

Finnegan apologized to the audience and staff for leaving early on the December 4, 2019 Planning Commission meeting. She explained the reason for leaving early was that she had major spine surgery in the spring and is still recovering and unable to sit for prolonged periods of time. Over the past two weeks, she has watched every minute of the hearing, and is prepared to vote on Special Permit 19051 today. Apologizing again, to everyone that stayed for the long meeting, including her fellow Commissioners.

**SPECIAL PERMIT 19051, TO ALLOW FOR A CAMPGROUND AND RELATED ACCESSORY USES, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF HWY 77 AND DAVEY ROAD:**

**ACTION BY PLANNING COMMISSION:**

**December 18, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius; Corr absent.

**Staff Recommendation:** Conditional Approval

Clerk noted that there is a 14-day appeal process to appeal the decision onto the County Board. The 14<sup>th</sup> day falls on January 1, 2020 and City offices are closed. Appeal forms can be submitted in person or by mail until December 31, 2019. You may also submit an appeal by email, as long as it is submitted to the Planning Department by January 1, 2020. Only one appeal form needs to be submitted to move this item on to the County Board.

There were ex parte communications disclosed by Joy who stated that she had two contacts concerning this application. She shared there was a person in her office building that was in support of Camp Away, and she instructed him on how to submit his comments of support. He is part of the record that the Commissioners have received by email. Joy further stated a neighbor stopped by to discuss the special permit and left his name and number with her husband, and she text him on how to communicate with the Planning Department. He invited her to a neighborhood meeting and she declined, due to conflict of interest. He is part of the record with his letter of opposition and testimony at the December 4, meeting.

There was no information to be disclosed from visits to the site.

**Staff Questions:** Tom Cajka, Planning Department, came forward to remind the Commissioners that at the last hearing the applicant had proposed a revised condition to 2.1. Cajka handed the Commissioners a copy of the proposed revised condition (see Exhibit 1), wanting to make sure that the Commissioners that were not at the last meeting had been given one.

Campbell moved approval, with the revised language to Condition 2.1, seconded by Al-Badry.

Ryman Yost wanted to add that she too had to leave in the middle of the public hearing at the last meeting. She stated that she has watched all of the video and read all of the materials that were presented.

Campbell stated the reason for the motion is that the campground fits every legality for being in the area. Campbell does empathize with the acreage owners in the area but, as the community grows, there will always be build-out problems. He further stated that he thinks the campgrounds will be based on what they have done with the leased ground from the City, a likeable and pleasant place to stay.

Scheer shared that he does not want to rehash his reasoning from last meeting, but is wanting to piggyback on what Commissioner Campbell stated and he wanted this on the record for this vote. Scheer stated the special permit request meets all of the legal responsibilities and based on the testimony, it meets all of the site conditions that the Commissioners were concerned about including water. Scheer shared that he was extremely concerned about the water and the testimony indicated that it would not be an issue.

Joy stated as she reviewed all of the information and watched the videos several times; there were some positives and negatives to this development. She stated that she is concerned with density as it relates to the Comprehensive Plan with this specific type of land use. In the County's 2040 Comprehensive Plan, and using those guiding principles for community, there is a gradual transition of uses talked about and the need to maximize the use of urban services with the water and sewer, even though there does not appear to be a problem in this situation from the review that they have seen. Joy stated that she does feel it is a goal to minimize the conflicts between urban and acreage uses and reiterated her support to the Planning Department to develop a baseline for the evolution of campground zoning based on what Commissioners had already stated-- looking at this as they move forward to develop County guidelines. Based on the density, she will be voting no on this special permit.

Finnegan stated that she would be voting yes, mainly for the reasons that Commissioners Campbell and Scheer have stated. She shared that staff did their due diligence in checking everything out. There were experts from the City and the State who have weighed in and have been favorable. She further stated that there are safety networks in place. If there is not water, they will not be able to move in. She will be voting yes on this project.

Motion for approval, as amended as presented on behalf of the applicant to Condition 2.1 carried 5-3: Al-Badry, Campbell, Finnegan, Ryman Yost and Scheer voting 'yes'; Edgerton, Joy and Beckius voting 'no'; Corr absent.

Note: This is **FINAL ACTION** on **Special Permit 19051**, unless appealed by filing a letter in the Office of the County Clerk within 14 days.

Revise Condition 2.1 To Read

240 campsites are permitted. Up to 35% of the campsites may be occupied by the same person or persons for no more than 180 ~~consecutive~~ consecutive days in any calendar year. If the campground is built in phases, the 35% shall apply to the number of campsites in that phase. For the remaining portion, the same person or persons may not occupy the campground for more than thirty (30) consecutive days.

# SPECIAL PERMIT 19051

**SPECIAL PERMIT 19051, TO ALLOW FOR A CAMPGROUND AND RELATED ACCESSORY USES, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF HWY 77 AND DAVEY ROAD:**

**ACTION BY PLANNING COMMISSION:**

**December 18, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer and Beckius; Corr absent.

**Staff Recommendation:** Conditional Approval

Clerk noted that there is a 14-day appeal process to appeal the decision onto the County Board. The 14<sup>th</sup> day falls on January 1, 2020 and City offices are closed. Appeal forms can be submitted in person or by mail until December 31, 2019. You may also submit an appeal by email, as long as it is submitted to the Planning Department by January 1, 2020. Only one appeal form needs to be submitted to move this item on to the County Board.

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Campbell moved approval, with the revised language to Condition 2.1, seconded by Al-Badry.

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Motion for approval, as amended as presented on behalf of the applicant to Condition 2.1 carried 5-3: Al-Badry, Campbell, Finnegan, Ryman Yost and Scheer voting 'yes'; Edgerton, Joy and Beckius voting 'no'; Corr absent.

Note: This is **FINAL ACTION** on **Special Permit 19051**, unless appealed by filing a letter in the Office of the County Clerk within 14 days.

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-5012

**APPEAL**  
**of Planning Commission action**  
**to Lancaster County Board of Commissioners**

**RECEIVED**

DEC 30 2019

LANCASTER COUNTY  
CLERK

Today's Date

(this form must be received by the County Clerk within 14 days of the action by the Planning Commission)

To: County Clerk  
Dan Nolte  
555 S. 10th St., Ste. 108  
Lincoln NE 68508  
402-441-7484  
coclerk@lancaster.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. PC-01682, adopted by the Lincoln-Lancaster County Planning Commission on (Date) 12/18/19, approving Special Permit No. 19051 on property generally located at Hiway 77 and Davey Road

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Phyllis V Larsen

Printed Name Phyllis V. Larsen

Address 17575 N. 70th St. Lincoln, NE 68517  
Street City State ZIP

Phone Number 402-785-7385

Email phyllis.larsen@gmail.com

cc: Planning Department  
Gerl Rorabaugh  
555 S. 10th St., Ste. 213  
Lincoln NE 68508  
402-441-6365  
grorabaugh@lincoln.ne.gov

RECEIVED

DEC 30 2019

LANCASTER COUNTY  
CLERK

# APPEAL

of Planning Commission action  
to Lancaster County Board of Commissioners

Today's Date 12/30/2019

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Planning Commission on (Date) 12/18/2019, approving Special Permit No. SP19051 on property  
generally located at Highway 77 and Davey Road

Please advise me of the hearing date before the Lancaster County Board of Commissioners.

Signature of person requesting appeal: Karen Kurbis

Printed Name KAREN KURBIS

Address 17500 N. 84 St. LINCOLN NE 68517  
Street City State ZIP

Phone Number 402-785-2077

Email l1ama1mama@gmail.com

cc: Planning Department  
Geri Rorabaugh  
555 S. 10th St., Ste. 213  
Lincoln NE 68508  
402-441-6365  
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