

AGENDA  
VALLEY CITY COUNCIL  
August 15, 2023 4:30 PM

Anyone desiring to speak on any item on the Agenda is invited to do so during the visitor/correspondence section but will be limited to three minutes. After being recognized by the Mayor, please state your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with the City Clerk prior to the meeting. A person wishing to speak during the business portion of the meeting must complete a City Council Agenda Request form. This form is available on the City's website and must be completed and submitted no later than 5:00 p.m. on the Thursday preceding any City Council meeting.

**--A copy of the Open Meetings Act is located on the north wall of the Council Chamber--**

The Mayor and Council reserve the right to adjourn into executive session on any agenda item per Nebraska Revised Statutes 84-1410.

One copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

1. CALL TO ORDER
2. PROOF OF PUBLICATION
3. PUBLIC HEARINGS
  - 3.A. Valley Sports District Area Blight Study
    - Open Public Hearing
    - Public comments: proponents and opponents
    - Close public hearing
    - Discussion and questions by Planning Commission Members
    - Vote on recommendation to City Council
  - 3.B. Preliminary Plat - Valley Landing Lots 1-18 and Outlots A and B
    - Open Public Hearing
    - Public comments: proponents and opponents
    - Close public hearing
    - Discussion and questions by Planning Commission Members
    - Vote on recommendation to City Council
  - 3.C. Conditional Use Permit - Flatwater Lake LLC - install 4,000 gallon gas tank and dispenser above ground.

- Open Public Hearing
- Public comments: proponents and opponents
- Close public hearing
- Discussion and questions by Planning Commission Members
- Vote on recommendation to City Council

4. Adjourn

**NOTICE OF MEETING  
PLANNING COMMISSION  
CITY OF VALLEY, NEBRASKA**

Notice is hereby given that a meeting of the City of Valley Planning Commission will be held on **Tuesday, August 15, 2023, at 4:30 p.m.** at Valley City Hall. PUBLIC HEARINGS will be held on the following:

1. Valley Sports District Area Blight Study. A map of the Valley Sports District Area and the related Valley Sports District Area Blight Study are available for review at Valley City Hall
2. Preliminary Plat - Valley Landing, Lots 1-18 and Outlots A and B, more specifically described as: Part of the Northeast Quarter (NE 1/4) of Section 6, Township 15 North Range 10 East of the 6th p.m. Douglas County Nebraska, beginning SW of North 264th Street and Melgs Street approx 112.808 acres.
3. Condition Use Permit - Flatwater Lake LLC - Install 4,000-gallon gas tank and dispenser above ground. In R-3 zoning district.

An agenda kept continually current shall be available for public inspection at Valley City Hall.

Larry Bottger, Chair  
City of Valley, Planning Commission

7/28, 8/4

ZNEZ

**THE DAILY RECORD  
OF OMAHA  
JASON W. HUFF, Publisher  
PROOF OF PUBLICATION**

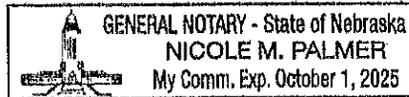
UNITED STATES OF AMERICA,  
The State of Nebraska,  
District of Nebraska,  
County of Douglas,  
City of Omaha

} ss.

JASON W. HUFF and/or JOSIE CHARRON, being duly sworn, deposes and say that they are the PUBLISHER and/or MANAGING EDITOR of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, and a general circulation in Sarpy, Lancaster, Cass and Dodge Counties, printed in Omaha, in said County of Douglas, Nebraska for more than fifty-two weeks last past; that the printed notice here-to attached was published in THE DAILY RECORD, of Omaha, for 2 consecutive weeks on:

7/28/23                      8/4/23

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.



Publisher's Fee                      \$53.09

*Jason W Huff*

Additional Copies                      \$ \_\_\_\_\_

Subscribed in my presence and sworn to before me this AUGUST 04 2023

Filing Fee                                      \$ \_\_\_\_\_

Total \$53.09

*Nicole M Palmer*

Notary Public in and for Douglas County, State of Nebraska

2023

City of Valley  
Sports District Study Area



JEO Consulting Group, Inc.

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## **Introduction**

### ***Purpose of the Study***

This Valley Sports District Area blight and substandard study of the designated study area is intended to give the Community Development Agency and City Council the basis for considering the existence of blight and substandard conditions within the delineated study area. Through this process, the City of Valley's Community Development Agency may employ and exercise the power authorized in Nebraska Community Development Law to eliminate and prevent blighted and substandard conditions that are detrimental to the future public health, safety, morals, and general welfare of the entire community as well as the surrounding region. If the City of Valley finds and determines, based on substantial evidence in the record before it, that the recommended Blight and Substandard Area (detailed below and referred to herein as "Valley Sports District Area Blight Study Area") meets the statutory conditions for an area that is blighted, substandard, and in need of redevelopment, the designated study area will become a Redevelopment Area under the Community Development Law (Neb. Rev. Stat. §§ 18-2101 to 18-2155).

This blight and substandard study examines existing conditions of land use, buildings, and structures within the designated study area in the City of Valley to determine its eligibility for redevelopment activities. Potential opportunities for redevelopment exist throughout the designated study area, which would allow the City of Valley to overcome blighted and substandard conditions and avoid issues that could lead to blight and substandard conditions. When evaluating blight and substandard conditions, the City of Valley must adhere to Nebraska Community Development Law.

**Nebraska Revised State Statutes**

The Community Development Law provides guidelines under which municipalities may address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating area, as well as the prevention and elimination of substandard and blighted area. The Legislature has declared, in pertinent part:

*It is hereby found and declared that there exist in cities of all classes and villages of this state area which have deteriorated and become substandard and blighted because of the unsafe, insanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable land uses...These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided...It is further found and declared that the prevention and elimination of blight is a matter of state policy, public interest, and statewide concern and within the powers and authority inhering in and reserved to the state, in order that the state and its municipalities shall not continue to be endangered by area which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of their revenue. §18-2102*

Consistent with these findings, municipalities have been granted the power to address deterioration, substandard conditions, and blight through any number of means, including "the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements." Neb. Rev. Stat. §18-2104.

Nebraska Revised Statute §18-2104 enables a municipality to declare that blight and substandard conditions exist. The statute reads,

*The governing body of a city, to the greatest extent it deems to be feasible in conducting the provisions, shall afford maximum opportunity, consistent with sound needs of the city, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements.*

The process of improving an area begins with the creation of a municipality-wide workable program for utilizing appropriate private and public resources to address the specific conditions to be improved. Such workable programs may include "provision for the prevention of the spread of blight into area of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted area or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted area or portions thereof." Neb. Rev. Stat. §18-2105.

The statutes provide a means for the governing body of a municipality to address and develop strategies for rehabilitation and redevelopment of the community. Nebraska Revised Statute §18-

2105 also grants authority to the governing body to formulate a redevelopment program. The statute reads,

*The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted area, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into area of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of substandard or blighted area or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted area or portions thereof. §18-2105*

Prior to the adoption of a redevelopment plan, a municipality must have an adopted comprehensive plan (§18-2110) and shall have declared the redevelopment area to be a substandard and blighted area in need of redevelopment (§18-2109).

The important community development terms are defined in Nebraska Revised Statute §18-2103, several of which are shown below (organization and emphasis added):

**Substandard area** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

**Blighted area** means an area, which

(a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and,

(b) in which there is at least one of the following conditions:

- (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;
- (ii) the average age of the residential or commercial units in the area is at least forty years;
- (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;

- (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or*
- (v) the area has had either stable or decreasing population based on the last two decennial censuses.*

*In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted;*

## **Substandard and Blight Eligibility Analysis**

### **Designated Study Area**

The designated study area is property within or adjacent to the corporate limits for evaluation pursuant to the Community Development Law. The area is a mix of land uses including Industrial, Commercial, Agricultural and Residential uses. The designated study area was selected for a number of reasons, including:

1. The presence of blighted and substandard characteristics within the study area.
2. The potential for private development and redevelopment activities within the study area.
3. The need for improvements in infrastructure due to specific existing conditions.
4. The economical and functional obsolescence of certain properties within the study area.
5. The need for public intervention to stimulate the development and redevelopment of vital infrastructure systems and housing to support these private redevelopment efforts.

Once declared substandard and blighted, the City of Valley can stimulate and manage future development in this area by creation and use of the redevelopment plan and its statutory authority to provide financial incentives for private development.

Through the redevelopment process, the City of Valley can guide future development in the community and provide financial incentives for development. The use of the Nebraska Community Redevelopment Law by the City of Valley is intended to improve the community and enhance the quality of life for all residents by eliminating conditions that contribute to the spread of blight and hinder private reinvestment in the area due to these factors. Using the Nebraska Community Development Law, Valley can eliminate negative factors and implement programs and/or projects identified to improve conditions, thereby removing, or preventing blight and substandard conditions.

### **Substandard and Blight Conditions**

As set forth in section 18-2103(31), **substandard area** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

1. **Dilapidation/deterioration\***  
Exterior inspection of buildings to note deficiencies (sound, minor, major, dilapidated)
  - Examples include structural (walls, foundation, roof), building systems (gutters, roof surface, chimney), and architectural systems (fire escapes, weatherization, steps, exterior paint, site conditions).
2. **Age or obsolescence**  
Estimate age of structures (40+ years criteria)
3. **Inadequate provision for ventilation, light, air, sanitation, or open spaces**  
Overall sight conditions
  - Examples include junked cars or debris, cluttered alleyways, antiquated infrastructure systems (overhead power lines), outdoor storage/sanitation facilities, unpaved parking/outdoor storage.
4. **Other substandard conditions**
  - (a) High density of population and overcrowding (census); or
  - (b) The existence of conditions which endanger life or property by fire and other causes as unsanitary and unsafe conditions which endanger life or property by fire and other natural causes floodplain; or
  - (c) Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; is detrimental to the

public health, safety, morals, or welfare (includes sanitation concerns, inadequate infrastructure systems (sewer, water service mains, storm sewers), poor lighting, crime statistics, floodplain area, outdoor storage, site clutter).

As set forth in the Community Development Law, a **blighted area** shall mean an area, which by reason of the presence of:

1. **A substantial number of deteriorated or deteriorating structures\***  
Exterior inspection of buildings to note deficiencies (sound, minor, major, dilapidated)
  - Examples include structural (walls, foundation, roof), building systems (gutters, roof surface, chimney), and architectural systems (fire escapes, weatherization, steps, exterior paint, site conditions).
2. **Existence of defective or inadequate street layout**  
Condition of streets/inadequate access including sidewalks
  - Examples include street conditions, dead ends, railroad crossings, linear downtown, narrow alleyways, blind crossings, and sidewalk condition.
3. **Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**  
Conditions associated with accessibility/usefulness of the lots
  - Examples include land locked parcels, odd shaped lots, undersized lots, lots with accessibility concerns.
4. **Unsanitary or unsafe conditions**  
Conditions which pose a threat to public health and safety
  - Examples include age and physical condition of structures, floodplain, lack of public infrastructure systems, unsanitary conditions, ventilation concerns.
5. **Deterioration of site or other improvements**  
Field observation of age and condition of public utilities, debris, and inadequate public improvements
  - Examples include lack of off-street parking, storm drainage, junk cars, dilapidated structures, debris, on-site storage, congested overhead power lines.
6. **Diversity of ownership**  
The total number of unduplicated owners
  - Examples include the necessity of to acquire numerous lots is a hindrance to redevelopment. However, land assemblage of larger proportions necessary for major developments, is more economically feasible and will attract financial support, as well as public patronage required to repay such financial support. Such assemblage is difficult without public intervention.
7. **Tax or special assessment delinquency exceeding the fair value of the land**  
Examination of public records to determine the status of taxation of properties
  - Examples include delinquent taxes, real estate taxes or special assessments exceeding the fair market value.
8. **Defective or unusual conditions of title**  
Examine public records to determine any defective or unusual title defects
  - Examples include improper filings, liens, defective titles, etc.
9. **Improper subdivision or obsolete platting**  
Examine public records to determine improper subdivision and obsolete platting

- Examples include undersized lots, improper zoning, lot configuration, easement concerns, never recorded vacated streets, accessibility concerns.
10. **The existence of conditions which endanger life or property by fire or other causes**  
Examine conditions which endanger life or property
- Examples include inadequate, undersized, or inoperative public infrastructure systems, floodplain, building materials, site access, on-site storage (cars), secluded area for pests and vermin to thrive, inadequate surface drainage, street/sidewalk conditions, etc.
11. **Any combination of such factors, substantially impairs or arrests the sound growth of the community, hinders the provision of housing accommodations, or constitutes an economic or social liability**  
Economic and/or socially undesirable land uses
- Examples include incompatible land uses, economic obsolescence, functional obsolescence which relates to the property's ability to compete in the marketplace.
12. **Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:**
- (a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average (Census statistics);
  - (b) The average age of the residential or commercial units in the area is at least 40 years (Public Records);
  - (c) More than half of the plotted and subdivided property in the area is unimproved land that has been within the city for 40 years and has remained unimproved during that time (Public records);
  - (d) The per capita income of the designated blighted area is lower than the average per capita income of the city or village in which the area is designated (Census); or
  - (e) The area has had either stable or decreasing population based on the last two decennial censuses (Census).

\*Where structural conditions are evaluated, individual structures are rated in accordance with the following rating schedule as defined by the U.S. Department of Housing and Urban Development: no problem, adequate condition, deteriorating condition, or dilapidated condition. The following descriptions define the rating schedule used to assess and evaluate building and structure conditions:

#### **No Problem**

No structural or aesthetic problems are visible.

#### **Adequate Condition**

- Slight damage to porches, steps, roofs, etc. is present on the structure,
- Slight wearing away of mortar between bricks, stones, or concrete blocks,
- Small cracks in walls or chimneys,
- Cracked windows,
- Lack of paint, and
- Slight wear on steps, doors, and door and window frames.

#### **Deteriorating Condition**

- Holes, open cracks, rotted, loose, or missing materials in parts of the foundation, walls, (up to one-quarter of the wall), or roof (up to one-quarter of roof),
- Shaky, broken, or missing steps or railings,
- Numerous missing and cracked windowpanes,
- Some rotted or loose siding, windows, or doors (no longer wind- or waterproof),

- Missing bricks or other masonry of chimney, and
- Makeshift (un-insulated) chimney.

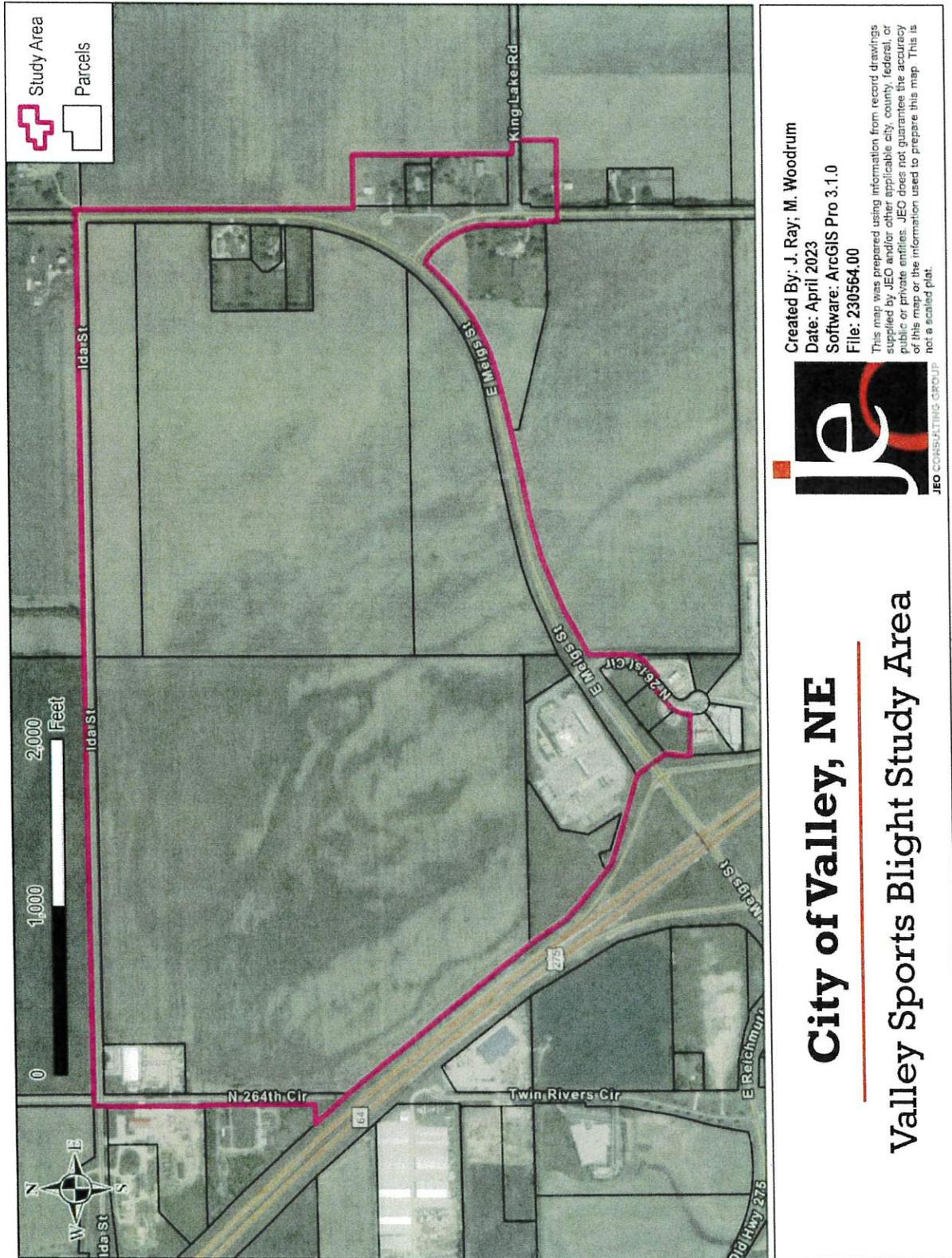
**Dilapidated Condition**

- Holes, open cracks, or rotted, loose or missing material (siding, shingles, brick, concrete, tiles, plaster, floorboards) over large area of foundation, on walls or on roof,
- Substantial sagging of roof, floors, or walls,
- Extensive damage by fire, flood, or storm, and
- Inadequate original construction such as makeshift walls, roofs made of scrap materials, foundations or floors lacking, or converted barns, sheds, and other structures not adequate for housing.

## Designated Study Area

The study area as identified can be found in Figure 1. For this study, the study area will be known as the "Designated Study Area" which was reviewed for substandard and blight characteristics.

Figure 1: Designated Study Area



## **Recommended Blight and Substandard Area**

Based upon the review of the designated study area, and its context with the community, JEO Consulting Group recommends the designated study area be recommended as a Blight and Substandard Area. This area consists of approximately 316.47 acres. The following legal description delineates the Recommended Area

A PARCEL OF LAND LOCATED IN SECTIONS 29, 31, 32, AND 33, ALL IN TOWNSHIP 16 NORTH, RANGE 10 EAST OF THE SIXTH P.M., DOUGLAS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, LEGACY VALLEY; THENCE EAST ON THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 251 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTHEASTERLY ON THE EASTERLY LINE OF LOTS 6 AND 7, LEGACY VALLEY, A DISTANCE OF 317 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTHEASTERLY, A DISTANCE OF 60 FEET, MORE OR LESS TO THE NORTHERLY LINE OF LOT 1, LEGACY VALLEY; THENCE NORTHEASTERLY ON SAID NORTHERLY LINE, A DISTANCE OF 230 FEET, MORE OR LESS, TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE NORTH ON SAID EAST LINE, A DISTANCE OF 240 FEET, MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF EAST MEIGS STREET; THENCE EASTERLY ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2650 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF NORTH 252<sup>ND</sup> STREET; THENCE SOUTHERLY ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 870 FEET, MORE OR LESS, TO A POINT 215 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF KING LAKE ROAD; THENCE EAST, PARALLEL WITH AND 215 FEET SOUTH OF SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 490 FEET; THENCE NORTH, A DISTANCE OF 267 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF KING LAKE ROAD; THENCE WEST ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 80 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF TERRY'S ACRES; THENCE NORTH ON THE EAST LINE OF TERRY'S ACRES, A DISTANCE OF 941 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF TERRY'S ACRES; THENCE WEST ON THE NORTH LINE OF TERRY'S ACRES, A DISTANCE OF 320 FEET, MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF NORTH 252<sup>ND</sup> STREET; THENCE NORTH ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1700 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF IDA STREET; THENCE WEST ON THE NORTH RIGHT OF WAY LINE OF IDA STREET, A DISTANCE OF 5350 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF NORTH 264<sup>TH</sup> STREET; THENCE SOUTH ON THE WEST RIGHT OF WAY LINE OF NORTH 264<sup>TH</sup> STREET, A DISTANCE OF 1350 FEET, MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 275; THENCE SOUTHEASTERLY ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2950 FEET, MORE OR LESS TO THE NORTHWESTERLY RIGHT OF WAY LINE OF EAST MEIGS STREET; THENCE SOUTHEASTERLY, A DISTANCE OF 215 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF LOT 6, LEGACY VALLEY; THENCE SOUTHERLY ON THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 146 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

## **Findings and Contributing Factors**

The intent of this study is to determine whether the Valley Sports District Area Blight Study Area within the community has experienced structural and site deterioration or if there are other negative factors which are decreasing the development potential for the area. The field survey conducted on Thursday, March 30, 2023, indicated the study area has such deterioration or lack of municipal infrastructure, thus the study area warrants further examination regarding blighted and substandard conditions. The following factors were evaluated to determine if there is a reasonable presence of blight and substandard conditions within the Valley Sports District Area Blight Study Area.

This section reviews the building and structure conditions, infrastructure, site conditions and land use found within the Valley Sports District Area Blight Study Area based upon the statutory definitions, the planning team's observations during the field survey, and explains the Identified contributing factors. *Appendix A* provides a visual description and documents examples of the different conditions that led to each factor's determination. See *Appendix A* for a visual description of the site conditions, debris, condition of public infrastructure, deteriorating structures and other observed conditions within the Valley Sports District Area Blight Study Area.

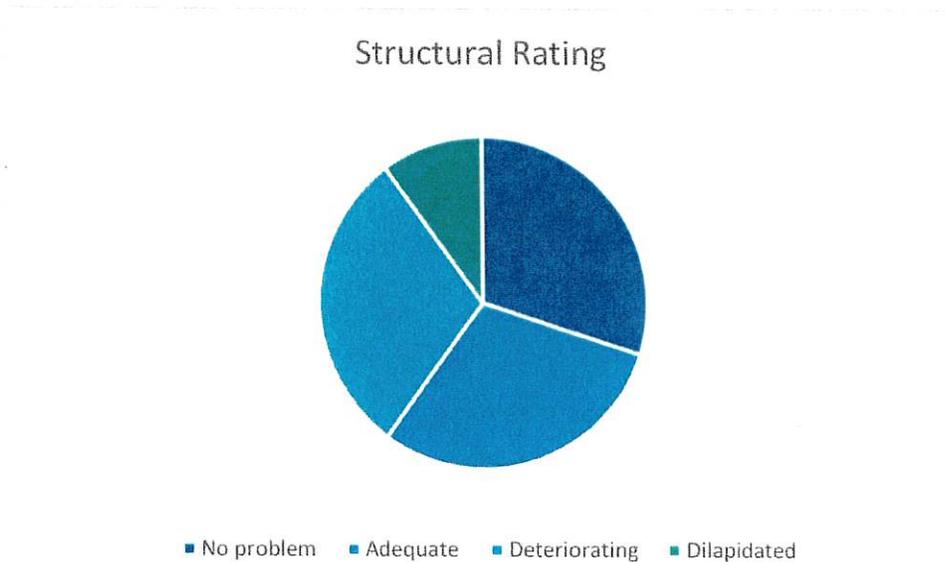
## **BLIGHTED CRITERIA CONDITIONS**

As set forth in the Nebraska legislation, a **blighted area** shall mean an area, which by reason of the presence of:

### **Substantial Number of Deteriorated or Deteriorating Structures**

As a rule, the primary structure for each parcel within the Valley Sports District Area Blight Study Area was examined. A total of 4 or 40% of the structures within the designated study area were graded as deteriorating or dilapidated. Figure 2 illustrates the distribution of the structural ratings within the study area and Figure 4 illustrates the distribution of the deteriorated structures. This is considered a significant contributing factor.

Figure 2, Structural Rating



### **Defective or Inadequate Street Layout**

#### **Street Conditions and Accessibility**

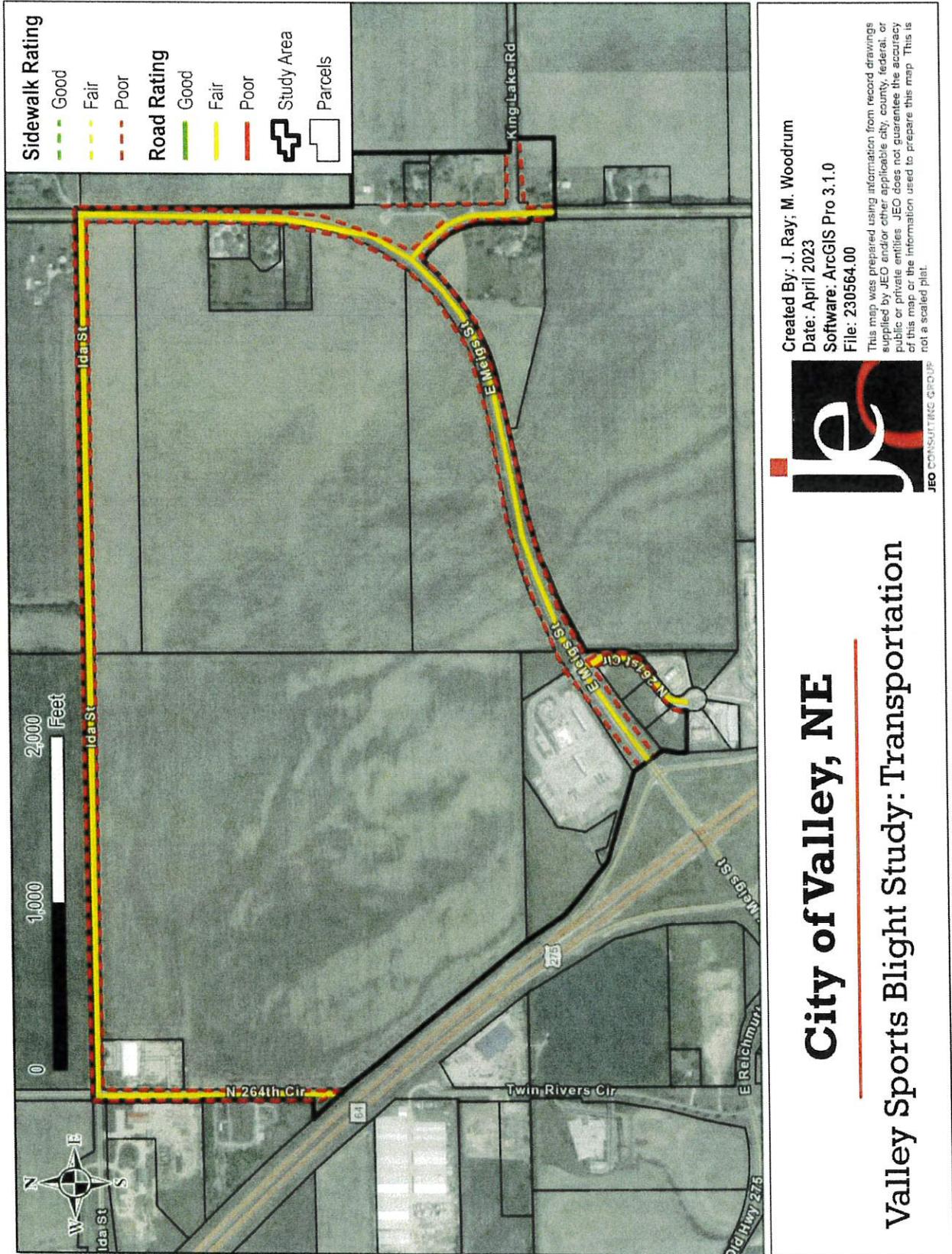
Street conditions and accessibility within the Valley Sports District Area Blight Study Area were evaluated in relation to the provision of safe and efficient public circulation and access, and with regard to ease of travel and appearance. The noted deficiencies are: missing portions or incomplete street grid; and the lack of the sidewalks in the area. The transportation infrastructure conditions are illustrated on Figure 3.

Overall, the Valley Sports District Area Blight Study Area has limited connectivity with the adjacent street grid due to the Highway 275's limited access and the lack of developed urban infrastructure. Due to the lack of connectivity, developed streets and sidewalks, this is considered a contributing factor.

### **Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**

Throughout the Valley Sports District Area Blight Study Area, the lot sizes and shapes vary. Some lots are too large and need additional subdivision; while some are odd shaped with acute angles or have limited use due to irregular shape. In addition, a major portion of the area lacks infrastructure improvements for accessibility and usefulness. Overall, this factor is considered to be contributing to the recommended blight designation.

Figure 3: Transportation Conditions



**Unsanitary or unsafe conditions**

*Conditions which pose a threat to public health and safety*

**Debris**

Debris piles and non-operatable vehicles were noted in the field analysis on six properties. This can contribute to harboring rodents and vermin which may contribute to the spread of diseases.

**Sidewalks**

The study area lacks sidewalks that safely allow for pedestrian movement through the site or connecting to adjacent uses.

**Floodplain**

The entire area is with a designated 100 year floodplain. The potential flooding may pose an unsafe condition to structures and humans.

**Open drainage channels and drainage**

The area contains a large open channel for storm drainage. During storm events, the unprotected area could pose a safety hazard to people in the vicinity. In addition, standing water was noted on sites illustrating the lack of proper drainage or site improvements. The lack of proper drainage may pose a potential mosquito breeding area and a risk to spread diseases.

As a result, this factor is considered to be contributing the recommended blight designation.

**Deterioration of site or other improvements**

**Sidewalks**

The lack of sidewalks, including accessible crosswalks, inhibits pedestrian movement through the study area.

**Vehicle circulation and parking**

The lack of connectivity to land locked or irregular shaped lots impedes the ability to freely travel to or from the study area. Deteriorated public and private infrastructure and site improvements were observed throughout the study area.

As a result, this factor is considered to be contributing the recommended blight designation.

**Diversity of ownership**

The diversity of ownership is evident in the Valley Sports District Area Blight Study Area. There are 14 unique private property owners of the 19 parcel Valley Sports District Area Blight Study Area. Thus, this is considered a contributing factor.

As a result, this factor is considered to be contributing the recommended blight designation.

**Improper subdivision or obsolete platting**

**Obsolete platting**

Throughout the Valley Sports District Area Blight Study Area, the lot sizes and shapes vary. Some lots are too large and need additional subdivision; while some are odd shaped or have limited use due to acute angles and or narrowness.

As a result, this factor is considered to be contributing the recommended blight designation.

**The existence of conditions which endanger life or property**

*Conditions which pose a threat to public health and safety*

**Age of Structures**

Structures constructed prior to 1978 may contain lead-based paint which can pose health and human development risks to children with chipping or peeling.

**Debris**

Debris piles and non-operatable vehicles were noted in the field analysis on six properties. This can contribute to harboring rodents and vermin which may contribute to the spread of diseases.

**Sidewalks**

The study area lacks sidewalks that safely allow for pedestrian movement through the site or connecting to adjacent uses.

**Floodplain**

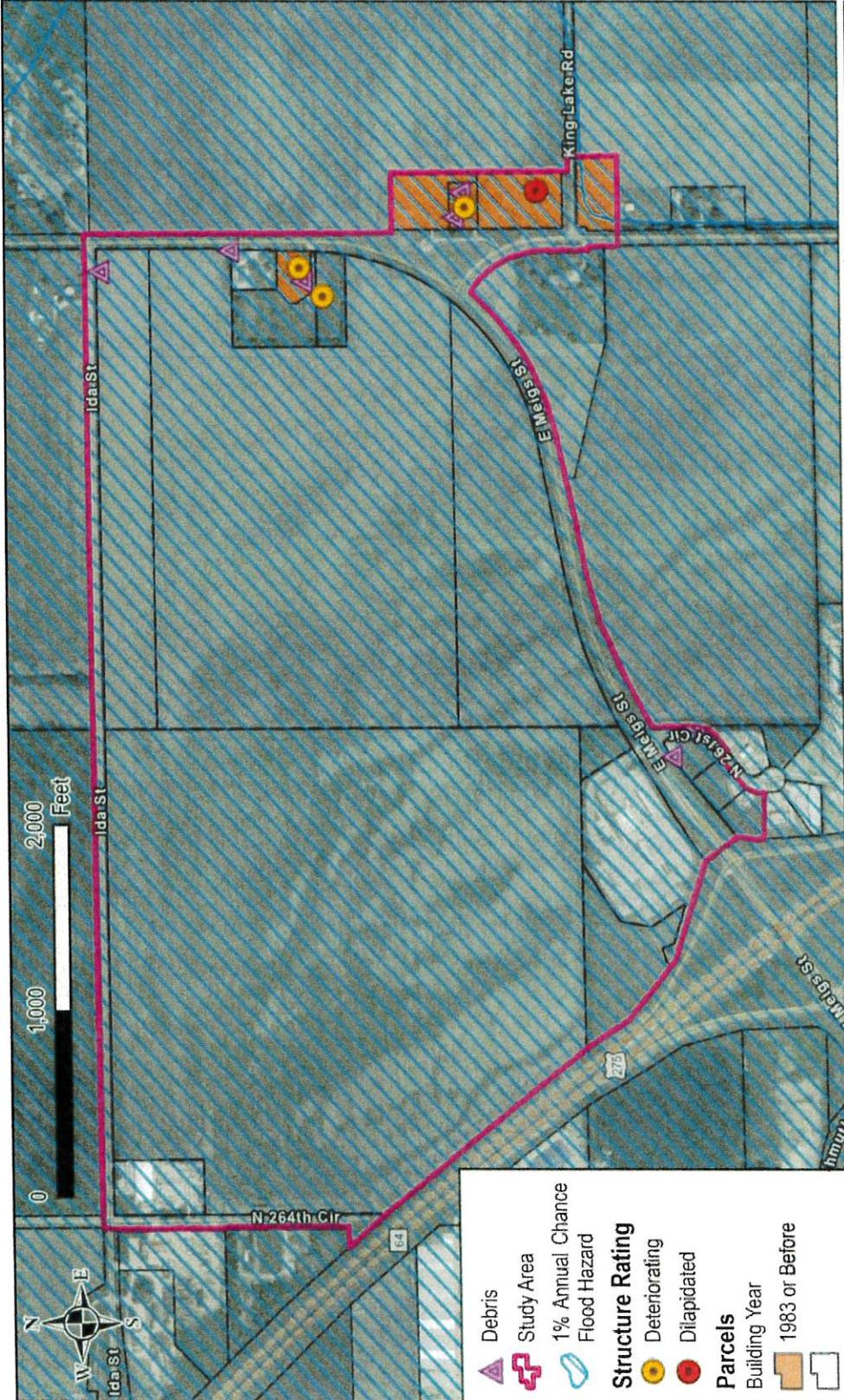
The entire area is with a designated 100 year floodplain. The potential flooding may endanger life or property.

**Open drainage channels and drainage**

The area contains a large open channel for storm drainage. During storm events, the unprotected area could pose a safety hazard to people in the vicinity. In addition, standing water was noted on sites illustrating the lack of proper drainage or site improvements. The lack of proper drainage may pose a potential mosquito breeding area and a risk to spread diseases.

As a result, this factor is considered to be contributing the recommended blight designation.

Figure 4: Potential Hazards of Site



Created By: J. Ray; M. Woodrum  
 Date: April 2023  
 Software: ArcGIS Pro 3.1.0  
 File: 230564.00



This map was prepared using information from record drawings supplied by JEO and/or other applicable city, county, federal, or public or private entities. JEO does not guarantee the accuracy of this map or the information used to prepare this map. This is not a scaled plot.

# City of Valley, NE

## Valley Sports Blight Study: Potential Hazards

**Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability.**

Minor conditions or factors were observed in the field analysis that could impair sound growth of the community.

As a result, it is not considered a substantial contributor to the Valley Sports District Area Blight Study Area to be considered blighted.

**Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:**

The average age of the commercial structures in the area is at least 40 years. The average age of the residential structures is 70 years (1953).

## **SUBSTANDARD CRITERIA**

A **substandard area** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

### **Dilapidation/deterioration**

As part of the Blight and Substandard Study, a Structural Conditions Survey was completed along with an analysis of the land-use patterns in the Valley Sports District Area Blight Study Area.

A total of 4 or 40% of the structures within the designated study area were graded as deteriorating. Figure 2 illustrated the structural ratings within the study area. This is considered a significant contributing factor.

### **Age or obsolescence**

Information regarding the age of the permanent structures within the Valley Sports District Area Blight Study Area was provided by the Douglas County Assessor's Office.

The average age of the residential structures in 70 years, therefore, this is considered a contributing substandard factor.

### **Inadequate provision for ventilation, light, air, sanitation, or open spaces**

#### **Poor Drainage and Sanitation**

The Valley Sports District Area Blight Study Area contains areas of trash, debris, and drainage issues. However, ventilation, light, air, and open spaces are adequate thus, this is not considered significant to be considered a contributing factor.

### **Other Substandard Conditions**

#### ***The existence of conditions which endanger life or property***

##### **Age of Structures**

Structures constructed prior to 1978 may contain lead-based paint which can pose health and human development risks to children with chipping or peeling.

##### **Debris**

Debris piles and non-operatable vehicles were noted in the field analysis on six properties. This can contribute to harboring rodents and vermin which may contribute to the spread of diseases.

##### **Sidewalks**

The study area lacks sidewalks that safely allow for pedestrian movement through the site or connecting to adjacent uses.

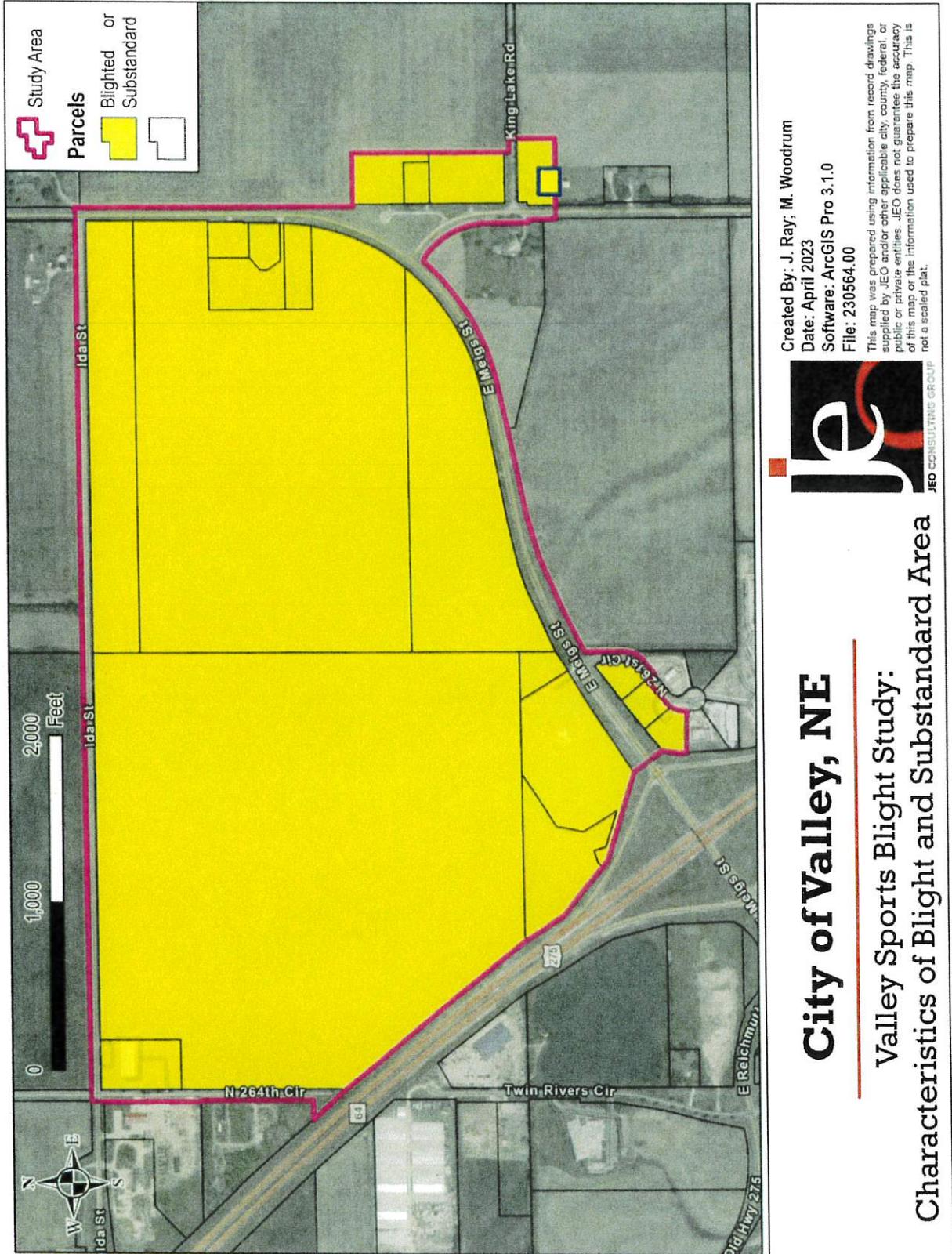
##### **Floodplain**

The entire area is with a designated 100 year floodplain. The potential flooding may endanger life or property.

##### **Open drainage channels and drainage**

The area contains a large open channel for storm drainage. During storm events, the unprotected area could pose a safety hazard to people in the vicinity. In addition, standing water was noted on sites illustrating the lack of proper drainage or site improvements. The lack of proper drainage may pose a potential mosquito breeding area and a risk to spread diseases.

Figure 5: Parcels Showing Blight and Substandard Criteria



## **Blighted and Substandard Findings**

The Valley Sports District Area Blight Study Area has many items contributing to the blight and substandard conditions. Based on the information collected and analyzed pursuant to Nebraska Revised Statutes, the area has assorted items that were considered beyond the remedy and control of the normal regulatory process of the City of Valley or impossible to reverse through the ordinary operations of private enterprise. These conditions include:

**Table 1: Summary Matrix**

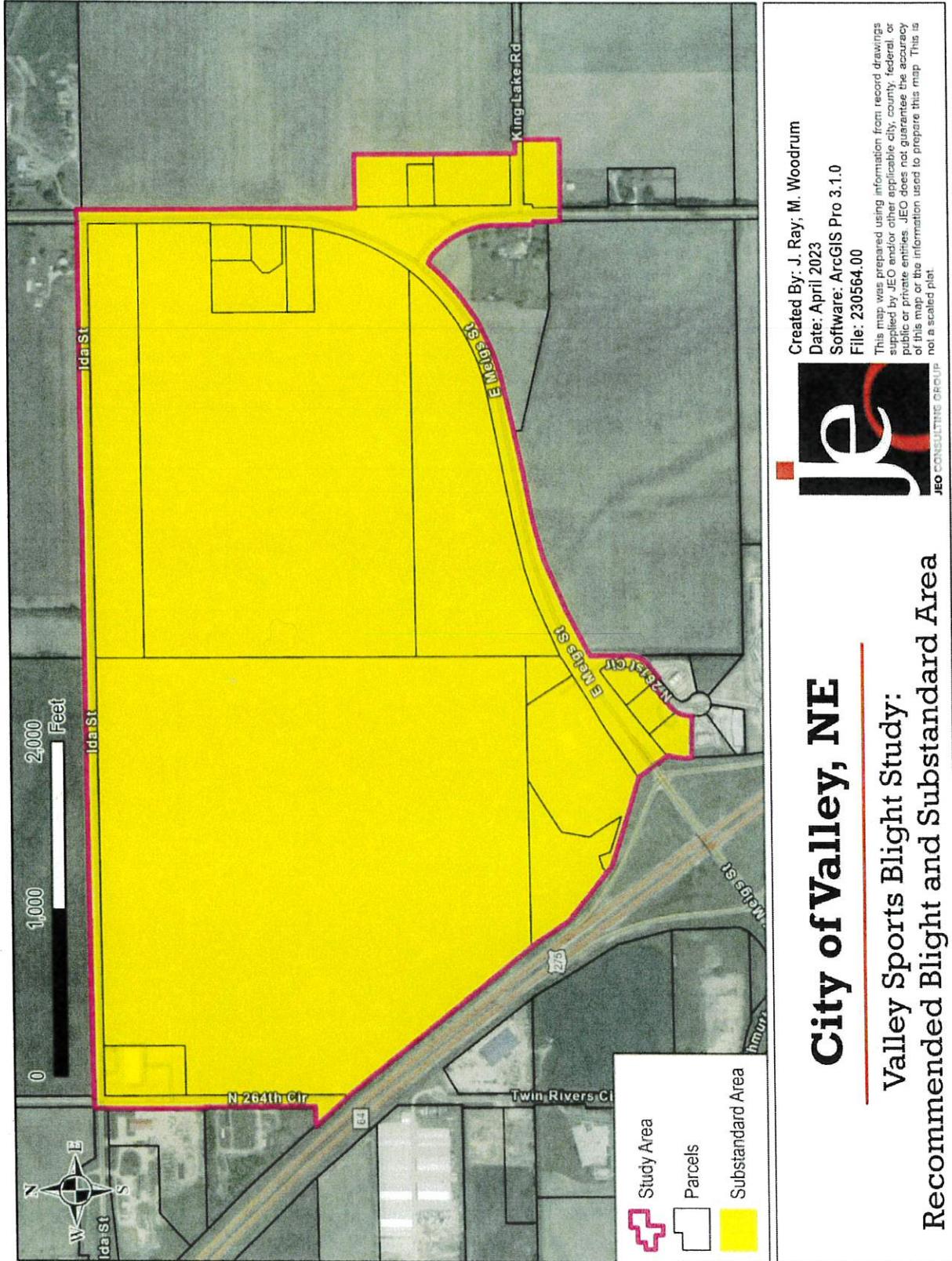
Criteria	
Structure condition	Yes
Street layout	Yes
Faulty lot layout	Yes
Unsanitary or unsafe conditions	Yes
Deterioration of site	Yes
Diversity of owners	Yes
Tax special assessment	No
Titles conditions	No
Obsolete platting	Yes
Endanger life/property	Yes
Any combination	No
Age of Structure	Yes
<b>BLIGHT TOTALS</b>	<b>9/12</b>
Exterior inspection of structures	Yes
Age of structures	Yes
Inadequate provision for ventilation, sanitation	No
Other Substandard – (conducive to ill health, floodplain, endanger life)	Yes
<b>SUBSTANDARD TOTALS</b>	<b>3/4</b>
<b>TOTALS</b>	<b>12/16</b>

## **Conclusion**

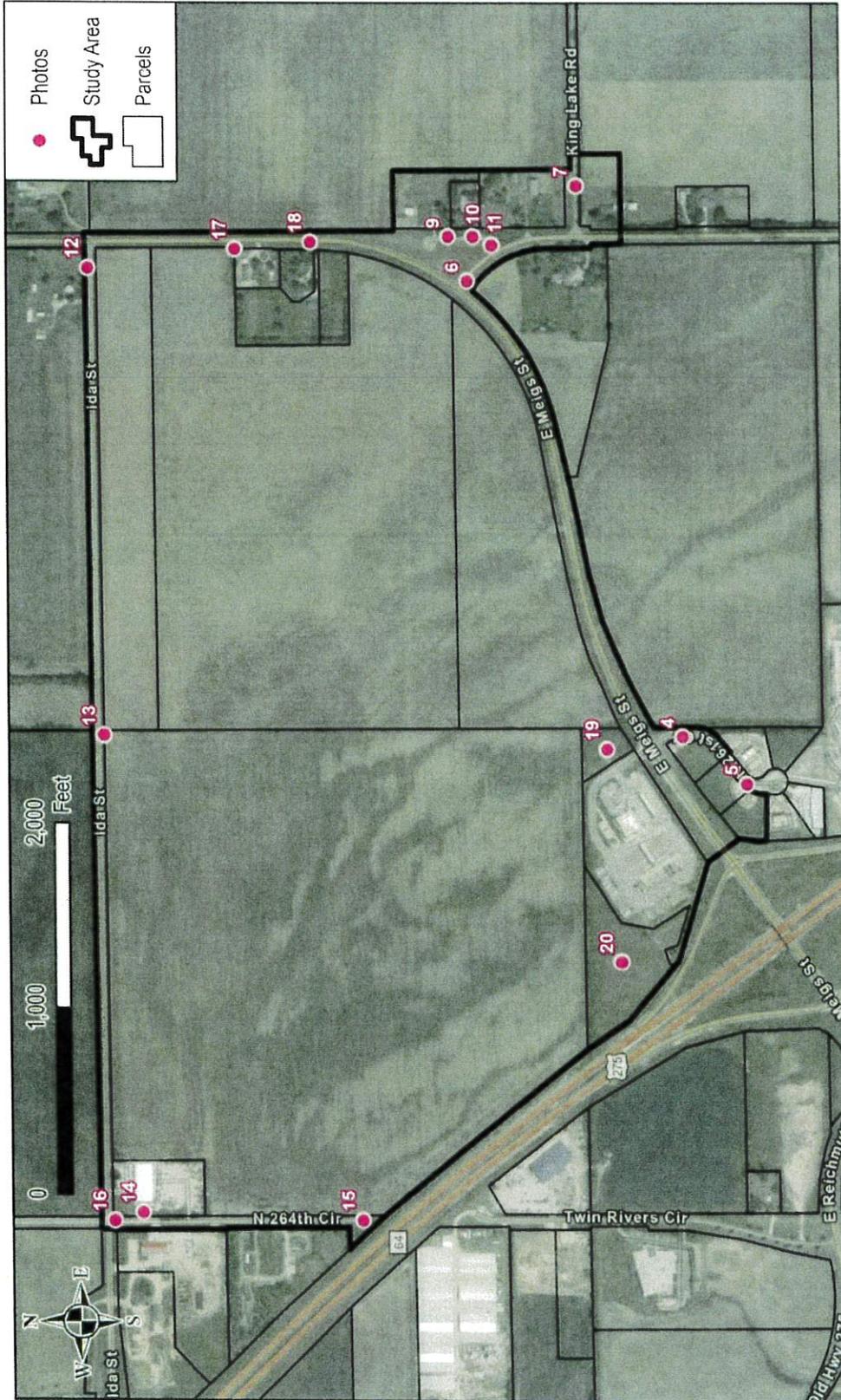
Several conditions within the Valley Sports District Area were observed during the field survey and review of the Douglas County Assessor's property data which warrant a designation as blighted and substandard. The conditions showing evidence of blight are interspersed throughout the Valley Sports District Area Blight Study Area, and as such, parcels within the boundaries of the Valley Sports District Area Blight Study Area are recommended for further action.

It is the professional opinion of the consultant, based on the information collected and analyzed pursuant to Nebraska Revised Statutes, that the Valley Sports District Area Blight Study Area contains the required conditions that would warrant a designation as blighted and substandard by the City of Valley and the Community Redevelopment Authority. The City of Valley should review this Blight and Substandard Study, and if satisfied with the findings contained in this study, may, by resolution, designate the Valley Sports District Area Blight Study Area as "Blighted and Substandard" as provided for in the Community Development Law.

Figure 6 Recommended Blight and Substandard Designation



Appendix A  
Photo Exhibit



Created By: J. Ray; M. Woodrum  
 Date: April 2023  
 Software: ArcGIS Pro 3.1.0  
 File: 230564\_00

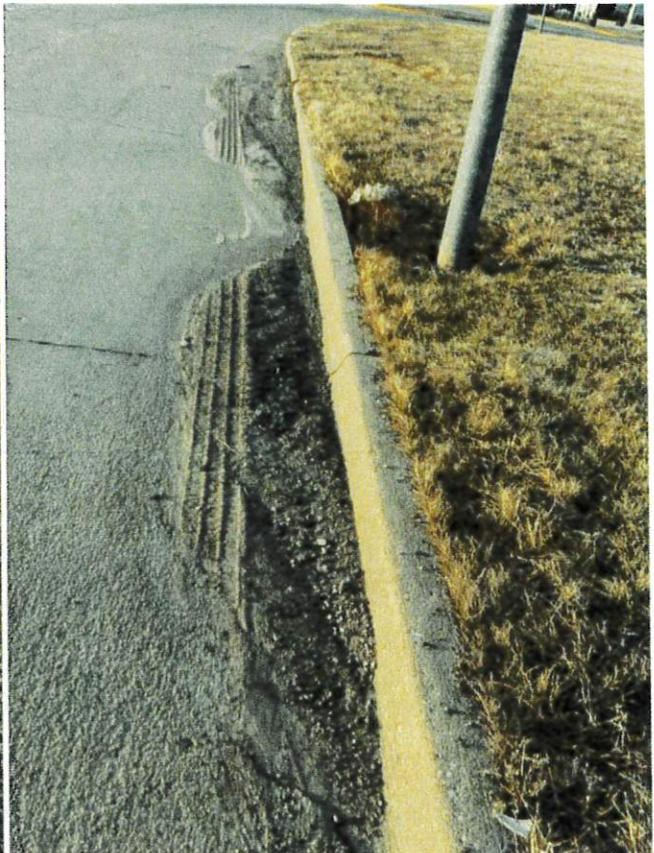
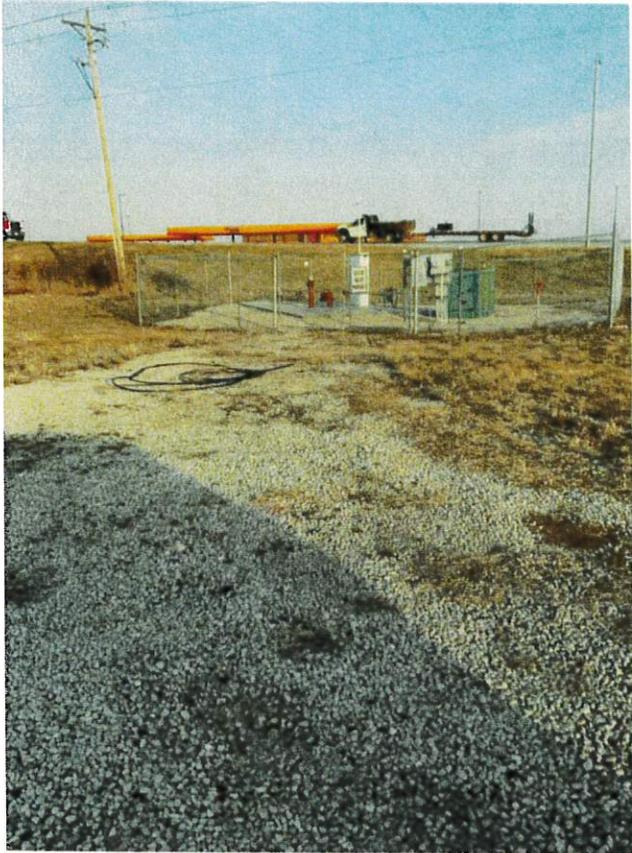


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# City of Valley, NE

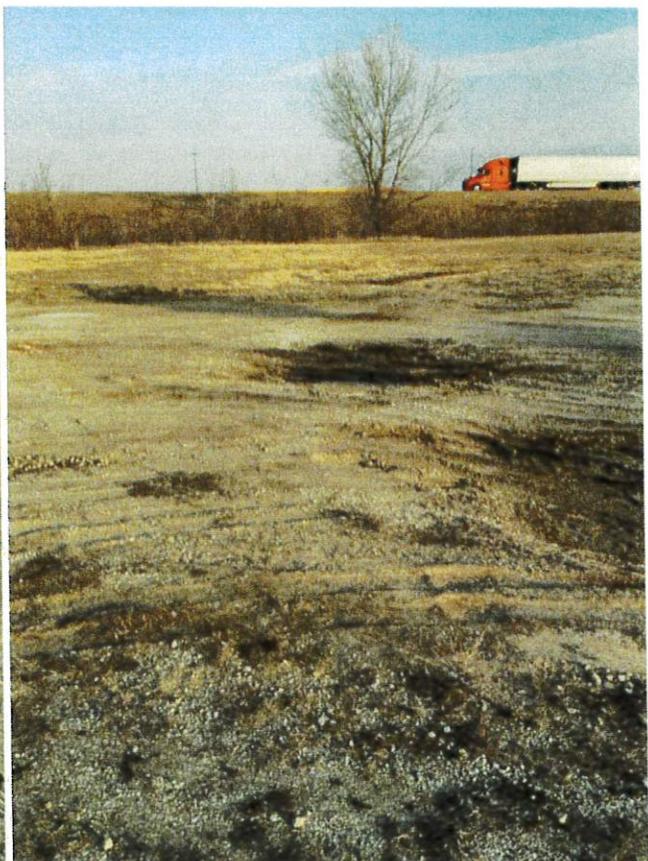
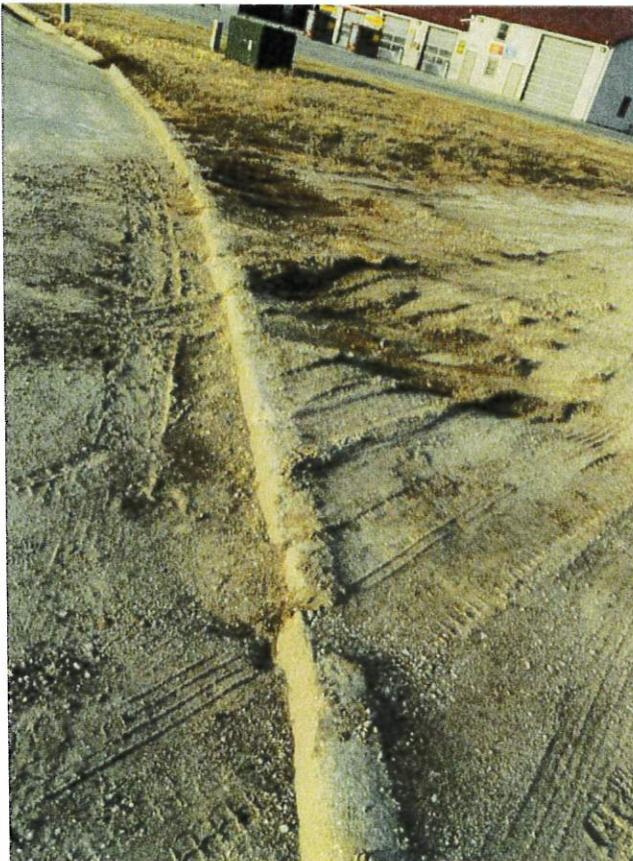
## Valley Sports Blight Study: Photo Guide

Location 4





Location 5



Location 6



Location 7



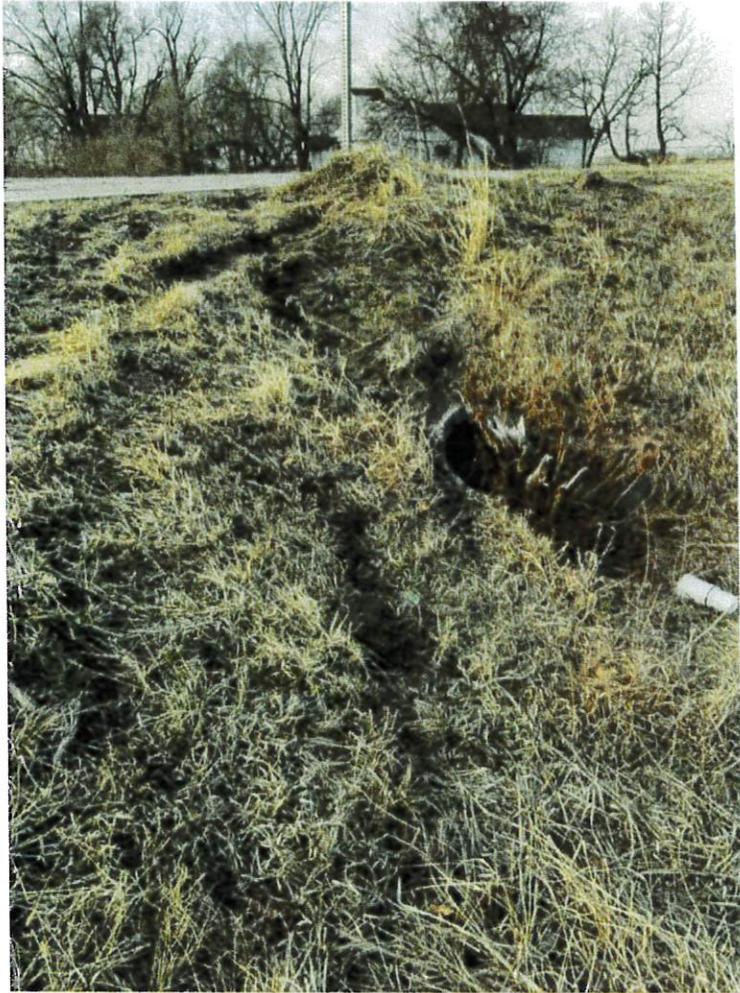
Location 9



Location 10



Location 11



Location 12



Location 13



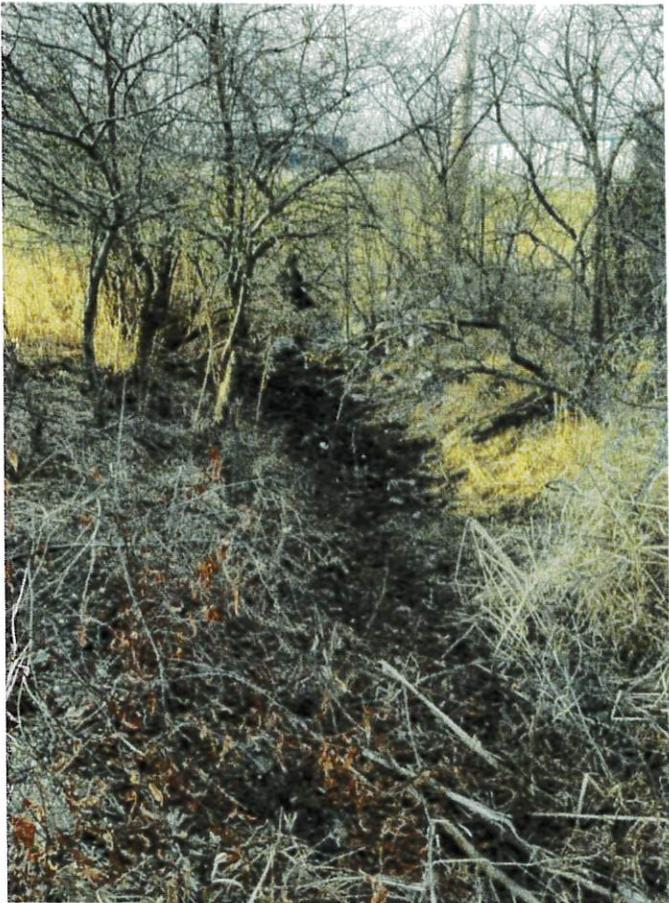
Location 14



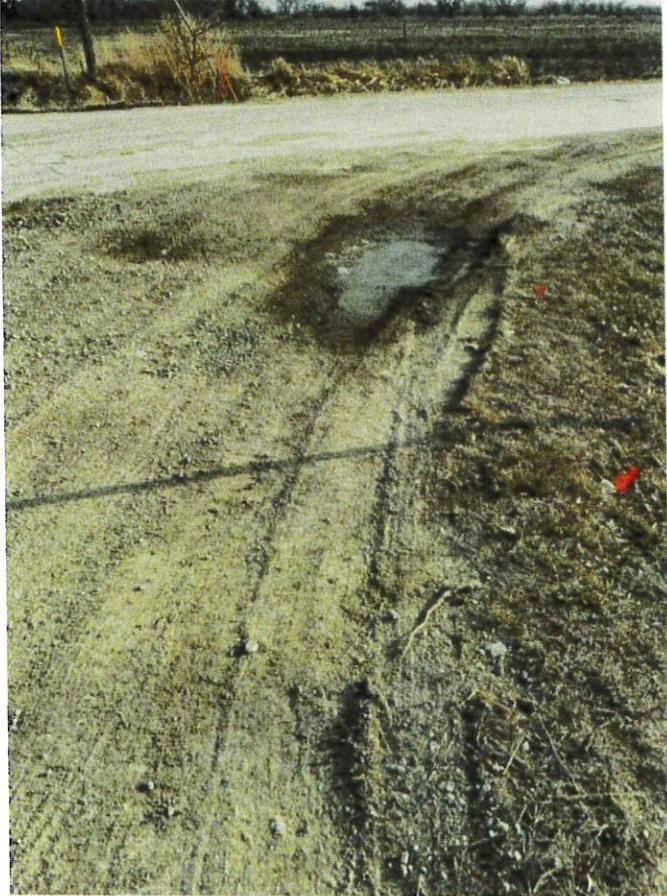


Location 15

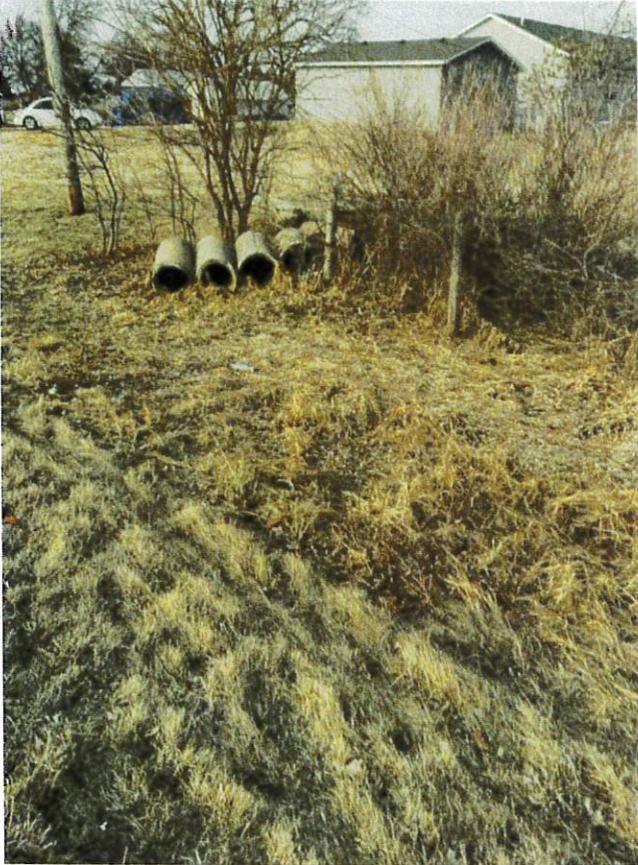




Location 16



Location 17



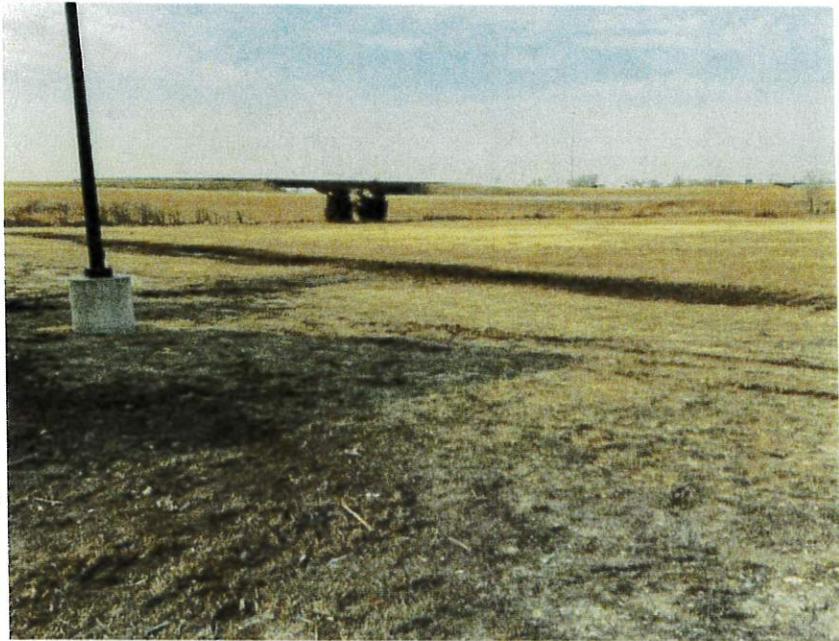
Location 18



Location 19



Location 20



 KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation Amended by 2023 Nebraska Laws L.B. 531,

 KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Revised Statutes of Nebraska Annotated  
Chapter 18. Cities and Villages; Laws Applicable to All  
Article 21. Community Development (Refs & Annos)

Neb.Rev.St. § 18-2109

18-2109. Redevelopment plan; preparation; requirements; planning commission  
or board; public hearing; notice; governing body; public hearing; notice

Effective: July 21, 2022

Currentness

(1) A redevelopment plan for a redevelopment project area shall not be prepared and the governing body of the city in which such area is located shall not approve a redevelopment plan unless the governing body has, by resolution adopted after the public hearings required under this section, declared such area to be a substandard and blighted area in need of redevelopment.

(2) Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is substandard and blighted and shall submit the question of whether such area is substandard and blighted to the planning commission or board of the city for its review and recommendation. The planning commission or board shall hold a public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

(3) Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing required under subsection (2) of this section, the governing body shall hold a public hearing on the question of whether the area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may declare such area or any portion of such area to be a substandard and blighted area.

(4) Copies of each substandard and blighted study or analysis conducted pursuant to subsection (2) of this section shall be posted on the city's public website or made available for public inspection at a location designated by the city.

#### Credits

Laws 1951, ch. 224, § 6(2), p. 805; Laws 1957, ch. 52, § 8, p. 257; Laws 1961, ch. 61, § 7, p. 236; Laws 1997, LB 875, § 8; Laws 2018, LB 874, § 10, eff. July 19, 2018; Laws 2020, LB 1003, § 174, eff. Nov. 14, 2020; Laws 2020, LB 1021, § 3, eff. Nov. 14, 2020; Laws 2022, LB 1065, § 2, eff. July 21, 2022.

Codifications: R.R.S. 1943, § 14-1609; R.R.S. 1943, § 19-2609.

Neb. Rev. St. § 18-2109, NE ST § 18-2109

Current through legislation effective July 1, 2023, of the 1st Regular Session of the 108th Legislature (2023)

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End of Document

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**APPLICATION FOR PRELIMINARY PLAT**

Valley, Nebraska

**LEGAL DESCRIPTION AND GENERAL LOCATION**

LANDS SEC-TWN-RGE 06-15-10 -EX STS & IRREG E 35.41 W  
68.41 S 1310.07 N 1342.46 FT & IRREG S 1283.23 W 1066.08  
FT- IRREG PT NE 1/4 BEING SW OF 264 ST APPROX 112.808

AC (see Plat for full Legal Description)

**SUBDIVIDER**

Name: OSC Valley Meigs 1, LLC c/o Access Property Management

Address: 1303 S 72nd Street, Ste. 209  
Omaha, NE 68124

Telephone: (402) 502-1983

**OWNER**

Name: As listed above

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

Telephone: ( ) \_\_\_\_\_

**CITY USE ONLY**

RECEIPT NO: \_\_\_\_\_

DATE: \_\_\_\_\_

PRELIMINARY PLAT #: \_\_\_\_\_

**FEE PAID \$**

AGENT (Authorized to act on Subdivider's behalf):

Name: Lamp Rynearson, c/o Zack Fergus

Address: 14710 W Dodge Road, Ste. 100  
Omaha, NE 68154

Telephone: (402) 496-2498

**ANY OTHER ASSOCIATES:**

Name: \_\_\_\_\_

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

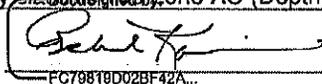
Telephone: ( ) \_\_\_\_\_

NAME OF PRELIMINARY PLAT: Valley Landing

NUMBER OF LOTS: 20 (incl. 2 Outlots)

- Letter or transmittal and action(s) requested.
- Does the subdivider have any interest in the land surrounding the preliminary plat? Yes\_\_ No X. If yes, please describe the nature of such interest: \_\_\_\_\_
- Will the preliminary plat require any zoning or other action (rezoning, conditional use, or vacations) to complete the development? Yes X No\_\_. If yes, please describe the nature of the action:  
Current zoning I-3 General Industrial; proposed zoning R-2 and C-1.
- Does the preliminary plat deviate from the requirements of the Subdivision Regulations of the City of Valley or the City's Design Standards? Yes\_\_ No X. If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added): \_\_\_\_\_
- Is any part of the land within the preliminary plat within a flood plain? Yes X No\_\_. If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (additional sheets may be added).  
Area is currently classified as Zone AO (Depth 2'.) Applicant will coordinate with City of Valley to submit LOMR-F.

Applicant's Signature: \_\_\_\_\_

  
FC79818D02BF42A...

Date: 5/19/2023

**PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST**  
Valley, Nebraska

NAME OF PRELIMINARY PLAT: Valley Landing

LOCATION OF SUCH PLAT: N 264th and Meigs Street

**REQUIREMENTS OF PRELIMINARY PLAT**

- Letter or transmittal with action requested.
- Name of Subdivision on each sheet
- Names and addresses of owners/applicants
- Names of adjacent property owners
- Name of engineer or surveyor
- Names of utility companies to be involved
- North arrow and graphic scale (according to sub-division regulations' specs)
- Date prepared
- A vicinity sketch at a scale no greater than one (1) inch = four hundred (400) feet and no smaller than one (1) inch = two thousand (2000) feet
- Sheet number and total number of sheets
- Contour lines (within and adjacent to subdivision, not greater than 2 feet intervals)
- Boundary lines of area to be subdivided and their bearings and distances, lot lines and lot numbers
- Is proposed use of preliminary plat in accordance with permitted City's zoning? Is a zoning action required?
- Existing and proposed streets or access easements to include:
  - R.O.W. width (according to future land use and transportation plans)
  - Paving width (according to future land use and transportation plans)
  - Approximate grades
  - Tangent length
  - Curve data and interior angle
  - Angle of Intersection
  - Name or number
- Sketch of future street system outside of plat where subdivision owns abutting land
- Utilities on and adjacent to the tract showing proposed connections to existing utilities. Rear easements for utility poles and wires shall be required whenever possible. All easements shall meet regulations set forth in subdivision regulations.
- Lot lines and dimensions; curvilinears should be noted as arc or chord
- Lot, block and outlot designation and total acreage of land to be subdivided and square feet in each lot
- Public areas for schools, parks, playgrounds or any other public uses
- All existing and proposed easements with locations, widths and distances
- All existing and proposed sidewalks, pedestrian ways and bikeways
- Location of all existing buildings and structures, easements, roads and major natural features on or within one hundred (100) feet of the boundaries of, within/adjacent to on or within one hundred (100) feet of the proposed subdivision. Any other interest in land surrounding the preliminary plat?
- Minimum building set back lines
- Erosion and sediment control plan
- Certified accurate survey by engineer or professional land surveyor
- All plans and other information conform to the City's General Requirements and Minimum Standards of Design
- Sketch of proposed subdivision sized 8 ½ inches by 14 inches

**PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)**

Valley, Nebraska

**ADDITIONAL INFORMATION** (to be shown on Preliminary Plat or on accompanying sheets)

- Four (4) copies of Preliminary Plat and required supplementary material filed with City Clerk
- Submit plat thirty (30) days prior to the meeting of the Planning commission
- Copy of application, site plan, preliminary plat, etc to proper agencies and authorities for review
  - City Engineer
  - City Council
  - City Attorney
  - Fire Department
  - County Engineer
  - County Health Department
  - Adjacent Jurisdictions
  - Papio-Missouri River NRD
  - NDOR
  - FEMA
  - Planning Commission
  - Traffic engineering
  - OPPD
  - Building and safety
  - School District
- Any required landscape screens
- Copies of proposed Deed Restrictions, if any
- Sketch plan of larger tract and future concepts of development, if part of a larger tract that will be subdivided in the future

**IF PLAT IS LOCATED WITHIN THE FLOOD PLAIN**

- Hydrological and grade information to determine frequency and extent of inundation of flood waters
- Location of proposed use and type of use
- Areas of habitation and employment to include:
  - Location size and floor elevation of any structures
  - Location and elevation of parking areas
  - Use, location and elevation of open space
- Limits of the flood plain
- Amount of Fill Material brought into the flood plain
- A certificate that grading will not result in any increase in the flood plain

**ANY OTHER INFORMATION OR COMMENTS RELATED TO THE PRELIMINARY PLAT:**

(Please use additional sheet if necessary)

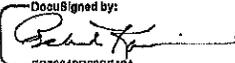
**Section 3.03 Preliminary Plat Specifications.**

The Preliminary Plat shall be drawn to a scale of at least one inch to 100 feet with a sheet size not to exceed 42"x30" and shall be plainly marked "Preliminary Plat" and shall include, show, or be accompanied by the following information:

- 3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.
- 3.03.02 Both existing and proposed grades shall be shown.
- 3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.
- 3.03.04 The proposed name of the subdivision which must not be as similar to that of an existing subdivision as to cause confusion. The developer shall verify the name with Douglas County.
- 3.03.05 The proposed names and addresses of the owner and subdivider; the engineer, surveyor, or landscape architect responsible (all of which are licensed to practice in Nebraska) for the subdivision layout.
- 3.03.06 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development. All work shall be certified by a Registered Land Surveyor in the State of Nebraska.

- 3.03.07 Width and location of platted streets and alleys within 200 feet of the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required).
- 3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be submitted in list form and as mailing labels.
- 3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.
- 3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, Rights of Way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.
- 3.03.11 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.
- 3.03.12 Both existing and proposed grades shall be shown.
- 3.03.13 All established floodway, floodway-fringe, and flood plain overlay lines.
- 3.03.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.
- 3.03.15 Three copies of a draft erosion control plan. Grading activities shall not proceed until said plan has been approved by the State of Nebraska and the Papio-Missouri River Natural Resources District and a copy of said approvals have been submitted to the City.
- 3.03.16 Three copies of a draft erosion control plan. Grading activities shall not proceed until said plan has been approved by the State of Nebraska and the Papio-Missouri River Natural Resources District and a copy of said approval has been submitted to the City.
- 3.03.17 Signature block indicating approval of the Planning Commission per Section 10.03
- 3.03.18 Signature block indicating approval of the City Engineer per Section 10.07
- 3.03.19 Requests for waivers of design standards.
- 3.03.20 Traffic impact analysis study may be required by the City Engineer.
- 3.03.21 Four copies of the following to the City for review at the time of pre-plat submittal :
  - 1. A preliminary sanitary sewer plan.
  - 2. A preliminary drainage study, within the subdivision.
  - 3. A preliminary street profile plan with a statement of proposed street improvements.

Applicant's Signature(s):

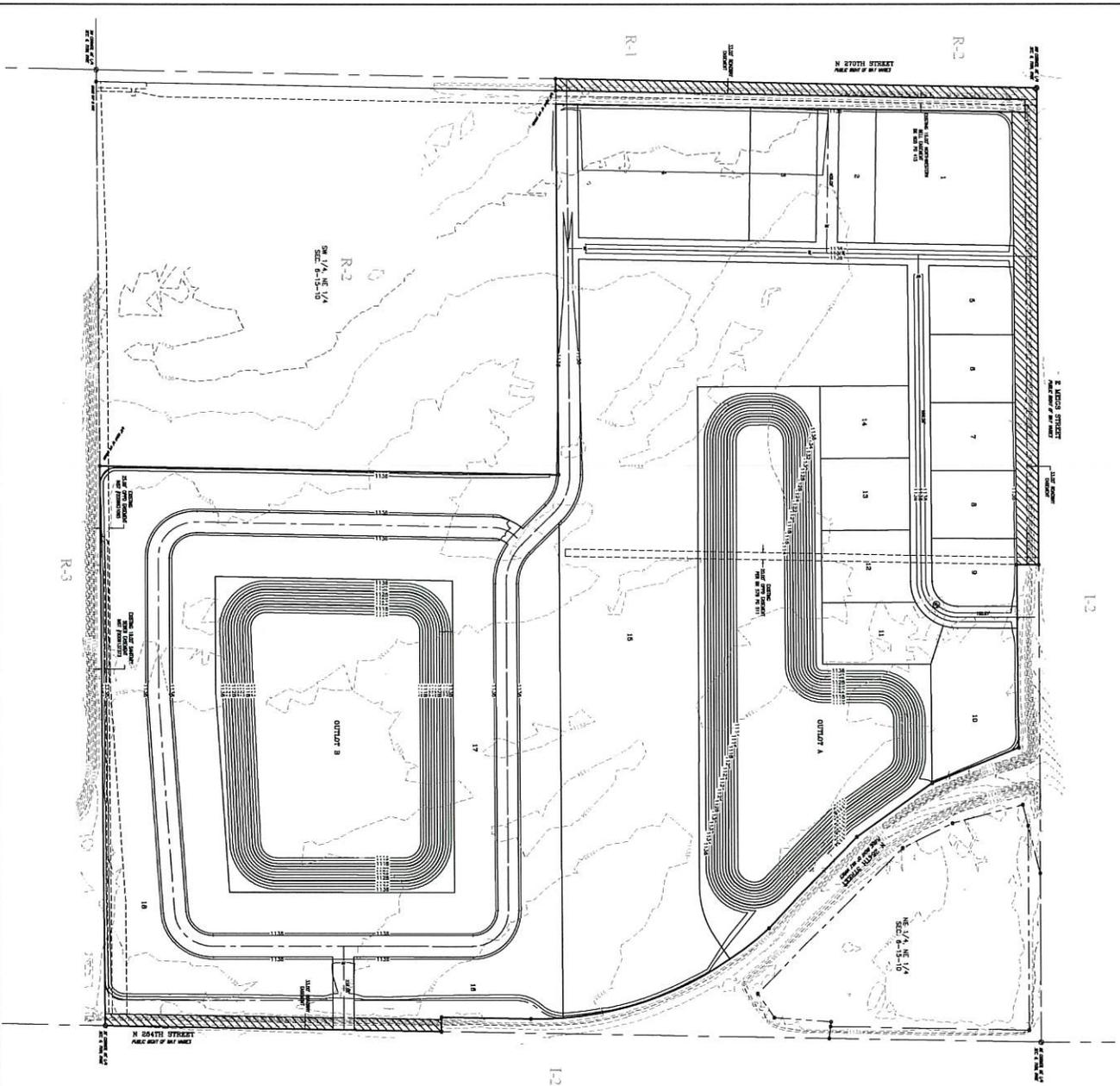
DocuSigned by:  
  
 5C70449D029542A

Date: 5/19/2023

CITY USE ONLY

LOTS 1 THROUGH 18, INCLUSIVE, AND OUTLOTS A & B, BEING A PLATING OF PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA

# VALLEY LANDING



- LEGEND**
- PROPOSED LANE
  - EXISTING LANE
  - PROPOSED DRIVEWAY
  - EXISTING DRIVEWAY
  - PROPOSED SIDEWALK
  - EXISTING SIDEWALK
  - PROPOSED CONCOURSE
  - EXISTING CONCOURSE
  - PROPOSED LOT
  - EXISTING LOT
  - PROPOSED LOT LANE
  - EXISTING LOT LANE
  - PROPOSED DRIVEWAY
  - EXISTING DRIVEWAY
  - PROPOSED CONCOURSE
  - EXISTING CONCOURSE

LOCATED IN:  
 SEC. 6-15-18  
 SEC. 7-15-18  
 SEC. 8-15-18  
 SEC. 9-15-18  
 SEC. 10-15-18  
 SEC. 11-15-18  
 SEC. 12-15-18  
 SEC. 13-15-18  
 SEC. 14-15-18  
 SEC. 15-15-18  
 SEC. 16-15-18  
 SEC. 17-15-18  
 SEC. 18-15-18

**LAMP RYNEARSON**  
 ARCHITECTS & ENGINEERS  
 1001 QUANA, NEBRASKA  
 FORT COLLINS, COLORADO  
 KANSAS CITY, MISSOURI  
 MOBILE, ALABAMA  
 WASHINGTON, D.C.

**PRELIMINARY PLAT  
 GRADING PLAN**

VALLEY LANDING (LOTS 1 THROUGH 18, INCLUSIVE, AND OUTLOTS A & B)  
 VALLEY, DOUGLAS COUNTY, NEBRASKA

**811**  
 NEBRASKA  
 PUBLIC NOTICE  
 NOTICE TO CONTRACTORS  
 NOTICE TO HOMEOWNERS  
 NOTICE TO UTILITIES  
 NOTICE TO AGENCIES  
 NOTICE TO THE PUBLIC  
 NOTICE TO THE MEDIA  
 NOTICE TO THE COMMUNITY  
 NOTICE TO THE ENVIRONMENT  
 NOTICE TO THE HISTORIC PRESERVATION  
 NOTICE TO THE ARCHITECTURAL HERITAGE  
 NOTICE TO THE CULTURAL RESOURCES  
 NOTICE TO THE LAND USE  
 NOTICE TO THE PLANNING  
 NOTICE TO THE TRANSPORTATION  
 NOTICE TO THE UTILITIES  
 NOTICE TO THE WATER RESOURCES  
 NOTICE TO THE WILDLIFE  
 NOTICE TO THE ZONING







P.O. Box 682  
Valley, NE 68064  
Phone: 402-359-2251 Ext. 306  
Fax-402-359-2610  
[www.valleyne.org](http://www.valleyne.org)  
Business Hours 9 am - 5 pm M-F



Official Use Only

Planning Meeting Date 8-15-23

Check  Cash  Credit Card

Check # 3197 - \$150.00

APPLICATION FOR CONDITIONAL USE PERMIT

Date: 7-24-23

Form must be filled out completely before acceptance of this application for processing. Please print.

Property Owner's Name: FLATWATER LAKE LLC Telephone No. 402-540 2255

Applicants Address: 4089 S BHM St. OMAHA 68127

Applicants Email: SAILHAMPTON@yahoo.com

Legal Description of Property: Lot 2 FLATWATER LAKE

Request: INSTALL 4,000 GALLON GAS TANK ABOVE GROUND AND DISPENSER.

Lot Size: 8,100 (Sq. Ft. / Acres) Zoning District \_\_\_\_\_

Will use in all other respects conform to the applicable regulations of the district in which it is located? yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? yes

Will use have adequate water, sewer, and drainage facilities? NA

Will ingress and egress be so designed as to minimize traffic congestion in the public streets/ roads? NA

Estimated Cost of Structure \$ \$65,000

Applicant Signature [Signature]

Enclosed(Y/N) : Site Plan \_\_\_\_\_ Easements \_\_\_\_\_ Permit Plans (If Applicable) \_\_\_\_\_ \$150.00 (Non-Refundable) Fee \_\_\_\_\_

See file per mit. OFFICE USE ONLY

Permit # \_\_\_\_\_ Permit is: \_\_\_\_\_ transferable, \_\_\_\_\_ transferable upon review/renewal

X \_\_\_\_\_  
Chair, Valley Planning Commission

Date: \_\_\_\_\_ Approved \_\_\_\_\_ Approved with added condition's \_\_\_\_\_ Disapproved \_\_\_\_\_

X \_\_\_\_\_  
Mayor

X \_\_\_\_\_  
City Clerk

I hereby state that the information submitted on this application is accurate and correct. I recognize that the issuance of this application shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this application shall not prevent the building official from requiring site to be in compliance with all applicable code provisions during field inspections.



Nebraska State Fire Marshal  
 Fuels Division – FLST Section  
 246 South 14<sup>th</sup> Street – Lincoln, NE 68508-1804  
 402-471-9465

Application for Permit to Install  
 Aboveground Petroleum Storage Tanks

Today's Date: 07/10/2023

Proposed Installation Date: 07/27/2023

Owner				Installation Site			
Owner/Operator		Bob Hampton		Site Name		Flatwater Lake	
Mailing Address				Street (or directions, if rural)			
6202 N 289th Circle				28031 West Valley St			
City	State	Zip	City	State	Zip		
Valley	NE	68064	Valley	NE	68064		
Telephone			County		Telephone #		
402-540-2255			Douglas		402-540-2255		
Sailhampton@yahoo.com				GPS Coord Lat		GPS Long	
				41°18'48" N		96°21'20"W	

Installation Contractor			
Company Name		Address	
Midwest Petroleum Equipment		2255 S 7th St.	
City	State	Zip	Telephone #
Lincoln	NE	68502	402-476-6681

Tank Information	#001	#002	#003	#004	#005	#006
Tank Capacity (gallons)	4,000					
Substance To Be Stored UL, Pr, E-10, E-85, E-95, #1Diesel, #2Diesel, Dyed Diesel, SoyDiesel, E- Diesel, #1HO, #2HO, Kerosene, Other (Specify)	Pr					

- This permit application is for (check one box only):  New site  New tank(s)  Product line only
- Is this a request for temporary usage (4 months maximum)?  Yes  No (There is no charge for temporary permits)
- Type of facility and intended use of tank(s) (check all that apply):  
 Motor Vehicle Fueling:  Fleet Fueling  Retail Marketing  
 Bulk Plant  Heating Oil  Generator  Aircraft Refueling  Pump Irrigation  Other \_\_\_\_\_
- Mark each item that applies to the tank or tanks:  
 Listed or approved for aboveground use (UL 142)  
 Protected (UL 2085)  
 Fire resistant (UL 2080 or SWRI 97-04)  
 Field constructed (API 650)
- Type of impoundment:  Impoundment by diking  Containment tank system (Double Wall)  
 Remote impoundment
- Type of overfill control:  90% Alarm  95% Shut Off  N/A
- Tank type:  Single-walled  Double-walled
- Piping located:  Aboveground  Underground
- Piping type:  Single-walled  Double-walled
- Material used for product lines:  FRP  Flexible Plastic (specify brand) \_\_\_\_\_  
 Steel  Other (specify) \_\_\_\_\_

11. Will the tank be located inside a building?  Yes  No
12. Will dispenser utilize a card-trol or key-trol system?  Yes  No
13. Is facility unattended at any time (day or night)?  Yes  No
14. Will electrical work be performed as part of installation?  Yes  No  
 If yes, will electrical permit be obtained?  Yes  No

Other comments regarding work to be performed: Installation of (1) 4, 000-gallon flame shield AST & (1) Gasboy fuel dispenser w/ hose reel.

**General Site Plan**

Minimum requirements: site plan must show:

- Buildings on property (be specific)
- Location of dispensers
- Distances from tanks to property lines/buildings/dispensers
- Approximate location of tanks and piping

*(Attach Drawings)*

**Plan Review and Inspection Fee:** A fee of fifty (\$50) dollars per installation for the plan review and final inspection must be submitted with this application. The application will be approved or denied within ten working days after the receipt of the permit application and fee. Payment shall be made by check or money order. Cash will not be accepted. You may also pay online at <https://sfm.nebraska.gov/fees> . There is a \$1.75 fee if you pay by eCheck and a 2.49% fee if you pay by credit card.

**Aboveground Storage Tank Facilities Must Comply with All State and Local Codes.**

All installations shall be done in accordance with NFPA 30, NFPA 30A, and/or other applicable codes and amendments. Installation inspection requests shall be made at least 72 hours in advance of the desired installation date to facilitate the inspector's availability. Inspections will be scheduled in the order that requests are received.

**APPLICATION MAY BE SUBMITTED ELECTRONICALLY VIA EMAIL.** PLEASE EMAIL TO [taryn.sandin@nebraska.gov](mailto:taryn.sandin@nebraska.gov)

**APPLICATION SUBMITTED BY:**

Shaun Buck \_\_\_\_\_ Midwest Petroleum Equipment \_\_\_\_\_ 07/10/2023 \_\_\_\_\_  
 (NAME) (COMPANY NAME) (DATE)

Shaun.Buck@mwpetroleum.com \_\_\_\_\_ 402-718-6388 \_\_\_\_\_  
 (EMAIL ADDRESS) (PHONE NUMBER)

**THIS PERMIT AND ANY ADDITIONAL PAPERWORK WILL BE RETURNED VIA EMAIL, PLEASE LIST ALL EMAIL ADDRESSES TO RECEIVE THIS INFORMATION:**

- jim.ebke@mwpetroleum.com
- ben.koch@mwpetroleum.com

# PAYPORT

NEBRASKA.GOV

## PURCHASE RECEIPT

**Nebraska State Fire Marshal**

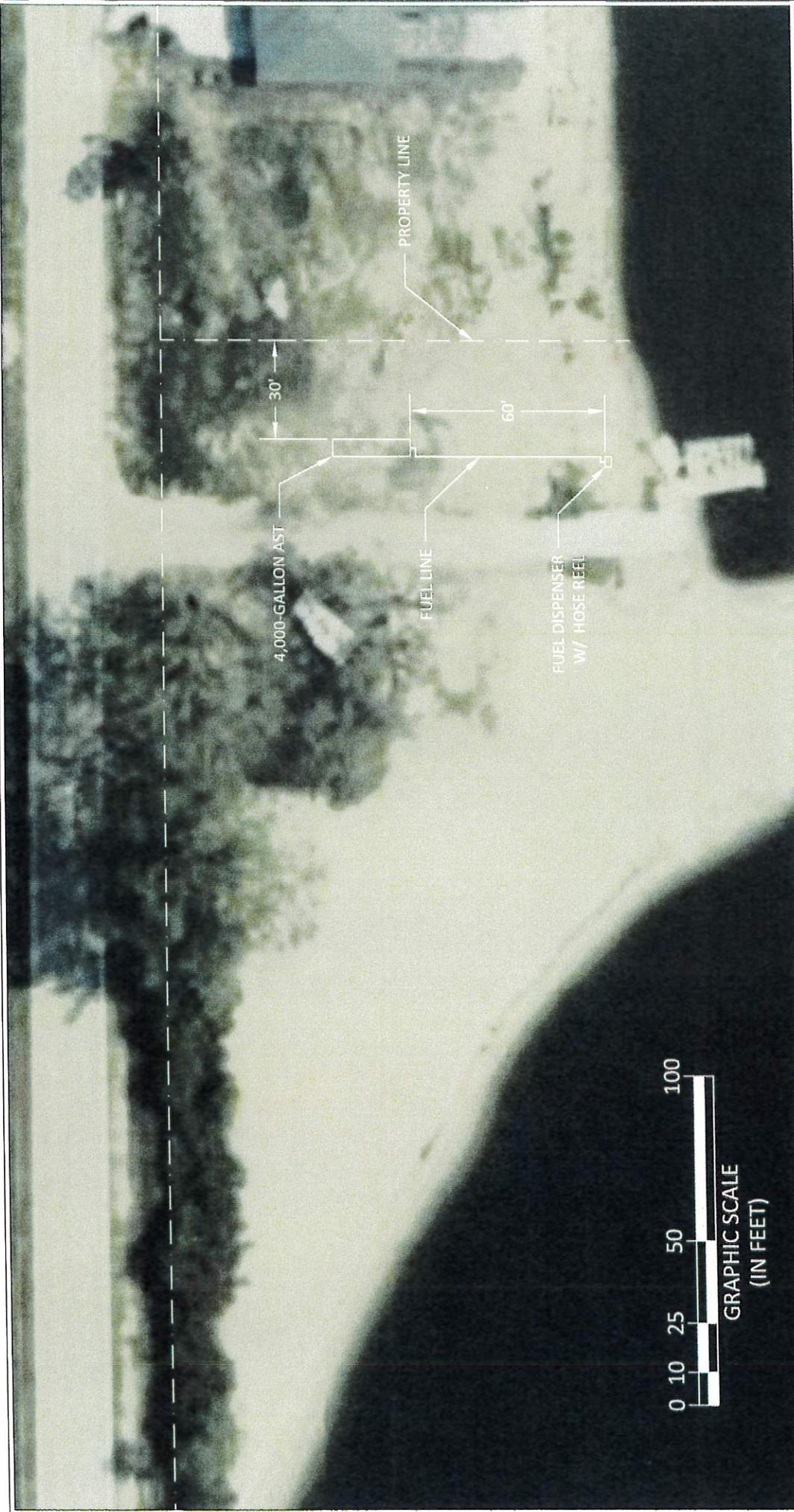
246 South 14th Street  
 Lincoln NE 68508  
 (402)471-9479  
 deb.hostetler@nebraska.gov  
 OTC Local Ref ID: 84555338  
 7/11/2023 02:29 PM

Nebraska State Fire Marshal Deb Hostetler 246 South 14th Street Lincoln NE 68508 (402) 471-9473

Important Information for Plan Review Payments. Electronic payment will generate an order id number. If possible, record this number in the Plan Submittal Application form along with an uploaded set of plans.

Status: **APPROVED**  
 Customer Name: Alex Dolson  
 Type: MasterCard  
 Credit Card Number: \*\*\*\* \* 3901

	Items	Quantity	TPE Order ID	Total Amount
	Storage Tanks-Aboveground Storage Tank, Permit to Install	1	79441386	\$50.00
Name of Payor: <b>Midwest Petroleum Equipment</b>				
Installation Site Name: <b>Flatwater Lake</b>				
Installation Site-Street Address: <b>28031 West Valley St</b>				
Installation Site-City: <b>Valley</b>				
Total remitted to the Nebraska State Fire Marshal				\$50.00
Total Amount Charged				\$51.25



FUEL LAYOUT

FLATWATER LAKE

28031 WEST VALLEY ST, VALLEY, NE 68064

DRAWN BY: SBI DATE: 07/11/23

PAGE: 1 OF 1

REV: REV DATE:



NOTES:

Blank lines for notes.



**Nebraska State Fire Marshal**  
Fuels Division—FLST Section  
246 South 14<sup>th</sup> Street—Lincoln, NE 68508  
(402) 471-9465—Fax (402) 471-1024

**DATE: July 20, 2023**

**Number of Tanks: 1**  
**Permit: 2023-0057**

**TO: Bob Hampton**  
**6202 N 289<sup>th</sup> Circle**  
**Valley NE 68064**  
**(402) 540-2255**

**Location: Flatwater Lake**  
**28031 West Valley Street**  
**Valley NE 68064**  
**(402) 540-2255**

## **PERMIT TO INSTALL ABOVEGROUND PETROLEUM TANKS**

Based on a review of your application for compliance with the Nebraska Fire Safety Regulations in the State of Nebraska, we have determined the following:

- Site drawings and permit application approved (see conditions)**
- Resubmit for approval (see remarks)**
- Temporary installation application approved (see conditions)**

### **CONDITIONS/REMARKS:**

**Installation of piping for (1) UL 2080 double wall tank or equivalent for retail of Marina Fueling**

**#001: 4,000-Gallon Unleaded Tank**

This permit does not include every applicable code for the installation of fuel tanks and appurtenances for the system indicated above. Installation shall comply with all applicable portions of **NFPA 30, and NFPA 30A (2012)**.

Fire-resistant tanks shall be tested and listed in accordance with UL 2080, Standard for Fire Resistant Tanks for Flammable and Combustible Liquids. Fire-resistant tanks shall also meet both of the following requirements: Fire Resistant tanks (0-12000g) shall be located at least:

- 25 feet from the nearest important building on the same property
- 25 feet from any fuel dispensing device
- 50 feet from any lot line that is or can be built upon
- 25 feet from the nearest side of a public way

**NFPA 30A 4.3.2.4**

Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel.

**NFPA 30 22.5.2.1**



Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation. **NFPA 30 22.5.2.2**

Ground areas around facilities where liquids are stored, handled, or used shall be kept free of weeds, trash, or other unnecessary combustible materials. **NFPA 30 6.9.4**

Unsupervised, isolated aboveground storage tanks shall be secured and shall be marked to identify the fire hazards of the tank and the tank's contents to the public. Where necessary to protect the tank from tampering or trespassing, the area where the tank is located shall be secured. **NFPA 30 21.7.2.2**

Where a tank is exposed to vehicular impact, protection shall be provided to prevent damage to the tank. **NFPA 30 22.15**

Where a tank is in an area subject to flooding, provisions shall be taken to prevent tanks, either full or empty, from floating during a rise in water level up to the established maximum flood stage. (See 21.7.3.) **NFPA 30 22.5.2.5**

Aboveground tanks shall be provided with spill control that meets the requirements of 21.7.1 and Section 22.11 of NFPA 30, Flammable and Combustible Liquids Code. Tank fill connections shall be provided with a noncombustible spill containment device. **NFPA 30A 4.3.2.8**

Storage tanks shall be vented to prevent the development of vacuum or pressure that can distort the tank or exceed the rated design pressure of the tank when the tank is filled or emptied or because of atmospheric temperature changes. Normal vents shall be located above the maximum normal liquid level. **NFPA 30 21.4.3.1**

Where the means of secondary containment is enclosed, it shall be provided with emergency venting in accordance with Section 22.7. **NFPA 30 22.11.3.10**

All openings shall be located above the maximum liquid level. **NFPA 30A 4.3.6.1 NFPA 30 22.11.4.2**

Every tank that contains a Class I, Class II, or Class IIIA liquid shall be provided with means to prevent an accidental release of liquid from endangering important facilities and adjoining property or from reaching waterways. Such means shall meet the requirements of 22.11.1, 22.11.2, 22.11.3, or 22.11.4, whichever is applicable. **NFPA 30 22.11**

Where a secondary containment-type tank is used to provide spill control, the tank shall meet all of the requirements of 22.11.4.1 through 22.11.4.10.

22.11.4.1 The capacity of the listed primary tank shall not exceed the capacities given in Table 22.11.4.1.

22.11.4.2 All piping connections to the tank shall be made above the maximum liquid level.

22.11.4.3 Means shall be provided to prevent the release of liquid from the tank by siphon flow.

22.11.4.4 Means shall be provided for determining the level of liquid in the tank. This means shall be accessible to the delivery operator.

22.11.4.5 Means shall be provided to prevent overfilling by sounding an alarm when the liquid level in the tank reaches 90 percent of capacity and by automatically stopping delivery of liquid to the tank when the liquid level in the tank reaches 95 percent of capacity.

22.11.4.5.1 In no case shall these provisions restrict or interfere with the functioning of the normal vent or the emergency vent.

22.11.4.6 Spacing between adjacent tanks shall be not less than 3 ft (0.9 m).

22.11.4.7 The tank shall be capable of resisting the damage from the impact of a motor vehicle, or collision barriers shall be provided.



22.11.4.8 Where the means of secondary containment is enclosed, it shall be provided with emergency venting in accordance with Section 22.7.  
22.11.4.9 Means shall be provided to establish the integrity of the secondary containment, in accordance with Chapter 21.  
22.11.4.10 The secondary containment shall be designed to withstand the hydrostatic head resulting from a leak from the primary tank of the maximum amount of liquid that can be stored in the primary tank. **NFPA 30 22.11.4**

Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. **NFPA 30 22.13.1**

Means shall be provided for determining the liquid level in each tank, this means shall be accessible to the delivery operator. Means shall be provided to sound an audible alarm when the liquid level in the tank reaches 90 percent of capacity. **NFPA 30A, 4.3.6.2 & 4.3.6.3**

Openings for gauging on tanks storing Class I liquids shall be provided with a vapor-tight cap or cover. **NFPA 30 22.13.3**

Tank Fill Pipes. Fill pipes that enter the top of a tank shall terminate within 6 in. (150 mm) of the bottom of the tank. Fill pipes shall be installed or arranged so that vibration is minimized. **NFPA 30, 21.4.4**

Each fill pipe shall be identified by color code or other marking to identify the product for which the tank is used. The color code or marking shall be maintained in legible condition throughout the life of the installation. **NFPA 30A 5.2.5**

Means shall be provided to prevent the release of liquid by siphon flow. **NFPA 30A 4.3.6.4**

Shutoff and check valves shall be equipped with a pressure-relieving device that will relieve the pressure generated by thermal expansion back to the tank. **NFPA 30A 4.3.6.5**

Listed hose assemblies shall be used to dispense fuel. Hose length at automotive motor fuel dispensing facilities shall not exceed 5.5 m (18 ft). **NFPA 30A 12.2.4**

Fuel shall not be dispensed from the tank by either gravity flow or pressurization of the tank. **NFPA 30A 4.3.6.6**

Class I and Class II liquids shall be transferred from tanks by means of fixed pumps designed and equipped to allow control of the flow and prevent leakage or accidental discharge. **NFPA 30A, 6.3.1**

Piping systems of these materials shall be designed and built in accordance with recognized standards of design for the particular materials chosen or with approved equivalent standards or shall be listed. **NFPA 30 27.4.4.3**

Tanks shall be filled through a liquid-tight connection. **NFPA 30A 9.2.2.5**

Where a tank is at an elevation that produces a gravity head on the dispensing device, the tank outlet shall be equipped with a device, such as a normally closed solenoid valve, that will prevent gravity flow from the tank to the dispenser. This device shall be located adjacent to and downstream of the outlet valve specified by 22.13.1 of NFPA 30. The device shall be installed and adjusted so that liquid cannot flow by gravity from the tank to the dispenser if the piping or hose fails when the dispenser is not in use. **NFPA 30A. 11.2.3**



Each connection to a piping system by which equipment such as tank cars, tank vehicles, or marine vessels discharges liquids into storage tanks shall be provided with a check valve for automatic protection against back flow if the piping arrangement is such that backflow from the system is possible. (See also 22.13.1.) **NFPA 30, 27.6.6.3**

Every aboveground storage tank shall have emergency relief venting in the form of construction or a device or devices that will relieve excessive internal pressure caused by an exposure fire. **NFPA 30 22.7.1.1**

Each commercial tank venting device shall have the following information either stamped or cast into the metal body of the device or included on a metal nameplate permanently affixed to it.

- (1) Start-to-open pressure
  - (2) Pressure at which the valve reaches the full open position
  - (3) Flow capacity at the pressure indicated by 22.7.3.10(2) NFPA 30 22.7.3.70
- The design, fabrication, assembly, test, and inspection of the piping system shall meet the requirements of Chapter 27 of NFPA 30, Flammable and Combustible Liquids Code. **NFPA 30A 5.2.1**

Shutoff and check valves shall be equipped with a pressure-relieving device that will relieve any pressure generated by thermal expansion of the contained liquid back to the storage tank. **NFPA 30A 5.2.6**

Tanks that are not enclosed in vaults shall be enclosed with a chain link fence at least 1.8 m (6 ft) high. The fence shall be separated from the tanks by at least 3 m (10 ft) and shall have a gate that is secured against unauthorized entry. **NFPA 30A 4.3.7.1**

*Exception:* Tanks are not required to be enclosed with a fence if the property on which the tanks are located has a perimeter security fence.

Guard posts or other approved means shall be provided to protect tanks that are subject to vehicular damage. **NFPA 30A 4.3.7.2**

On remote pressure pumping systems, each pump shall have installed, on the discharge side, a listed leak detection device that will provide an audible or visible indication if the piping and dispensing devices are not liquid-tight. **NFPA 30A 5.4.4**

A valve to shut off the liquid supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each marine pipeline adjacent to the point where each flexible hose is attached. **NFPA 30A 11.3.5**

Each leak-detecting device shall be checked and tested at least annually according to the manufacturer's specifications to ensure proper installation and operation. **NFPA 30A 5.5**

Vent piping shall meet the requirements of Section 27.8 of NFPA 30, Flammable and Combustible Liquids Code. **NFPA 30A 5.6.1**

Liquids shall not be dispensed by applying pressure to drums, barrels, and similar containers. Listed pumps taking suction through the top of the container or listed self-closing faucets shall be used. **NFPA 30A 6.2.2**

Fuel dispensing systems, including dispensers, hoses, nozzles, breakaway fittings, swivels, flexible connectors, dispenser emergency shutoff valves, vapor recovery systems, and pumps that are used for alcohol-blended motor fuels shall be listed or approved for the specific purpose. **NFPA 30A 6.2.3**



Dispensing devices for Class I and Class II liquids shall be listed.

**NFPA 30A 6.3.2**

Where liquid is supplied to the dispensing device under pressure, a listed, rigidly anchored emergency shutoff valve incorporating a fusible link or other thermally actuated device, designed to close automatically in the event of severe impact or fire exposure, shall be installed in the supply line at the base of each individual island-type dispenser or at the inlet of each overhead dispensing device. The emergency shutoff valve shall be installed in accordance with the manufacturer's instructions. The emergency shutoff valve shall not incorporate a slip-joint feature.

**NFPA 30A 6.3.9**

A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device and the switch on this dispensing device is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets or to their normal non-dispensing position.

**NFPA 30A 6.3.3**

A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point shall be installed on each hose dispensing Class I and II liquids. Such devices shall be installed and maintained in accordance with the manufacturer's instructions.

**NFPA 30A 6.5.2**

Clearly identified emergency electrical disconnects that are readily accessible in case of fire or physical damage at any dispensing unit shall be provided on each marine wharf. The disconnects shall be interlocked to shut off power to all pump motors from any individual location and shall be manually reset only from a master switch. Each such disconnect shall be identified by an approved sign stating EMERGENCY PUMP SHUTOFF in 50 mm (2 in.) red capital letters. Resetting from an emergency shutoff condition shall require manual intervention and the manner of resetting shall be approved by the authority having jurisdiction.

*Exception:* Intrinsically safe electrical equipment need not meet this requirement.

**NFPA 30A 11.5.3**

Electrical wiring and electrical utilization equipment shall be of a type specified by and shall be installed in accordance with NFPA 70, National Electrical Code. Electrical wiring and electrical utilization equipment shall be approved for the locations in which they are installed.

**NFPA 30A 8.2**

Where Class I liquids are stored, handled, or dispensed, electrical wiring and electrical utilization equipment shall be designed and installed in accordance with the requirements for Class I, Division 1 or Division 2 classified locations, as set forth in 8.3.2 and in NFPA 70, National Electrical Code.

**NFPA 30A 8.3.1**

Each motor fuel dispensing facility or repair garage shall be provided with fire extinguishers installed, inspected, and maintained as required by NFPA 10, Standard for Portable Fire Extinguishers. Extinguishers for outside motor fuel dispensing areas shall be provided according to the extra (high) hazard requirements for Class B hazards, except that the maximum travel distance to an 80 B:C extinguisher shall be permitted to be 30.48 m (100 ft).

**NFPA 30A 9.2.5.2**

Owners or operators shall not offer their vessel or marine craft for fueling unless the following conditions exist: (1) The tanks being filled are properly vented to dissipate vapors to the outside atmosphere, and the fuel systems are liquid tight and vapor tight with respect to all interiors. (2) All fuel systems are designed, installed, and maintained in compliance with the specifications of the manufacturer of the vessel or marine craft. (3) Communication has been established between the fueling attendant and the person in control of the vessel or craft receiving the fuel so as to determine the vessel's fuel capacity, the amount of fuel on board, and the amount of fuel to be taken on board. (4) The electrical bonding and grounding systems of the vessel or craft have been maintained in accordance with the manufacturer's specifications.

**NFPA 30A 11.10.7**



A sign with the following legends printed in 50 mm (2 in.) red letters on a white background shall be conspicuously posted at the dispensing area:

Before Fueling:

- (1) Stop all engines and auxiliaries.
- (2) Shut off all electricity, open flames, and heat sources.
- (3) Check all bilges for fuel vapors.
- (4) Extinguish all smoking materials.
- (5) Close access fittings and openings that could allow fuel vapors to enter enclosed spaces of the vessel.

During Fueling:

- (1) Maintain nozzle contact with fill pipe.
- (2) Wipe up spills immediately.
- (3) Avoid overfilling.
- (4) Fuel filling nozzle must be attended at all times.

After Fueling:

- (1) Inspect bilges for leakage and fuel odors.
- (2) Ventilate until odors are removed.

**NFPA 30A 11.10.8**

In addition to the warning signs specified emergency instructions shall be conspicuously posted in the dispenser area. The instructions shall incorporate the following or equivalent wording:

Emergency Instructions In case of fire or spill:

- (1) Use emergency stop button.
- (2) Report accident by calling (specify local fire number). Report location.

**NFPA 30A 9.5.2**

A telephone or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the authority having jurisdiction.

**NFPA 30A 9.5.5**

Personnel responsible for the use and operation of fire protection equipment shall be trained in the use of that equipment. Refresher training shall be conducted at least annually.

**NFPA 30 6.8.2**

**No water, petroleum, or any other liquid (water) containing pollutants shall be drained to the environment from impoundment, diked area, or containment basin surrounding an aboveground storage tank without first contacting the Nebraska Department of Environment & Energy at (402) 471-4239 to determine if a discharge permit is required.**



The approval of this permit does not necessarily apply to any local requirements that may exist that would be in addition to those of the State Fire Marshal's Office. Please check with your local building and/or zoning department for additional requirements that may be necessary.

The above requirements do not necessarily assure compliance with any other requirements such as, SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) regulations that may be imposed by the United States Environmental Protection Agency (USEPA) or any other regulatory agency. For more information concerning SPCC requirements contact USEPA, Region VII, in Lenexa, Kansas.

Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant of this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the jurisdiction. **NFPA 1, 1.16.4**

**EXPIRATION OF PERMIT TO INSTALL AST.** Every plan approval issued by the State Fire Marshal shall expire by limitation and become null and void if the permit is not commenced within 180 days from the date of such plan approval. **PLAN APPROVAL WILL EXPIRE ON Tuesday, January 16, 2023** **Title 153, 21-003.04A4**

Contact **Deputy Kirk Negus** at **(402) 690-3633** at least 72 hours prior to install date to schedule a time for inspections.

**No part of this system may be placed into service until it has been inspected and has been issued written approval by the Nebraska State Fire Marshal.**

**Deputy State Fire Marshal Kirk Negus  
Nebraska State Fire Marshal District "A"  
Nebraska State Electrical Board  
Installation Contractor;  
Midwest Petroleum Equipment  
2255 S. 7<sup>th</sup> Street  
Lincoln NE 68502  
402-476-6681**

**Reviewed By: Dustin Sullivan #8746**



ORIGINAL-OWNER COPY-CONTRACTOR COPY-FIRE CHIEF





## ONE-CALL NOTIFICATION SYSTEM ACT – IT APPLIES TO YOU!

**Excavating, digging, disturbing the dirt...no matter how you phrase it or how you do it – It still requires a One Call!**

**Statute 76-2302. Legislative intent.** (1) It is the intent of the Legislature to establish a means by which excavators may notify operators of underground facilities in an excavation area so that operators have the opportunity to identify and locate the underground facilities prior to excavation and so that the excavators may then observe proper precautions to safeguard the underground facilities from damage. (2) It is the purpose of the One-Call Notification System Act to aid the public by preventing injury to persons and damage to property and the interruption of utility services resulting from accidents caused by damage to underground facilities.

**Statute 76-2308. Excavation, defined.** Excavation shall mean any activity in which earth, rock or other material in or on the ground is moved or otherwise displaced by means of tools, equipment or explosives and shall include grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping and cable or pipe plowing or driving...

**Statute 76-2309. Excavator, defined.** Excavator shall mean a person who engages in excavation in this state (Nebraska).

### How Does the Process Work?

1. If you are digging or excavating anywhere in the State of Nebraska, you must notify the statewide one-call notification center, Nebraska Digger's Hotline, 2 business days in advance of your planned excavating activity.
2. Upon your call, all utilities located in your proposed excavation area will be notified of your intent to excavate.
3. Those identified utility operators are required to locate their facilities in your excavation area, or provide you a "clear" notification if they have no facilities located in your proposed excavation site.
4. Utility operators are to complete the utility locate or provide a "clear" notification within 2 business days of being notified of your planned excavation.

□ MAIN OFFICE  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804  
Office (402) 471-2027

□ DISTRICT A OFFICE  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804  
Office (402) 471-2590

□ DISTRICT B/C OFFICE  
438 West Market  
Albion, NE 68620-1241  
Office (402) 395-2164

■ FUELS DIVISION  
■ FLST Pipeline Safety  
246 South 14<sup>th</sup> Street  
Lincoln, NE 68508-1804  
Office (402) 471-9465

■ TRAINING DIVISION  
3347 W Capital Ave  
Grand Island, NE 68801  
Office (308) 385-6892

5. An excavator who fails to give notice of an excavation and who damages an underground facility by such excavation, shall be strictly liable to the utility operator for the cost of all repairs to the underground facility unless the damage was to a facility operated by an Operator that is not a member of the statewide one-call notification center – Digger’s Hotline.
6. All Operators of underground facilities in the State of Nebraska are required to become members of and participate in the statewide one-call notification center – Digger’s Hotline.

## **How Does it Apply to Me?**

Tank closure and installation contractors of Nebraska regularly have a need for excavation within their industry. By adhering to the Nebraska One Call Notification Act you protect yourself, your company and the public by decreasing the accidents involving all underground utilities. There is a high risk to personal and public safety if someone damages a pipeline or cuts through a “hot” electrical line at a petroleum contaminated site. Financial damages to you or your business are also at stake if you excavate without the utilities being located and you damage a facility. Your personal safety and finances go beyond your work day. All homeowners also apply as the “excavating community”. Planting a tree or other acts of disturbing the soil on your personal property requires a notification to the statewide one-call notification center – Digger’s Hotline.

## **How Do I Notify Digger’s Hotline of My Intent to Excavate?**

There is **NO COST** to the excavator for requesting a locate. Digger’s Hotline accepts locate requests through the following methods:

- Call in your request between the hours of 7:00 am – 7:00 pm, Monday through Friday. Statewide: 1-800-331-5666 or Dial 811 Metro Omaha: 402-344-3565
- Email your request: [ne@occinc.com](mailto:ne@occinc.com)
- NITES Internet entry: Please contact the center at 402-330-1866 for further information

Your locate request (notification of planned excavation) must be received by Digger’s Hotline 2 business days in advance of your excavation activity. The location of your proposed excavation should be given as an address with towns and cities, but the legal quarter section designation is required in rural areas.

~~~~~

**As excavation contractors, you come into contact with many people in your community and surrounding area. Please help to educate others regarding the Nebraska One Call Notification Act and Digger’s Hotline. It’s FREE, it’s Easy, and it’s the LAW.**

**For further information regarding Digger’s Hotline of Nebraska or the Nebraska State Statute Sections: 76-2301 through 76-2330, please visit our website: <http://www.ne1call.com>**